

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

SENATE.

Monday, March 14, 1911.

Senate called to order by the President.

Prayer by Rev. Fr. Nelligan of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

The report of the committee on judiciary, on Bill, An Act to incorporate the Knox County Power Transmission Co., "ought not to pass," came from the House. (Tabled on motion by Mr. Staples of Knox.)

House Bills in First Reading.

An Act to amend Chapter 70 of the Revised Statutes, as amended by Chapters 23 and 175 of the Public Laws of 1907, relating to the terms of the supreme judicial court in Aroostook county.

An Act to amend Chapter 359 of the Private and Special Laws of the State of Maine for the year 1903.

An Act to further amend Chapter 4 of the Revised Statutes as amended by Chapter 78 of the Public Laws of 1905, relating to town and city by-laws and ordinances.

An Act authorizing the construction of a wharf into the tide waters of Casco bay in the town of Cumberland.

An Act to incorporate the Monson Water Company.

An Act to change the name of the Baptist Religious Society of North Yarmouth and Freeport to the Baptist Religious Society of Yarmouth.

An Act relating to the jurisdiction of the Bar Harbor municipal court in the town of Eden.

An Act to incorporate the Guilford Water District.

An Act to authorize the town of York to lease certain lands within said town.

An Act to amend Chapter 374 of the Private and Special Laws of 1909.

An Act to incorporate the Lincoln Water Company.

Resolve in favor of the Hospital of the Daughters of Wisdom of St. Agatha in the county of Aroostook.

Resolve in favor of the Waldo County General hospital.

Resolve providing for an epidemic or emergency fund.

Resolve providing for carrying on the work of the State Survey Commission.

An Act authorizing Booth Brothers and Hurricane Isle Granite Company to construct and maintain a railroad crossing in the town of St. George.

An Act to extend the charter of the Waldo Street Railway Company.

An Act regulating the use of rights and locations in public streets.

An Act to extend the charter of the Rumford Falls and Bethel Street Railway Company.

An Act to amend Chapter 70 of the Public Laws of 1907 entitled "An Act amending Chapter 164 of the Public Laws of 1905, relating to location and assessment of damages for property taken for public uses."

An Act to amend the charter of the Kibbie Dam Company.

An Act for the better protection of the fisheries of Maine. (This bill came from the House, reported by the committee on inland fisheries and game in a new draft. The report was accepted, and then the bill was indefinitely postponed. The Senate concurred with the action of the House.)

Resolve in favor of repairing the road known as the Lake road, in Township C and C Surplus, in Oxford county.

Resolve in favor of selling to actual settlers certain public lots in Carey Plantation, Aroostook country.

An Act authorizing Kingsbury Plantation to build and maintain its roads and bridges and to raise money for the same.

Resolve in favor of the Penobscot Tribe of Indians.

Resolve in favor of the Free High school precinct in the town of Dixmont, known as North Dixmont precinct, District Number 1.

Resolve for the appointment of Delegates to the conference of the International Tax Association.

An Act for the better protection of the herring fishery. (This bill, which was passed to be engrossed in the Senate, came from the House, that

Branch having indefinitely postponed the bill in non-currence.)

On motion by Mr. Milliken of Aroostook, the bill was tabled.

The following communications were received from the office of secretary of State and placed on file:

The report of the Commissioner on Inland Fisheries and Game for the years 1910.

The Fifty-fourth Annual Report of the Bank Commissioner of the State of Maine.

STATE OF MAINE.

Office of Secretary of State.

Augusta, March 14, 1911.

To the President of the Senate and Speaker of the House:

In accordance with the provisions of Section Four, Chapter One of the Revised Statutes, I have the honor to herewith transmit a list of the public acts approved by the Governor, with the dates of the approval thereon:

An Act to amend Section 13 and 14 of Chapter 131 of the Revised Statutes, relating to private detectives.

Approved February 16, 1911.

An Act to amend Section 56 of Chapter 32 of the Revised Statutes, relating to the disposal of money received, for fines and penalties for violation of the fish and game laws.

Approved February 25, 1911.

An Act to repeal Chapter 92 of the Public Laws of 1905, entitled "An Act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors."

Approved February 25, 1911.

An Act to facilitate the identification of criminals.

Approved February 25, 1911.

