

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

SENATE.

Thursday, March 9, 1911.

Senate called to order by the President.

Prayer by Rev. Mr. Steele of Lowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

The report of the committee on library, on Resolve concerning the preservation of the archives of the State, that the same "ought to pass" in new draft, came from the House with the report of the committee accepted in that branch, and the resolve indefinitely postponed.

Tabled on motion by Mr. Boynton of Lincoln.

The report of the committee on judiciary, on Resolve in favor of the Documentary History of Maine, that the same "ought to pass," came from the House with the report of the committee accepted in that branch, and the resolve indefinitely postponed.

Tabled on motion by Mr. Boynton of Lincoln.

The report of the committee on claims, on Resolve in favor of the town of Castine, that the same "ought to pass," came from the House with the report of the committee accepted in that branch, and the resolve indefinitely postponed.

Tabled on motion by Mr. Boynton of Lincoln.

House Bills In First Reading.

Resolve in favor of Augusta City hospital.

Resolve in favor of the Knox county General hospital.

Resolve in favor of the Eastern Maine General hospital.

Resolve in favor of the Children's Protective Society of Portland.

Resolve in favor of Children's Aid Society of Maine, located at Belfast.

Resolve in favor of Roy Morrison.

Resolve constituting the State treasurer, the trustee of the Isaac Sanford legacy for the deaf, dumb and blind, and providing for the expenditure of the interest thereon.

Resolve in favor of the Maine State Sanatorium Association.

Resolve in favor of the Androscoggin Anti-Tuberculosis Association.

Resolve in favor of the Bar Harbor Medical and Surgical hospital, located at Bar Harbor.

Resolve in favor of the Bangor Children's Home.

Resolve in favor of the Good Samaritan Home in Bangor.

Resolve in favor of the Maine Mission for the deaf.

Resolve in aid of the Temporary Home for Women and Children at Portland.

Resolve in favor of the Central Maine General hospital at Lewiston.

Resolve in favor of the Holy Innocents Home for infants in the city of Portland.

Resolve in favor of the town of Wisasset.

Resolve in favor of the Webb Hospital Association of Biddeford.

Resolve in aid of Trull Hospital Aid Association.

Resolve in favor of the Bath Military and Naval Orphan Asylum.

Resolve in favor of the Women's Christian Temperance Union Temporary Home for Children.

Resolve in favor of the Central Maine Association for the relief and control of tuberculosis.

Resolve in favor of the Maine Children's Home Society of Augusta.

Resolve in favor of the Children's Heart Work Society of Maine.

Resolve in favor of the Old Town hospital.

Resolve in favor of the Healy Asylum, located at Lewiston.

Resolve in favor of the St. Elizabeth's Roman Catholic Asylum at Portland.

Resolve in favor of the Maine Eye and Ear Infirmary.

Resolve in favor of the Maine General hospital.

Resolve in favor of the Maine Institution for the Blind.

Resolve in favor of the Maine School for the Deaf.

Resolve in favor of the Bath City hospital.

Resolve in favor of the York hospital.

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Read and Assigned.

Resolve in favor of the town of Peru.

An Act to incorporate the Mopang Dam and Improvement Company.

Passed to be Engrossed.

An Act to provide for the weekly payment of wages.

An Act to amend Section 1 of Chapter 231 of Private Laws of 1909.

An Act to incorporate the Moxie Dam Company.

Resolve in favor of Plantation Number 33, Hancock county.

Resolve naming the principal building at school for feeble minded.

An Act to extend charter of Scarborough and Cape Elizabeth Railway Company.

An Act to incorporate the Sangerville Village Corporation.

An Act relating to the Vassalboro and Windsor Light Company.

An Act to incorporate Cherryfield Water Company.

An Act to ratify change of name of Brunswick Power Company.

An Act to incorporate Franklin Water Company.

An Act to incorporate Norridgewock Water Company.

An Act relating to Rumford Falls municipal court.

An Act to incorporate Winter Harbor Light Company.

An Act to incorporate Maine Title Insurance Company.

An Act relating to overseers of poor of the city of Portland.

An Act relating to appointment of guardians, by consent.

An Act to incorporate Dean Hill Cemetery Improvement Association.

An Act for better protection of forests from fire.

An Act to incorporate Knox County Central Railroad.

