

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

**SENATE.**

Tuesday, March 7, 1911.

Senate called to order by the President.

Prayer by Rev. Mr. Slocombe of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

Bill, An Act to appropriate moneys for the payment of salaries fixed by law for the year, 1911, came from the House, with House Amendment A adopted in that branch. The Senate re-considered the action whereby the bill was passed to be engrossed, and House Amendment A was then adopted in concurrence.

On motion by Mr. Boynton of Lincoln, the Bill and Amendment were tabled pending passage to be engrossed.

**House Bills In First Reading.**

An Act relating to fishing in Fenderson brook.

An Act to regulate fishing in Whetstone pond.

An Act to regulate fishing in Hall pond.

An Act relating to fishing in Spear stream.

An Act to regulate fishing in Big Concord pond.

An Act to prohibit throwing sawdust in Piscataquis river.

An Act to prohibit throwing sawdust into Duck Puddle pond

An Act relating to fishing in Royals river.

An Act relating to the taking of white perch.

An Act relating to ice fishing in Eagle lake.

An Act to prohibit the catching of eels in Georges river.

An Act relating to fishing in Webb's river.

An Act relative to the Bangor and Brewer bridge.

An Act to construct a building for registry of deeds at Van Buren.

An Act to repeal an Act relative to party caucuses in the city of Augusta.

An Act to provide for the state cer-

tification of all teachers of public schools.

An Act to provide for the weekly payment of wages. (On motion by Mr. Staples of Knox, tabled until tomorrow for the purpose of offering an amendment.)

The following communications were received from the Secretary of State.

Sixth Biennial Report of the State Survey Commission of the State of Maine, 1909-1910.

Placed on file.

Report of the Trustees, Resident Officers and Visiting Committee of the Maine Insane Hospital at Augusta, and the Eastern Maine Insane Hospital at Bangor.

Placed on file.

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

**Judiciary.**

By Mr. Leach of Hancock—Petition of Charles E. McClusky and 68 others of Castine, to abolish the office of recorder of Western Hancock Municipal Court.

**Education.**

By Mr. Milliken of Aroostook—Petition of A. J. Fulton and 37 others of Blaine; of F. W. Burrill and 43 others of Island Falls; of A. G. Chambers and seven others of Haynesville; of G. M. Park and 72 others of Presque Isle; of T. F. Landers and 36 others of Hurricane Isle; of Wm. C. McCue and 47 others of Cornish; of Willard Weston and 11 others of Hodgdon; of Wm. B. Longley and 30 others of Norridgewock; of R. C. Leonard and 17 others of Passadumkeag; of D. W. Berry and 15 others of Carthage; of H. S. Russ and 59 others of Mount Vernon; of William Worster and three others of Blanchard; of Charles E. Ball and 20 others of Bingham, Concord and Moscow; of H. R. Haynes and 23 others of Winn; of Inley A. Bean and 24 others of Richmond; of E. C. Donworth and 52 others of Machias; of Ernest F. Clason and 12 others of Paris; of W. H. Snow and 32 others of Milo; of E. L. Pennell and 23 others of Kingfield; of E. L. Perkins and 41 others of Madi-

son; of J. A. Arnold and 29 others of Peru, severally for distribution of State school funds on the basis of average attendance in school.

#### Taxation.

By Mr. Osborn of Somerset—Bill, "An Act to amend Section 42 of Chapter 8 of the Revised Statutes, as amended by Chapter 167 of the Public Laws of 1907, and as further amended by Chapter 152 of the Public Laws of 1909, relating to taxation of express companies."

#### Read and Assigned.

An Act to appropriate moneys for the expenditures of government for the year 1911.

Resolve in favor of the Girls' Orphanage of Lewiston.

An Act to amend Section 1 of Chapter 313 of the Private and Special Laws of 1884, entitled "An Act to incorporate the Baskahegan Dam Company," as amended by Chapter 272 of the Private and Special Laws of 1903.

Resolve in favor of St. Mary's General Hospital in Lewiston.

Resolve authorizing a temporary loan for the year 1911.

An Act to provide for the appointment of a State sealer of weights and measures, and to define his duties.

An Act to repeal Chapter 10 of the Public Laws of 1907 relating to census of feeble minded.

An Act to amend Section 1 of Chapter 136 of the Revised Statutes, relating to sentence in criminal cases. (Tabled pending second reading on motion by Mr. Boynton of Lincoln.)

Resolve in favor of the town of Stoneham.

Resolve authorizing the Land Agent to sell the State's interest in Lot No. 163 in Township No. 18, Range 6, Aroostook county.