An Act to amend Section 95 of Chapter 49 of the Revised Statutes of 1903, as amended by Chapter 121 of the Public Laws of 1905, as amended by Chapter 170 of the Public Laws of 1907, relating to notice of injury to casualty insurance companies.

Approved February 25, 1911.

An Act to amend Section 88 of Chapter 206 of the Public Laws of 1909 relating to the appropriation of money for military purposes.

Approved February 25, 1911.

An Act to abolish the office of assistant attorney general.

Approved February 28, 1911.

An Act to repeal Chapter 126 of the Public Laws of 1909, relating to the powers of the Board of Prison and Jail Inspectors.

Approved February 28, 1911.

An Act to abolish the State agency for the sale of intoxicating liquors.

Approved February 28, 1911.

An Act to amend that part of Section 5 of Chapter 80 of the Revised Statutes of Maine, relating to regular session of the county commissioners in Oxford county.

Approved February 28, 1911.

An Act concerning trespass.

Approved February 28, 1911.

An Act to provide for the purchase of supplies by the State through a system of competitive bids.

Approved February 28, 1911.

An Act to extend the close time on caribou.

Approved February 28, 1911.

An Act to repeal Section 75 of Chapter 2 of the Revised Statutes, relating to compensation of clerks in office of State treasurer.

Approved February 28, 1911.

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

Approved February 28, 1911.

An Act to amend Section 23 of Chapter 114 of the Revised Statutes as amended by Chapter 249 of the Public Laws of 1909, relating to relief of poor debtors.

Approved February 28, 1911.

An Act additional to Chapter 17 of the Public Laws of 1905, as amended by Chapter 89 of the Public Laws of 1907, regulating the practices of veterinary surgery, medicine and dentistry.

Approved February 28, 1911.

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

Approved February 28, 1911.

An Act to repeal Section 2 of Chapter 148 of the Public Laws of 1905,

relating to the construction of booths at polling places.

Approved March 1, 1911.

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.

Approved March 3, 1911.

Very respectfully,

(Signed) CYRUS W. DAVIS,
Secretary of State.

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

Judiciary.

By Mr. Osborn of Somerset—Bill, "An Act to authorize municipalities to take and condemn powers and power sites for municipal purposes."

Railroads and Expresses.

By Mr. Edwards of Androscoggin—Bill, "An Act requiring street railroads to file profiles with their locations."

Inland Fisheries and Game.

By Mr. Staples of Knox—Bill, "An Act repealing Section 26 of Chapter 2 of the Revised Statutes."

Shore Fisheries.

By Mr. Staples of Knox—Remonstrance of J. P. Gregory and 199 others of Knox county against the consolidation of the Fish and Game Commission and the Sea and Shore Fisheries Commission.

Read and Assigned.

An Act to incorporate the Bayville Village Corporation.

An Act to incorporate the Westfield Light & Power Company.

An Act to regulate the fees for sealing milk bottles.

An Act to render more wholesome the milk supply of cities and towns.

An Act to amend Section 2 of Chapter 242 of the Public Laws of 1909, relating to sealing of measures.

Resolve in favor of navigation of Sebec lake.

Resolve in favor of the State School for Boys.

Resolve for the purpose of operating the fish hatcheries and feeding stations for fish and for the protection of fish, game and birds.

Committee Reports.

Mr. Gowell for the committee on

judiciary, on petition of the Bayville Improvement Association, asking for a charter for the Bayville Village Corporation, reported that a bill covering the subject matter has been reported by this committee.

Mr. Fulton for the committee on education, on resolve in favor of Bridgewater Classical Academy, reported that same "ought not to pass."

The same senator for the same committee, on Bill, An Act to empower the superintending school committee of the town of Dover to contract with the trustees of Foxcroft Academy for the education of its High school scholars in said Foxcroft Academy, reported that the subject matter is covered by another bill, and that same ought not to pass.

The same senator for the same committee, on resolve in favor of the East Maine Conference Seminary at Bucksport, reported that same "ought not to pass."

Mr. Foss for the committee on railroads and expresses, on report of the State assessors regarding railroads, on order of Mr. Staples, reported that same be referred to the committee on taxation.

Mr. Hill for the committee on agriculture, on Bill, An Act for the standard unit of measure and size of can for the sale of milk and cream, reported that same ought not to pass.

Mr. Fulton for the committee on State lands and State roads, on Bill, An Act defining motor vehicles and providing for the registration of same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and service thereof of proceedings for the violation of the provisions of the act and penalties for the said violations, reported that same "ought not to pass."