An Act to extend charter of Rangeley Lakes and Megantic Railroad Company.

An Act to establish the Lubec and Machias Railway Company.

An Act prohibit removing of waste

or packing from box or boxes of locomotives.

An Act to authorize mayor of Portland to appoint Commission of Cemeteries.

An Act relating to charter of the city of Auburn.

An Act to authorize the removal of bodies of deceased persons from old cemetery in Ellitttsville.

An Act relating to maintaining a dam across Big Machias stream.

An Act to regulate investment of deposits in banks and trust companies.

An Act to prevent throwing of mill waste into Baskahegan stream.

An Act granting powers to Eastport Water Company.

An Act granting powers to Pen-namaquam Power Company.

An Act regulating ice fishing in Fitts pond.

An Act protecting striped or sea bass.

An Act incorporating town of Eagle Lake.

An Act relative to assessment of taxes in unorganized plantations.

An Act relating to liens on lands. (Tabled pending second reading on motion by Mr. Milliken.)

An Act granting a new charter to the Farmington Village Corporation. (Tabled pending second reading on motion by Mr. Blanchard.)

An Act to grant certain powers to Hancock county, trustees of public reservations. (Tabled pending second reading, on motion by Mr. Milliken.)

An Act relative to duties of State and local assessors. (Tabled pending second reading, on motion by Mr. Leach.)

An Act relating to the licensing of dogs. (Tabled pending second reading on motion by Mr. Boynton.)

Passed to Be Enacted.

An Act to amend An Act entitled "An Act to authorize extensions of the Bangor & Aroostook Railroad in Aroostook, Piscataquis and Penobscot counties," being Chapter 222 of the Private and Special Laws of 1903, as amended by Chapter 70 of the Private and Special Laws of 1907.

(On motion by Mr. Milliken of Aroos-

took, this bill was tabled until "Orders of the Day" at this session.")

An Act authorizing the merger of the Somerset Railroad Company, the Washington County Railroad Company and the Sebasticook and Moosehead Railway Company with the Maine Central Railroad Company.

Orders of the Day.

On motion by Mr. Milliken of Aroostook, Bill, An Act to authorize extensions of the Bangor & Aroostook Railroad, in Aroostook, Piscataquis and Penobscot counties, was taken from the table.

MR. MILLIKEN: Mr. President: I am not going to repeat here any portion of the argument that I made the other day when I offered an amendment to this bill. It is not necessary that I should repeat it or make any addition to it today, for no part of that argument has been answered here in the Senate or anywhere else.

I showed, as members of the Senate will remember, that we have a condition of things in the territory which this railroad serves, where the bonds of the railroad are selling for about 80 cents on the dollar, and the stock of the construction company is worth probably about \$50 on the dollar.

No attempt has been made to deny the fact that the Aroostook Construction Company is making a large profit out of every mile of road built by the Bangor & Aroostook Railroad Company. No attempt has been made to deny the fact—and it is a matter of public record—that the Aroostook Construction Company holds a large part of the stock of the Bangor & Aroostook Railroad.

Counsel for the B. & A. R. R., upon a hearing on another matter, had the cashier of the road present and when the charge was made that the construction company was profiting, as I have indicated, and he failed to put that cashier upon the stand, as he had been expected to do, he confessed then and there that the charge had truth in it.

MR. PRESIDENT AND GENTLEMEN, I am not going to repeat any part of that argument, but the people of the State

of Maine have a right to know some things that have been done here in this lobby in regard to this bill. Members of the Senate have been influenced by arguments that had nothing to do with the merits of the question itself. I do not mean to criticise the committee or any member of the Senate or to impugn motives. The principal reason that I have for saying a word at this time is that I have learned since the argument was made the other day, that a statement has been made by counsel and lobbyists for the B. & A. R. R. that demands some answer from me. I understand it has been said by them that I had a personal interest in trying to prevent the construction of the so called Allagash Extension on account of some possible competition of prospective lumber mills in that region. That charge is a serious one, for I agree wholly with that great Democrat who said 'A public office is a public trust,' and I believe absolutely that any man who uses his position as a public official to further his private interests is just as truly a traitor to his country as is the man who betrays his country on the field of battle.