Resolve in favor of the Lewiston and Auburn Children's Home.

Resolve in favor of the town of Seb-  
bec.

An Act additional to An Act to incorporate the General Conference of Free Baptists.

Resolve in favor of the Maine Home for Friendless Boys.

Resolve in favor of the Northern Maine General Hospital.

An Act to amend Chapter 153 of the Public Laws of 1907, as amended by Chapter 72 of the Public Laws of 1909, relative to transportation of public officials.

An Act to amend Section 12 of Chapter 55 of the Revised Statutes relating to telephone companies.

Resolve in favor of Howard Wins-  
low.

Resolve in favor of the Children's Hospital.

Resolve in favor of the Hayes Young Women's Home at Lewiston.

An Act to amend Section 1 of Chapter 151 of the Public Laws of 1905 relating to the clerk hire of Register of Probate of York county.

#### Reports of Committees.

Mr. Milliken for the Committee on Interior Waters—On Bill, An Act to amend and extend the charter of the Dover and Foxcroft Water District reported a new draft and that same be referred to the Committee on Judiciary.

The report was accepted and sent down for concurrence.

Mr. Chandler for the Committee on Mercantile Affairs and Insurance—On Bill, An Act to amend Section 1 of Chapter 231 of the Private and Special Laws of 1909, reported that same "ought to pass."

Mr. Kellogg for the Committee on Interior Waters—On Bill, An Act to incorporate the Mopang Dam and Improvement Company, reported a new draft under the same title, and that it "ought to pass."

The same senator for the same committee, on Bill, An Act to incorporate the Moxie Dam Company, reported a new draft under the same title, and that it "ought to pass."

Mr. Foss for the Committee on Claims, on Resolve in favor of the town of Peru, reported same "ought to pass."

Mr. Foss for the same committee, on Resolve in favor of Plantation No. 33 in Hancock county, reported same "ought to pass."

The reports were accepted and the

several bills and resolves tabled for printing under the joint rules.

**Passed to be Engrossed.**

An Act to amend Section 10 of Chapter 3 of the Revised Statutes, relating to the powers and duties of the Maine Library Commission.

An Act to amend Chapter 4 of the Revised Statutes in relating to the erection of wharves and fish weirs.

**Passed to be Enacted.**

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

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

An Act to repeal Chapter 404 of the Private and Special Laws of 1909, relating to the reconstruction of Portland bridge.

An Act to amend Section 1 of Chapter 84 of the Revised Statutes, relating to order of notice by the supreme judicial court.

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 requirement, and providing penalties for violation thereof.

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 to amend Section 13 of Chapter 117 of the Revised Statutes, relating to fees of witnesses.

An Act to amend Section 91 of Chapter 23 of the Revised Statutes, relating to liability of towns in not maintaining guide posts at crossings of ways.

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

An Act to authorize the city of Lewiston to take ice from the Androscog-

gin river, Lake Auburn and other ponds in Androscoggin county and sell the same at cost to its inhabitants.

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

An Act to incorporate the New Sharon Water Company.

An Act additional to Chapter 496 of the Private and Special Laws of 1850, entitled "An Act creating the Norway Village Corporation, as amended by Chapter 451 of the Private and Special Laws of 1851, Chapter 314 of the Private and Special Laws of 1870, Chapter 185 of the Private and Special Laws of 1875, Chapter 309 of the Private and Special Laws of 1901, Chapter 214 of the Private and Special Laws of 1905, relating to a public sewer for said corporation."

An Act to amend Section 17 of Chapter 352 of the Private and Special Laws of 1905, relating to the salary of judge of the municipal court of Caribou.

**Finally Passed.**

Resolve in favor of the acceptance of gifts from Ex-Governor Frederick Robie.

**Orders of the Day.**

On motion by Mr. Staples of Knox, House Document No. 36, An Act to annex the town of Isle au Haut to the county of Knox; also House Document No. 37, An Act to annex the town of Stonington to the county of Knox, were taken from the table.

On further motion by the same Senator, the majority report of the committee on Counties on both bills was accepted.

On motion by Mr. Kellogg of Penobscot, House Document No. 163, An Act relating to lumbering operations, was taken from the table.

