

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

SENATE.

Monday, February 27, 1911.

Senate called to order by the President.

Prayer by Rev. Mr. Quimby of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

An order relating to the furnishing of members and officers of the Legislature with express transportation to the amount of \$5, came from the House, read and passed January nineteenth.

On motion by Mr. Milliken of Aroostook, the order was amended by adding the words "Senate concurring," the order as amended was given a passage in concurrence.

House Bills in the First Reading.

An Act relating to holidays.

An Act to establish the Houlton municipal court.

An Act relating to the reconstruction of Portland bridge.

An Act to amend Section 2 of Chapter 219 of the Private and Special Laws of 1903, relating to the appointment of a recorder for the Eastport municipal court.

An Act additional to Chapter 406 of the Private and Special Laws of 1850, entitled "An Act creating the Norway Village Corporation."

An Act relating to the compensation of the trustees of the University of Maine and trustees of the State Normal School.

An Act to amend Section 97 of Chapter 15 of the Revised Statutes as amended, relating to the appropriation for the schooling in unorganized townships.

An Act relating to the merger of the Portland Trust Company into the Fidelity Trust Company of Portland, Maine.

Orders.

On motion by Mr. Milliken of Aroostook, it was

Ordered, That one thousand extra copies of Senate Document No. 122 be printed for the use of the Legislature.

Mr. MILLIKEN: Mr. President, I

will say that the printing office at my request has held this document in type, and there will be no great additional expense.

Reports of Committees.

The committee on shore fisheries, on Bill, An Act for the better protection of the herring fisheries, submitted a majority and minority report; the majority report in new draft under same title, and that it "ought to pass." (Signed) Mayo, Chandler, Small, Pendleton, Harmon, Johnson, for the committee; the minority report in new draft, and that it "ought not to pass." (Signed), Boman, for the committee.

On motion by Mr. Boynton of Lincoln, both reports were tabled, pending acceptance.

The same committee, on Bill, An Act to amend Chapter 43 of the Revised Statutes, in relation to the erection of wharves and fish weirs, submitted a majority report that it "ought to pass." (Signed) Mayo, Chandler, Small, Pendleton, Harmon, Johnson, Boman, for the committee.

Mr. Stearns for the committee on judiciary, on Bill, An Act to amend Section 15 of Chapter 54 of the Revised Statutes, relating to the expenses of inspectors of hulls, boilers and engines and their appurtenances of steamboats upon inland waters, reported that the same "ought to pass."

Mr. Allen for the committee on appropriations and financial affairs, on Resolve in favor of Frank W. Burnham, secretary of Commission of Pharmacy, reported that same "ought to pass."

Mr. Donigan for the committee on ways and bridges, on Resolve in favor of the town of Addison, reported that same "ought to pass."

The same senator for the same committee, on Resolve in favor of aid in building road in New Canada Plantation, with statement of facts, reported that same "ought to pass."

Mr. Irving for the committee on taxation, on Bill, An Act to amend Section 27 of Chapter 8 of the Revised Statutes, relating to the taxation of telephone and telegraph companies, reported that same "ought to pass."

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

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

Appropriations and Financial Affairs.

By Mr. Boynton of Lincoln—Resolve authorizing a temporary loan for the year 1912.

Also, Bill, An Act to provide moneys for the expenditures of government for the year 1911.

Education.

By Mr. Irving of Aroostook—Petition of A. G. Whitcomb and 58 others of Blaine for change in the distribution of mill tax for schools.

Inland Fisheries and Game.

By Mr. Winslow of Cumberland—Resolve for the purpose of operating the fish hatcheries and feeding stations for fish and for the protection of fish, game and birds, with statement of facts.

Passed to Be Engrossed.

An Act relating to fees of witnesses.

An Act to incorporate the Westfield Water Company.

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

An Act relating to salary of municipal court of Caribou.

An Act to incorporate the town of Merrill.

An Act relating to Mount Desert Transit Company.

An Act requiring proprietors, managers and persons having charge of establishments to provide seats for work employes.

An Act relating to the liability of towns in not maintaining guide-posts.

An Act to amend Section 24 of the Revised Statutes of 1903.

Mr. MILLIKEN: Mr. President: The title of this Bill is defective, and pending second reading, I move that it lie on the table. I will say that the rules provide a bill amending the Revised Statutes or any Public Law must recite not only the Section to be amended, but the subject matter referred to.

The motion was agreed to.

An Act to amend Sections 49 and 51

of Chapter 59 of the Revised Statutes.

On motion by Mr. Milliken, tabled, pending second reading for correction of title.

Passed to Be Enacted.

An Act to amend Chapter 243 of the Public Laws of 1909 relating to the election of assessors in towns.

An Act to incorporate the Bluehill Water Company.

An Act to amend the charter of the city of South Portland.

An Act to amend An Act to revise, consolidate and amend the charter and laws of the city of Augusta, and relating to the tenure of office of the fire department in said city.

An Act relating to the Southwest Harbor Water Company.