That charge is so absurd that it did not occur to me that it could be made. As long as it has been made by counsel and to members of this Senate, I say here that it is not only untrue, but the fact is, so far as my personal interests are concerned, they are absolutely in the other direction and for this extension. I wish to say to you further that if any lobbyist for the B. & A. R. R. said to any member of the Senate or to anyone else—any lobbyist personally acquainted with me—that I was actuated by personal motives, he knows he said what was untrue, and it was for the purpose of deceiving you. I want to say further that this lobby has not been as fair in this matter as I have tried to be with them. I had a perfect right to present this amendment in the Senate without notice to them, and to argue it, and to ask for its adoption. I gave them ample notice and time to do what I knew they would do, use every possible influence on members of this Senate. I know

what it means when members are called out to the telephone when the Senate is in session and matters are under discussion. I knew what it meant the other day; it meant that failing in all other ways to secure a hold upon certain members, the lobby were resorting to having certain constituents call up these Senators and ask them to vote against the amendment.

An incident happened here in connection with this matter, which so far as I know, is without precedent in this State since I have known anything about legislation. Never before have I known a member of the Governor's Council to so far forget the dignity due his high position as to come into the Senate Chamber while the matter was under discussion and frantically ask a member to vote on this matter according to his wishes. Members of the Senate were induced to promise definitely how they would vote upon this amendment and felt obliged to vote in accordance with that promise. I want to say to you, and would have said it then had I known at the time such a promise existed, that any such promise made upon a matter of this kind is subsidiary, and should be subsidiary to the solemn promise that each of us made at the beginning of this session, when we said that before God we would vote on all matters as our consciences demanded.

I want to call your attention for one moment to the political aspect of this matter—but before I do so I want to refer to one other thing this lobby has done that I think is unfair. I will state it plainly and frankly here. I understand they have secured a delay upon a proposition to extend the charter of an electric railroad in Aroostook county; a matter which is of great importance to the people of that county, and that they have said if this amendment could be killed, favorable action would be permitted upon that charter. If they have done that, they have done what is unfair and improper on any matter of this kind.

I want to call your attention to the political aspect of this question. The Republican party, acting through the Legislature, has granted at different

times special privileges to the B. & A. R. R. The first special privilege was granted for the purpose of getting a railroad built into this part of Maine. The next special privilege was granted in 1903, and I do not believe the members of the Legislature understood at that time what they were doing. That privilege I referred to the other day. The Republicans have been criticized for both those acts. As the senator from Knox informed us sometime ago, 73,000 voters of this State voted as they did at the last election to indicate their desire to criticize something that the Republican administration had done. Is it not possible that some of those 73,000 voters believed that the Democrats meant what they said when they advocated "equal rights for all and special privileges for none?" How will you justify your vote if you continue this special privilege which ought never to have been granted and which ought not to be continued?

I shall endeavor to get no vote on the final passage of this bill and I shall make no attempt to offer again the amendment, but I desire to be recorded as against the passage of the bill in its present form. I hope, if it is passed, the outraged business sense of the people of this State will resort to a demand for a referendum upon it.

Mr. STAPLES of Knox: Mr. President, I have been very much astonished by the remarks of the gentleman from Aroostook. I think they are uncalled for, unfair, and a criticism upon every member of this Senate.

I do not believe, and I stand here in behalf of every member of this Senate, that there is any lobby, any counsel, that can influence any member of this body contrary to his own conscience. I have a right to vote and he has a right to vote, every member of this body has a right to vote, according to the light he has.

I do not know anything about this Allagash railroad. I was opposed to the granting of the charter two years ago because they asked the rebate upon it. I can see no earthly reason why, if that company, whether it be a construction company or whether it is not

a construction company, if they are willing to put their hands into their pockets and build 100 miles of railroad up the Allegash, we should not give them a charter to do it. I voted for it, and I believe that the 73,000 Democratic voters in the State of Maine, and more, will say to the Senate of the State of Maine: "You are developing the State of Maine, and you need not allow your friend from Aroostook to bother about the 73,000 Democrats who voted last fall." We will take care of ourselves. If you have any grievances against that road, you have no right to bring them in here. And when you attempt to insinuate that one single member of this Senate has been influenced by the lobby, it is uncalled for and you ought to take it back and apologize to this Senate.