Mr. KELLOGG—Mr. President: I now move that this bill be indefinitely postponed, and upon that I would like to say a word or two. Before this law was passed, in 1907, people that required men for the woods, up in the northern part of the State, or on the drive, would send to Bangor, Boston or Salem, or any of those cities, and hire anywhere from twenty-five to

seventy-five men. They would pay the employment agent a dollar; they would pay their expenses up into northern Maine on the railroad at an expense of from five to ten dollars; they would pay their hotel expenses and they would hire teams to take them into the woods at an expense of two or three dollars. And those men would begin to drop off from the teams; they would skip out to the railroad, and what few they got up into the woods would be nearly bare-footed and scantily clothed; they would furnish them with footwear and clothing, and by the time they got ready to go to work the next morning there would be an expense of from ten to twenty dollars on each man. They would start them out in the morning from the camp, some would get into the woods, but some would go to town and that was the last of them. They had no way of getting any of these expenses back. In 1907 this law was passed. And the law is that one of those men that skipped out after he received his advance could be arrested, and unless he could provide some way to pay the fine and expenses he could be put in jail.

I had one instance of this in my own experience. Before this law was passed I sent to Bangor and had Mr. Bragg hire eight men for me. He brought them to me. The next morning they were put on the team and started thirty-three miles to my camp. I never saw one of them after they started. They got in about twenty miles—I won't call any names, but another man had a camp up there and he met the team and hired those men. I was out about \$38.00 and had to stand it.

This law has worked well and has hurt no one except men who do not want to do right. Anyone who is willing to do right it has no effect upon. It does work a hardship on the men who are driving the rivers, hauling logs, or in the mills in the northern part of this State, who advance expenses to these men, when they jump their jobs.

In 1909, the gentleman who intro-

duced this bill, tried to get this law repealed and it was turned down in the committee. This year he brought it up again and succeeded in working it through the committee and House, and it comes up here today.

I hope that the Senate will agree with me in the indefinite postponement of this bill.

Mr. BLANCHARD of Franklin—Mr. President: Up in our county we have a little different experience. We hire these men and they will take their winter supply of clothing, anywhere from ten to twenty or twenty-five dollars, and the next day they skip over to another camp and commence to work there. They are sharp enough about collecting their pay and you can't collect anything off of them.

As I understand this law, there is no punishment connected with it unless it is shown there was a plain intent to defraud. If a man is taken sick I do not think the law can be enforced against him, as I understand it. It is simply a protection to honest employers of labor against the small percent of what we call bums and thieves.

I certainly hope that the bill will be indefinitely postponed.

Mr. FARRINGTON of Kennebec—Mr. President: I think it is best to briefly explain to the Senators what took place before the committee on this bill, and upon what they based their report. I therefore think it is only fair that this body should know what the law is that we are talking about. That law reads as follows:

"Section 1. Whoever enters into an agreement to labor for another in any lumbering operation or in driving logs and in consideration thereof receives any advance of goods, money or transportation, and unreasonably and with intent to defraud fails to enter into said employment as agreed, and labor for a sufficient length of time to reimburse his employer for said advances and expenses of transportation, shall be punished by fine of not exceeding ten dollars or by imprisonment not exceeding thirty days.

Section 2. Judges of municipal courts and trial justices shall have

jurisdiction of the offence described in this Act."

Now, so far as I have been able to hear what has been said, this motion seems to be supported by newly discovered evidence. Certainly nothing of that kind appeared before the committee. This bill was introduced early in the session, a long notice was given and a hearing was had. But the parties who appear now in opposition to the bill did not appear before that committee. The question of the constitutionality of the law was raised; a sub-committee consisting of Judge Peters, Mr. Wheeler and another member of the committee, examined the thing and they decided that the law was unconstitutional because it created peonage and a condition of involuntary servitude. The report of that committee, headed by Judge Peters was good enough for the committee and I submit that it ought to be good enough for this body.

It did appear before the committee that in many instances this law operated hardly, harshly, upon men employed; that the agents who employed these men and sent them down to Maine at times would misrepresent the situation to them—the facts to them—and that when the men came here they found an altogether different state of things and that they had to submit to the imposition imposed upon them or go to jail.

It did not appear to the committee that a contract for labor to be performed, and not performed, should be a penal offence. It did not appear to the committee why one class of men, why one species of the business of the State of Maine should be protected by the criminal law. There was no more reason, so far as the committee could see, why these people should have a criminal law to enforce their contracts, any more than all the other business interests of the State. It would not be a bad thing for the lawyers, or for the grocermen, and the tailor, and everybody all through. You may say that it affects only the dishonest man. Good heavens! If you put all of the dishonest men in this country in jail

you will have to have a bigger jail than the new State Capitol.