Mr. Winslow for the committee on inland fisheries and game, on Bill, An Act to prevent the putting of sawdust and other refuse in the waters of Pleasant river, reported same "ought not to pass."

The same senator for the same committee, on Petition of A. K. Wood, W. D. Sylvester and 30 other residents of Bel-

fast and Winterport, asking that a law be enacted making it unlawful to ship wild hares or rabbits outside the State; also Petition of F. C. Atwood and 26 others of Belfast, Waldo county, and Petition of B. B. Leach and 59 others asking for same, reported that petitioners have leave to withdraw.

The reports were accepted and sent down for concurrence.

Mr. Gowell for the committee on judiciary, to which was recommitted Bill, An Act to incorporate the Clark Power Company, reported that the same "ought to pass."

The same senator from the same committee, on Bill, An Act defining and limiting the expenses of supreme judicial and superior court stenographers, reported that same "ought to pass."

Mr. Hill for the committee on agriculture, on Bill, An Act to amend Section 6 of Chapter 242 of the Public Laws of 1909, authorizing the commissioner of agriculture to seize milk cans and bottles not properly sealed and cleansed, reported that same "ought to pass."

Mr. Hill for the same committee, on Bill, An Act to amend Section 3 of Chapter 120 of the Revised Statutes, as amended by Chapter 40 of the Public Laws of 1909 and Chapter 141 of the Public Laws of 1909, relating to the sale of milk, reported a new draft under the same title and that the same "ought to pass."

Mr. Fulton for the committee on education, on Resolve in favor of the Eastern State Normal school, reported same in a new draft under same title and that it "ought to pass."

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

The committee on judiciary on Bill, An Act to repeal so much of Sections 1 and 2 of Chapter 157 of the Public Laws of 1907 as requires and authorizes the holding of the terms of the supreme judicial court at Dover, in the county of Piscataquis, on the first Tuesday of May in each year, reported (Report A) that the same "ought to pass," (signed) Bogue, Goodwin, Williamson, Staples, Davies.

The same committee on same bill reported (Report B) that same "ought not to pass," (signed) Gowell, Stearns, Hersey, Trafton, Chase.

On motion by Mr. Sanborn of Piscataquis, both reports were tabled pending acceptance of either.

Passed to be Engrossed.

An Act to amend Section 89 of Chapter 94 of the Public Laws of 1909, relating to the compensation of selectmen.

Resolve making an appropriation for the purposes of obtaining information in regard to wild lands for the purpose of taxation.

Resolve in favor of the Maine School for Feeble Minded. (On motion by Mr. Staples of Knox, tabled pending second reading, statement of facts to be furnished tomorrow.)

Resolve for the preservation of the regimental rolls in office of adjutant general.

Resolve in favor of a highway bridge over St. John river between van Buren, Maine, and St. Leonard's, New Brunswick.

An Act to amend Chapter 138 of the Public Laws of 1909, relating to the marking of historical sites.

Mr. MILLIKEN of Aroostook: Mr. President, this bill provides for the appointment of a commission to mark historical sites. I have not had a chance to confer with anybody interested in the bill. I move that it lie on the table, and as at present advised I shall make a motion tomorrow morning to have it indefinitely postponed. The motion to table was agreed to.

An Act to render valid the doings of the Little Madawaska Improvement Company.

An Act to limit the number of fish which may be taken in one day in certain tributaries to Wilson lake, which lake is situated in the town of Wilton, also in Alder brook, a tributary to Weld pond, which pond is situated in the town of Weld, down as far as Hildreth's Mill dam, so called, all in the county of Franklin.

Resolve in favor of John R. McDonald.

On motion by Mr. Milliken of Aroostook this resolve was tabled for a statement of facts.

Passed to be Enacted.

An Act to regulate fishing in Whetstone pond, so called, situated in the town of Kingsbury and in the town of Blanchard, in the county of Piscataquis.

An Act to extend the provisions of

Chapter 361 of the Private and Special Laws of 1907, relating to fishing in the Fenderson brook and its tributaries in the town of Parsonfield.

An Act to repeal Chapter 326 of the Private and Special Laws of 1909, relating to fishing in Webb's river and its tributaries, in the town of Carthage, in the county of Franklin.