"Political situation!" You ought to have thought of that long ago when your party gave back to the B. & A. R. R. 95 per cent. of the taxes upon it. They do not ask anything like that in this charter. If they had, there is no Democrat in this body who would have voted for this charter. There is no question about that. Do not borrow any trouble about the Democratic party. You have all you can do to take care of your own party and your own men in it.

I did not propose to discuss this matter, but I felt it was unkind, unfair, unjust and unmanly for the senator from Aroostook to undertake to insinuate that these men were influenced by the lobby or by counsel to vote for that bill. I believe that every man voted according to the dictates of his own conscience, and I am not going to stand here and be criticized by the gentleman from Aroostook. It was your own agreement, and you should take the mote out of your own eye before you try to criticize anyone else.

Mr. MILLIKEN: Mr. President: I think I distinctly stated that it was not my intention to criticize the motives of any member of this Senate. It is not my belief that any member of this Senate voted upon this, or upon any other question, upon improper motives. The only way I, or any other member has to obtain in-

formation upon any matter is to hear the arguments for and against it. The argument for this Bangor & Aroostook Railroad charter has been presented repeatedly and astutely by lobbyists. The argument for the amendment was presented by myself in my feeble way. I did intend to criticize, and do criticize here, the attitude of the lobbyists themselves. I think their attitude has been deliberately unfair and intended to misrepresent.

As for what the senator has said in regard to the construction company putting their hands in their pockets and building this road themselves, it was too ludicrous to require an answer. Nobody objects to their putting their hands into their own pockets and building this road, but everybody does object to their putting their hands further into the pockets of the public they now serve.

Mr. KELLOGG of Penobscot: Mr. President: I did not intend to say anything upon this matter and perhaps it would be better if I did not, but as long as the senator from Knox has made the statement he has, I want to say just one word.

This is the second time I have been here in the Senate. Before I came here I used to read the papers some and all through the session of the Legislature you would see in the paper where Senator Staples from Knox was trying to get at the railroads of this country. And the last two years he has introduced bills along that line. Now I would challenge any man to find one place where he has been successful in any of them. Here is a chance where he could have helped us in this matter; where he could have come in and stopped the B. & A. R. R. from taking any tighter grasp on the people of Aroostook county, but no, he steps one side, onto the railroad's side of this proposition, and against the people of Aroostook county. I say it is unfair. When this vote is taken I wish it to be taken by the yeas and nays.

Mr. STAPLES: Mr. President: Just a word in reply. I have always been fighting the railroads and am fighting them yet. I never was in favor of

any rebate. I have always voted against rebates, but I cannot conceive for my life, when those men put their hands into their own pockets and build that railroad,—the money, most of it, coming from outside the State—and open that country there, where the great graft is upon that. I know that people do not build railroads for fun, but they build them to make money, and I presume that they will make money. If they could not make some money they would not build it.

My course has always been consistent upon this matter, and you cannot put your finger upon a single act of mine for eight of 10 years in this Senate where I have not been consistent and worked for the benefit of the people and against the railroads, and in favor of any public improvement that did not bear upon the tax payers of the State. I believe that all property should be taxed equally, and I would like to have a tax ad valorem, upon the railroads, so that I could tax the B. & A.

Mr. KELLOGG: Mr. President: I am sorry to see the senator is so shortsighted that he cannot see that the B. & A. is not building this railroad. The Aroostook Construction Company is building this railroad and then selling it to the B. & A. R. R. for eight or ten thousand dollars per mile more than it cost. Any man who wishes to do so can see that.

Mr. STAPLES: Mr. President: Do you care who builds the road, or to whom they sell it, if they do build it up there?

Mr. KELLOGG: Mr. President: I say, yes. Let the B. & A. build this road up there themselves and pay for it themselves, not tax the road there now for the new part and for everybody to pay interest on those bonds which will be issued in advance of what the road cost.

Mr. MULLEN of Penobscot: Mr. President: When I spoke against the amendment offered by the senator from Aroostook, I had in mind, and I believed that I was right and I believe now that I was right, that while the B. & A. Railroad's sins may

be deep and many, I did not believe then, and I do not believe now, that this is the proper place or the proper tribunal to try it before.

In the first place, there was a subcommittee of this Legislature appointed to hear grievances, and if I understand aright, there were none presented before the committee—not one.