I have no personal feeling in regard to this matter, because I know as yet there is no criminal law by which my landlord can put me in jail because I do not pay my rent, or because I do not pay my tailor for the suit of clothes he loaned me when I came up here. I do have a feeling that the report of the committee should be accepted. It seems to me the report of a committee ought to mean something. We give notices and have a hearing, and then some parties run for luck and if the report is against them they lobby and undertake to break down the report. The committee listens to the long stories and then sits down and carefully makes up the thing the best they can. I do have the feeling to have this report accepted, that the committees may understand that their reports do mean something; that they are not a mere farce; that we do not spend all this time to hear these things and then have the report turned down. Do you believe that those men signed a report they did not believe was honest and right?

I do not say that I hope the motion will prevail; I do say that I do not believe it will prevail.

Mr. KELLOGG, Mr. President: I can see, of course, where the Senator from Kennebec wants his report accepted. We all do, but we must remember there are lots of reports of committees turned down in these two bodies. By the remarks of the Senator I think he wants to open the door so the employment agents can go into these cities and say, "Here, boys, I am getting a dollar out of this, you will get your fare paid down into Maine. You can go down there and when you get there you can jump the job." I say that this bill works no hardship on any man who wishes to do right.

I hope the motion to indefinitely postpone will prevail.

Mr. MILLIKEN of Aroostook: Mr. President: I want to emphasize the statement made by the Senator from Franklin as to the small percent of men who work in the woods to whom this matter has any interest whatever.

Because I think it ought to be said in fairness to them, as well as to those of us who employ labor, that most of the men who work in the woods are as good a class of men as you will find working at any other trade or profession of the same kind, and most of them I believe try to use their employers well and fairly. I like to think that most of the men who employ these "Lumber Jacks," as we call them, try to use them fairly.

I want to say that personally I believe as the Senator from Penobscot has stated, that the present law works no hardship on any honest man seeking employment in the woods. I also believe as the Senator from Franklin stated, that very few men seeking employment, and perhaps very few of the men who have occasion to employ men in the woods, have any interest in the matter whatever.

For myself, while neither I nor anyone with whom I have been connected in business has had any occasion to use this present law, I am personally interested in the matter and shall ask to be excused from voting upon it.

The question being upon the indefinite postponement of the bill, Mr. Farrington of Kennebec moved that the vote be taken by the yeas and nays. A sufficient number having arisen, the yeas and nays were ordered and the secretary called the roll. Those voting yeas were: Messrs. Blanchard, Denigan, Foss of Androscoggin, Foss of Cumberland, Fulton, Hill, Irving, Kellogg, Pendleton, Staples, Stearns, Theriault, Winslow,—13. Those voting nays were: Messrs. Allan, Boynton, Chandler, Dodge, Edwards, Farrington, Mullen, Noyes, Osborn, Sanborn, Smith,—11. Absentees, Gowell, Hamilton, Leach, Mayo, Moulton,—5. (Mr. Miliken was excused from voting.)

So the motion to indefinitely postpone the bill was adopted.

On motion by Mr. Stearns of Oxford,

Adjourned.

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### HOUSE.

Tuesday, March 7, 1911.

Prayer by Rev. Mr. Quimby of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

#### Senate Bills on First Reading.

Resolve in favor of the county commissioners of Franklin county in favor of repair and permanent improvement of highway in Washington Plantation and Perkins Plantation, in Perkins Plantation, in Franklin county.

Resolve in favor of the county commissioners of Franklin county for the repair and permanent improvement of highway in Letter B Plantation, and Sandy River Plantation in Franklin county.

Resolve in favor of the county commissioners of Franklin county for the repair and permanent improvement of the highway in Jerusalem and Crocker townships in Franklin county.

Majority and minority report on Bill, An Act for the better protection of the herring fishery.

The House accepted the majority report and the bill received its first reading.

On motion of Mr. Hogan of Portland the bill was tabled pending its second reading.

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

#### Judiciary.

By Mr. Bogue of East Machias—An Act to amend Section 42 of Chapter 66 of the Revised Statutes, relating to affidavit of notice of appointment of executors and administrators; also amending Section 14 of Chapter 89, Revised Statutes.

Also, An Act to amend Section 13 of Chapter 117 of the Revised Statutes, as amended by Chapter 66 of the Public Laws of 1907, as amended by Chapter 195 of the Public Laws of 1909, relating to fees of witnesses before referees, auditors and commissioners specially appointed to take testimony.

By Mr. Dutton of China—An Act to amend Chapter nine of the Revised Statutes relative to the property of public municipal corporations situated outside their corporate limits. (Tabled for printing pending reference on motion of Mr. Dutton.)