An Act to prohibit the catching or taking of eels in St. Georges river, in Warren, in the county of Knox, in any other way or manner than by hook and line or with spears.

An Act to amend Chapter 407 of the Private and Special Laws of 1903, as amended, relating to ice fishing in Eagle lake in the town of Eden, county of Hancock.

An Act to regulate fishing in the tributaries of Big Concord pond, in the town of Woodstock, in the county of Oxford, and to repeal Chapter 34 of the Private and Special Laws of 1903.

An Act to regulate fishing in Hall pond, in the town of Paris, county of Oxford.

An Act to prohibit the throwing of sawdust and other mill refuse into Duck Puddle pond, so called, Remaquid pond, so called, Biscap pond, so called, and Boyd's pond, so called, in the county of Lincoln.

An Act to prohibit the throwing of sawdust and other mill waste into the south branch of the Piscataquis river in the town of Kingsbury, and in the tributaries to said south branch of Piscataquis river in said town of Kingsbury and in Thorn brook, so called, and its tributaries in the towns of Abbott, Kingsbury and Blanchard, in the county of Piscataquis.

An Act to repeal Chapter 393 of the Private and Special Laws of 1909, relating to fishing in Royal's river.

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

An Act to amend section 1 of Chapter 117 of the Public Laws of 1909, relating to the taking of white perch.

An Act to regulate the opening of streets in cities.

An Act to amend certain acts relating to the Phillips Village Corporation.

An Act to amend Chapter 160 of the Private and Special Laws of 1909, relating to fishing in Spear stream and its tributaries, in the town of Peru, in the county of Oxford.

Orders of the Day.

Mr. BOYNTON of Lincoln: Mr. President: At our last session a joint order was adopted which required all committees to make final report on or before the 20th of March. I move that that vote be reconsidered, in order that I may offer an amendment.

The motion was agreed to.

Mr. BOYNTON: Mr. President: I now offer Senate Amendment to House order relating to final reports of joint standing committees. Amend order in relation to final reports of joint standing committees by inserting after word "committees" the words, "except the committee on appropriations and financial affairs."

Mr. President and gentlemen, you will readily see that this order should be amended for the committee on appropriations and financial affairs must remain in session clear up to the very last minute. I move the adoption of the amendment.

The motion was agreed to and the amendment was adopted and sent down for concurrence.

Mr. BOYNTON: Mr. President: At our last session, Senate Document, No. 106, Resolve concerning the preservation of the archives of the State of Maine, came from the House indefinitely postponed, and we non-concurred in that section. That was done upon my motion. I now move that the vote whereby we non-concurred with the action of the House be reconsidered.

The motion was agreed to.

Upon further motion by the same senator, the Senate concurred with the action of the House in indefinitely postponing the Resolve.

On motion by Mr. Boynton of Lincoln, House Document, No. 420, Resolve in favor of John A. McDonald, was taken from the table.

This resolve in the House was re-committed to the committee on claims.

On further motion by Mr. Boynton, the resolve was indefinitely postponed, in non-concurrence.

On motion by Mr. Staples of Knox, Resolve in favor of old plans of towns

in Knox county, was taken from the table.

On further motion by the same senator, the report of the committee on appropriations and financial affairs, "ought not to pass," upon this resolve, was accepted in concurrence.

On motion by Mr. Kellogg of Penobscot, Bill, An Act requiring street railway companies to equip cars with fenders, was taken from the table.

Mr. KELLOGG: Mr. President: I move that this bill be indefinitely postponed. The subject matter of this bill has been covered in another bill which was turned down by the committee on February first. If you will refer to your little book, "Committees of the Seventy-fifth Legislature of Maine," Section 14 on page 30, you will find that it reads as follows:

"When any measure shall be finally rejected it shall not be revived except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the House of which the mover is a member."

The motion was agreed to, and the bill was indefinitely postponed in non-concurrence.

On motion by Mr. Donigan of Somerset, Senate Document, No. 158, An Act relative to telephone companies, was taken from the table.

Mr. DONIGAN: Mr. President: When this bill came from the committee, I had a telephone message from the manager of the Somerset Farmers' Telephone Company asking me to look into this bill and see whether it would affect our company or not. It has been nearly a week since I tabled the bill, and I have not heard anything from this man. I presume he has looked into the matter and is satisfied with it. I looked into the matter and also looked into the amendment offered by Senator Kellogg, and see no reason why it should not pass. I therefore move that the bill take its second reading and be passed to be engrossed, as amended.