Now some time ago the B. & A. Railroad came here, not the construction company, but the B. & A. R. R. came here and asked for this charter, which they are now asking to have extended, to build a road into the Allagash region. Having failed to accomplish their purpose, about four months before that option is up, they come back here and ask for an extension of that option or a right to build. I think they have a right to build until about the later part of June. We have only one course to pursue. It seems to me we should either extend their right to build or deny that right. There is no particular use in saying that we will extend the right, and at the same time putting upon that a condition which makes it absolutely impossible for them to build.

That is the ground I took, and that is the ground I will take today, and when I voted against the amendment of the senator from Aroostook, I thought, and I think now, that it ought not to have been offered here.

Mr. MILLIKEN: Mr. President, may I have the indulgence of the Senate for a moment? I said the other day, and it has not been answered and it cannot be answered, that the B. & A. R. R. has ample authority without this charter and without this extension, to build in the Allagash region. Every man knows it. The 1903 charter itself runs until 1913. The B. & A. built extensions before this special Act of 1903 was passed, and can build them just as well after it expires in 1913. That charter, or whatever you call it, asked for in 1903, was asked for in my judgment under false pretenses. It was passed under false pretenses by the Legislature, and is not understood today by the people of Aroostook county. It should have been en-

titled An Act to permit the Bangor & Aroostook Railroad to water its bonds and stock in a way unlawful for any other railroad in this State to do.

Mr. MOULTON of Cumberland: Mr. President, I move that the bill be tabled, pending its passage to be enacted.

Mr. BOYNTON of Lincoln: Mr. President, I should hope this motion would not prevail. We already have enough stuff on the table to last some time, and we shall know no more about this matter one day or one week from now than we know now, and we never shall be better prepared to pass upon it than we are now.

Mr. MOULTON: Mr. President, I claim that we shall be better prepared. This is the first time I have asked the Senate to table a bill for me, and the Senator who has just spoken has tabled a dozen this morning and has given no reason why.

On motion by Mr. Smith of York, the yeas and nays were ordered.

The question being on the motion of Mr. Moulton of Cumberland to table the bill, the secretary called the roll. Those voting yea were: Messrs. Blanchard, Edwards, Fulton, Irving, Kellogg, Milliken, Moulton, Noyes, Stearns, Theriault—10. Those voting nay were: Messrs. Allan, Boynton, Chandler, Dodge, Farrington, Foss of Androscoggin, Foss of Cumberland, Gowell, Hill, Leach, Mayo, Mullen, Osborn, Pendleton, Sanborn, Smith, Staples—17.

So the motion to table was lost.

The question being on the passage of the bill to be enacted, on motion by Mr. Kellogg of Penobscot, the yeas and nays were ordered, and the secretary called the roll. Those voting yea were: Messrs. Allan, Boynton, Chandler, Dodge, Edwards, Farrington, Foss of Androscoggin, Foss of Cumberland, Gowell, Hill, Irving, Mullen, Noyes, Sanborn, Smith, Staples, Theriault—17. Those voting nay were: Messrs. Blanchard, Fulton, Kellogg, Leach, Mayo, Milliken, Moulton, Osborn, Pendleton, Stearns—10.

So the bill was passed to be enacted.

On motion by Mr. Fulton of Sagadahoc, the vote whereby Resolve in fa-

vor of providing plans for school buildings, was yesterday indefinitely postponed postponed, was reconsidered.

On further motion by the same senator, the Resolve was re-committed to the committee on education, and sent down for concurrence.

On motion by Mr. Osborn of Somerset.

Adjourned.

HOUSE.

Thursday, March 9, 1911.

Prayer by Rev. Mr. Boothby of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

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

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

An Act to provide for the appointment of a State sealer of weights and measures and to define his duties. (Tabled pending second reading on motion of Mr. Murphy of Portland.)

An Act to amend Section one of Chapter 313 of the Private and Special Laws of 1864 entitled "An Act to incorporate the Baskahegan Dam Company as amended by Chapter 272 of the Private and Special Laws of 1903."

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

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

An Act to amend Section one of Chapter 151 of the Public Laws of 1905 relating to the compensation of clerk hire for the register of probate in York county.

Resolve authorizing a temporary loan for the year, 1912.

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