An Act to amend Chapter 54 of the Special Laws of 1895, as amended by Chapter 60 of the Special Laws of 1903, enlarging the territory of the Rumford Falls Village Corporation. (On motion by Mr. Stearns of Oxford, tabled pending passage to be enacted.)

Finally Passed.

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

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

Resolve in favor of the New England Fruit Show.

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

Orders of the Day.

On motion by Mr. Chandler of Washington, the rules were suspended and he was allowed to present Resolve in favor of the town of Columbia, and upon further motion by the same senator, the same was referred to the committee on claims.

On motion by Mr. Staples of Knox, Senate Document, No. 86, An Order relative to the payment of legislative advertising by the secretaries of committees, was taken from the table.

Mr. STAPLES: Mr. President: It seems to me a little premature that this order should come in here at this time. I have knowledge of some of the committees, and I think the order

is a sort of reflection upon the committees as well as upon their secretaries. It reads as follows:

"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."

I apprehend, Mr. President, what is true in my committee, the committee on judiciary, is true of every other committee of the Legislature, no bill is paid by the committee, or will be paid by any committee of this Legislature, or by the secretaries of the committees, unless it is approved. I believe that every committee is endeavoring to do the best they can to save the moneys of the State at this particular time. I know that in our committee we have a very efficient clerk, and that no bills have been created, no advertising put in the papers, unless it was absolutely necessary, so that everybody might know in regard to hearings. We have economized in that regard in every way, shape and manner we could. We have short advertisements, as you will see by looking at the calendar of the judiciary committee. Now, it is well-known that no man who is the secretary of a committee will sign any bill for advertising unless it first comes before him. It is furthermore a matter of fact that the secretary of the committee only puts in such advertisements, and into such papers, as the committee orders him to do.

I believe that the order should be indefinitely postponed. I have great confidence in the secretaries of these committees, and the men who make up those committees, that they will not run up large advertising accounts unless it is absolutely necessary. There is nobody knows so well as the com-

mittee before whom these matters come what papers the notices should go in and what time they should be advertised. I do not believe in long advertising. I do not believe anybody will go before the secretary of my committee, or any other committee, and bring in a bill for advertising not ordered.

Mr. MILLIKEN of Aroostook: Mr. President: There was never any intention on my part in presenting this order, either to introduce any new, revolutionary schemes of advertising, or to reflect upon any committee, chairman or secretary of any committee, and I think I so stated at the time. If the order was premature when introduced, as the senator from Knox says, it certainly is not so now, having been on the table for three weeks under his tender care. The senator from Knox says the secretaries of the committees will only approve bills ordered by the committee, and I agree with him, and will say that the order was not intended as a criticism upon any secretary, but merely will fortify him in taking that position when bills are presented to him at the end of the session, if any are, that were not authorized by the committee or the secretary. I know perfectly well from my own knowledge that some advertisements have been printed in some papers during this session, not authorized either by the committee or the secretary of the committee. When these advertisements are presented for payment, as my previous experience in Legislatures leads me to expect they will be at the close of the session, secretaries of committees, especially those without previous experience, will, in my opinion, be fortified by such an order as this to take a better position than they would otherwise.

The particular advertisement to which I called attention when this order was introduced, would cost about \$400, and was put in, not from intention but through a misunderstanding of the clerk or secretary of the committee. The order was introduced for the sole purpose of making that clear and to effect proper economy. If, as

the senator says, no bills are presented to any secretary not properly authorized by the committee, this order will be unnecessary, but will do nobody any harm. On the other hand, if improper bills are presented for payment, then the secretaries will be fortified by this order and they will not approve such bills.

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

Mr. STAPLES: Mr. President: I beg leave to differ with my genial friend from Aroostook. The great trouble with him is this, that he never before was a member of a Democratic Legislature. He is speaking from what has been done in Republican, and not Democratic Legislatures. Here we are for economy. We like to have the suggestions of our Republican friends. We are glad to have them line up with us upon all these matters, but I do not believe, I do not believe a member of this body believes, that any secretary of any committee in this Legislature, who has a record of every paper and where the advertisement is, and when ordered by the committee, would audit any bill that anybody was bad enough to send into that committee without having been ordered by the committee.

I am willing that the vote should be taken by the yeas and nays.

Mr. MILLIKEN: Mr. President: It is entirely true, as the senator, said, that I never before was a member of a Democratic Legislature. I have never before, I think, been a member of a Legislature which declined to take the position outlined in this order when that opportunity was offered, and I do not believe yet, and I will not believe until the yeas and nays are heard, that this Legislature will decline to take this position which I think is an entirely correct one.

The question being upon the indefinite postponement of the order, the yeas and nays were ordered and the clerk called the roll. Those voting yea were: Messrs. Edwards, Farrington, Hill, Kellogg, Leach, Mayo, Noyes, Pendleton, Sanborn, Staples—10. Those voting nay were: Messrs. Allan, Boynton, Chandler, Dodge, Foss of Androscoggin, Milliken, Osborn, Stearns, Theriault—9.