The motion was agreed to, the bill

was read the second time and was then passed to be engrossed, as amended.

On motion by Mr. Dodge of Kennebec, the rules were suspended and that senator presented Bill, An Act to incorporate the Clinton Water Company, and the same was referred to the committee on legal affairs, and sent down for concurrence.

On motion by Mr. Blanchard of Franklin, House Document, No. 411, An Act granting a new charter to the Farmington Village Corporation, was taken from the table.

The same senator then offered Senate Amendment A to House Document, No. 411, which was adopted.

"Senate Amendment A to House Bill No. 411. Amend Section 2 of said bill by striking out of said section, Lines 7 to 20 inclusive and inserting in place thereof the words 'to own, operate and maintain the entire water works and rights acquired by purchase of the Farmington Water Company in accordance with Chapter 434 of Private and Special Laws of 1897 and to exercise all the rights, and operate the water works built and obtained under the provisions of Chapter 233 of the Private and Special Laws of 1905, and to make extensions, additions and improvements of the same, and make necessary repairs on same, and lay any additional lines of pipe from Farmington Village Corporation to any part of the line of pipe extending to Varnum's pond in Wilton, and to adopt all proper rules and regulations for operating said water works, including the fixing and establishing the water rates and to exercise and have all the rights and franchises heretofore granted to said corporation by the Private and Special Laws of 1897 and 1905 above referred to.'"

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

On motion by Mr. Allan of Washington, the rules were suspended and he presented, out of order, Resolve dividing the State into senatorial districts.

On further motion by the same senator, the rules were suspended and the resolve was given its two readings and was passed to be engrossed.

Mr. MILLIKEN of Aroostook: Mr. President, I would suggest that the resolve might be printed, if there is no objection.

Mr. ALLAN: Mr. President, I should have stated that the resolve provides for no change in the present apportionment.

On motion of Mr. Boynton of Lincoln, Bill, An Act to provide for the erection of the Portland bridge, was taken from the table.

On further motion by the same senator, the bill was then referred to the committee on ways and bridges in concurrence.

On motion by Mr. Milliken of Aroostook, House Document No. 359, An Act in addition to Chapter 93 of the Revised Statutes, relating to liens on lands, was taken from the table.

Mr. MILLIKEN: Mr. President, and gentlemen, I tabled this because on a hasty examination it seemed to me doubtful whether it was advisable to extend the lien law so much that the man who mows a lawn should have a lien on that lawn for his pay. I am still doubtful about this matter, but as it was passed upon by a committee of lawyers I do not wish to put my judgment against theirs. I now move that the bill take its second reading and passed to be engrossed.

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

Bill, An Act to extend the provisions of Chapter 215 of the Private and Special Laws of 1909, being "An Act to incorporate the Penobscot Bay Water Company," to March 26, 1913, was passed to be enacted in this body and amended, and the amendment was in such form that it could not be properly incorporated in the bill.

The vote whereby the bill was passed to be enacted, and the vote whereby the bill was passed to be engrossed, were reconsidered, and the bill was then re-committed to the committee on legal affairs for correction.

Bill, An Act to provide for a Department of Labor and Industry, was found to contain an error.

The action whereby the bill was passed to be engrossed was reconsidered and the bill was then re-committed to the committee on labor.

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

The action whereby this bill was passed to be enacted and was passed to be engrossed, was reconsidered, and the bill was then re-committed to the committee on legal affairs for correction.

On motion by Mr. Milliken of Aroostook, House Document No. 209, An Act to amend Section 24 of the Revised Statutes of 1903, was taken from the table.

Mr. MILLIKEN: Mr. President, I now move that the bill be re-committed to the committee on legal affairs for the purpose of having the title corrected. I have looked it over and cannot make up my mind what the title should be.

The motion was agreed to.

On motion by Mr. Milliken of Aroostook, House Document No. 247, An Act to amend Sections 59 and 51 of Chapter 9, was taken from the table.

On further motion by the same senator, the bill, was re-committed to the committee on taxation for the purpose of correcting its title.

On motion of Mr. Stearns of Oxford, Adjourned.

HOUSE.

Tuesday, March 14, 1911.

Prayer by Rev. Mr. Herrick of Lowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

An Act in relation to the regulation and sale of fertilizers, came from the Senate indefinitely postponed in that branch.