So the motion to indefinitely postpone the order was adopted.

Sent down for concurrence.

On motion by Mr. Chandler of Washington, Senate Document No. 128, An Act to amend Section 78 of Chapter 49 of the Revised Statutes, relating to insurance and insurance companies, was taken from the table, and upon further motion by the same senator was referred to the committee on mercantile affairs and insurance, and sent down for concurrence.

On motion by Mr. Osborn of Somerset, Senate Document No. 113, Resolve in favor of John R. McDonald, was taken from the table, and upon further motion by the same senator was recommitted to the committee on claims.

Under suspension of the rules, Mr. Osborn of Somerset presented Bill, An Act to make the proceedings of the department of the Grand Army of the Republic of the State of Maine a part of the public records of the State of Maine.

Referred to the committee on military affairs and sent down for concurrence.

On motion by Mr. Boynton of Lincoln, the majority and minority reports of the committee on shore fisheries, on An Act for the better protection of the herring fisheries, was taken from the table.

On motion by Mr. Mayo of Hancock, the majority report of the committee was accepted. Tabled for printing under joint rules.

Mr. MILLIKEN of Aroostook: Mr. President, I gave notice on Friday, when House Document No. 39, An Act to amend an act entitled "An Act to authorize extensions of the Bangor & Aroostook Railroad in Aroostook, Piscataquis and Penobscot counties," was tabled and assigned for Thursday, that I would offer an amendment at this time. I wish now to offer Senate Amendment A to House Document No. 39, as follows:

Amend Section 1, of House Document No. 39, by adding after the word "thirteen" in the eighth line the following:

'Provided, however, that the Bangor & Aroostook Railroad Company shall not hereafter issue any of its capital stock, or dispose of the same to any person, partnership, syndicate, or corporation, except by public auction as provided in Section 21 of Chapter 51 of the Revised Statutes, for less than the par value thereof

in cash, or other consideration which in the judgment of the railroad commissioners is equivalent thereto; and provided also that said railroad company shall not enter into any contract for the construction of any extension to said railroad, or any part of its stations or equipments, with any officer, director or stockholder of said railroad, or with any syndicate or partnership in which any officer, director or stockholders of said railroad is either directly or indirectly interested; and provided also that said railroad company shall not issue or dispose of any of its bonds, directly or indirectly, to any person, syndicate or corporation for the purpose of constructing said extensions, stations or equipments, without the approval of the railroad commissioners,' so that said section as amended shall read as follows:

'Section 1. All of the provisions of Sections one, two, three and four of Chapter two hundred and twenty-two of the Private and Special Laws of the year nineteen hundred and three, as amended by Chapter seventy of the Private and Special Laws of the year nineteen hundred and seven, are continued in force and extended for the period of five years from and after the twentieth day of March in the year of our Lord nineteen hundred and thirteen.

'Provided, however, that the Bangor & Aroostook Railroad Company shall not hereafter issue any of its capital stock, or dispose of the same to any person, partnership, syndicate, or corporation, except by public auction as provided in Section 21 of Chapter 51 of the Revised Statutes, for less than the par value thereof in cash, or other consideration which in the judgment of the railroad commissioners is equivalent thereto; and provided also that said railroad company shall not enter into any contract for the construction of any extension to said railroad, or any part of its stations or equipments, with any officer, director or stockholder of said railroad, or with any syndicate or partnership in which any officer, director or stockholder of said railroad is either directly or indirectly interested; and provided also that said railroad company shall not issue, or dispose of any of its bonds, directly or indirectly, to any person, syndicate or corporation for the pur-

pose of constructing said extension, stations or equipments, without the approval of the railroad commissioners.'

Mr. President, before moving that this be tabled and printed with House Document No. 39, I will state that this amendment is for the purpose of providing that no securities shall be issued against the construction of further extensions of the Bangor & Aroostook Railroad beyond the value represented by the actual cash expenditure for the extension. I am offering it in this way first, out of courtesy to the railroad committee, because this amendment was not presented at the hearing on the original bill, and it is my purpose to present it to the committee informally and find out whether they desire to consider it, formally or informally, for it is never courtesy to a committee of this Legislature to present in the Legislature itself an amendment or new form of a measure which they have not had an opportunity to consider. And in this instance, if the committee object to it, although I do not know whether they will or not, it is their due that they have an opportunity to consider it.

I am offering it in this way, also, out of courtesy to the counsel of the Bangor & Aroostook Railroad, in order that if they object to it or desire to make any changes in it they may have an opportunity to present their objections before the committee or to members of the Senate.

I move that the amendment be printed and the bill assigned for consideration on Thursday, March second.

On motion by Mr. Boynton of Lincoln, Adjourned.

HOUSE.

Monday, Feb. 27, 1911.

Prayer by Rev. Mr. Kearney of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Bill, An Act to amend Chapter 247 of the Public Laws of 1909, relating to the packing and branding of apples, came from the Senate, amended by Senate Amendment A.