

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Thursday, January 16, 1913.

Senate called to order by the President.

Prayer by Rev. Paul S. Phalen of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act relative to the municipal court of the city of Hallowell.

This bill came from the House in that Branch referred to the committee on judiciary.

On motion by Mr. Dutton of Kennebec the bill was tabled for printing pending reference.

From the House: An Act to change the burden of proof in certain negligence cases in which contributory negligence is a defence.

This bill came from the House in that Branch referred to the committee on judiciary.

On motion by Mr. Bailey of Penobscot the bill was tabled for printing pending reference.

From the House: An Act to provide for the State certification of all teachers of public schools.

This bill came from the House in that Branch referred to the committee on education.

On motion by Mr. Murphy of Cumberland the bill was tabled for printing pending reference.

From the House: Resolve in favor of Wilton Academy.

This resolve came from the House in that Branch referred to the committee on education.

On motion by Mr. Walker of Somerset the resolve was tabled for printing pending reference.

From the House: An Act to authorize Frederick S. Vaill and Julia C. Vaill, their heirs and assigns, to locate, erect and maintain a bridge or roadway across the tide waters of Casco Bay between Long Island and Marsh Island in the city of Portland.

This bill came from the House in that Branch referred to the committee on ways and bridges.

On motion by Mr. Murphy of Cumberland the bill was tabled for printing pending reference.

From the House: House Document No. 5, An Act to establish a State highway commission and to provide for an issue of State highway bonds.

This bill came from the House in that Branch referred to the committee on ways and bridges.

On motion by Mr. Colby of Somerset the bill was tabled.

From the House: An Act to divide the town of Sanford and incorporate the town of Springvale.

This bill came from the House in that Branch referred to the committee on towns.

On motion by Mr. Emery of York the bill was tabled for printing pending reference.

From the House: Resolve in favor of owners of Township 8, Range 4, N. B. P. P.

Resolve in favor of the town of Carthage.

In the House these two resolves were referred to the committee on claims.

On motion by Mr. Morey of Androscoggin both resolves were tabled for printing pending reference.

From the House: An Act to amend Chapter 140 of the Public Laws of 1911 relating to the taxation of logs and lumber.

This bill came from the House in that Branch referred to the committee on taxation.

On motion by Mr. Wing of Franklin the bill was tabled for printing pending reference.

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

Legal Affairs.

By Mr. Morey of Androscoggin: An Act to incorporate the Lewiston Chamber of Commerce.

Interior Waters.

By Mr. Colby of Somerset: An Act to amend and extend the charter of

the Baker and Spencer Brook Dam and Improvement Company.

State Lands and Forest Preservation.

By Mr. Hastings of Androscoggin: Resolve in favor of a cooperative survey of the boundary line between the State of Maine and the State of New Hampshire. (On motion by Mr. Hastings of Androscoggin, tabled for printing pending reference.)

Ways and Bridges.

By Mr. Wing of Franklin: Petition of J. H. Bryan and 62 others of Phillips; of G. A. Proctor and 39 others of Rangeley; of H. H. Landers and 66 others of Eustis, in favor of resolve in favor of the county commissioners of Franklin County.

Inland Fisheries and Game.

By Mr. Allen of Kennebec: Resolve in favor of preserving the life of the fish in the several fish hatcheries, and for the temporary operation of the several hatcheries and feeding stations for fish in this State, and for the protection of the fish, game and birds. (On motion by Mr. Allen of Kennebec, tabled for printing pending reference.)

By Mr. Colby of Somerset: An Act to regulate the number of fish that may be caught in Crocker Pond, in Dennistown Plantation, Somerset County, daily by one persons.

Sea and Shore Fisheries.

By Mr. Patten of Hancock: Petition of Joseph C. Spurling and 273 others for a close time on lobsters for the months of July and August.

Library.

By Mr. Morey of Androscoggin: Resolve relating to the documentary history of Maine.

Taxation.

By Mr. Colby of Somerset: Resolve for the appointment of delegates to the conference of the National Tax Association.

Reports of Committees.

Mr. Hersey, for the Committee on Judiciary, on An Act to amend Section 43 of Chapter 114 of the Public Laws of 1907, reported that same "ought not to pass."

The report was accepted and sent down for concurrence.

Orders.

Mr. Hersey of Arrostook presented the following order:

Ordered, The House concurring that the document clerk prepare an alphabetical index of the Senate and House documents at the close of each week, and that 300 copies of each revision be printed for the use of the members of the Legislature and the several heads of State departments.

Mr. HERSEY: Mr. President: I wish to explain to the Senate why I present this order. Senators understand that on our desks are laid documents of the House and Senate. While they are few in number, as at the present time, they accumulate to many hundred, and to find a bill we have to spend a good deal of time. This order is to provide for making an index each week so that we can find any bill without delay. It is offered for the benefit of the Legislature in arriving at the business and to save time. I move the order be given a passage.

The order was passed and sent down for concurrence.

Orders of the Day.

The PRESIDENT: The Chair desires to announce before proceeding with the business of the day, the joint standing committee for the investigation of the price of coal, under the order introduced by Senator Morey of Androscoggin: On the part of the Senate, Messrs. Morey, Bailey and Maxwell. The House joins, Messrs. Bass, Clark of Portland, Mitchell of Newport, Doherty, Merrill, Taylor and Lawry.

The PRESIDENT: The Chair lays before the Senate for consideration the report of the joint special committee on the Governor's Message, especially assigned for this morning.

On motion by Mr. Cole of York the report of the committee was accepted.

Mr. COLE of York: Mr. President: I move you that the report be amended by striking out so much of the same as relates to public utilities, and substituting therefor, the following: "That so much as relates to public utilities be referred to the committees on judiciary and legal affairs, jointly."

Mr. President, I wish to explain the reason for the amendment. There has been a difference of opinion, an honest difference of opinion, among the members of the Legislature as to what manner would be best to consider a bill of the importance of the public utilities bill. It is a new matter, in a way, to this Legislature, although it was considered by the Legislature of a year ago.

It is for the first time, if at all, to be enacted into law by this Legislature. I know there are many members here who believe that a special committee would better consider it and its provisions than any of the joint standing committees. I know that there were others who did not believe in a special committee, and I was one of that number, and am one of that number. I believe that any measure which comes under the general law should be considered either by a joint standing committee of the Legislature or by joining the necessary joint standing committees, and that is the only proper way to consider any bill which has the importance of this bill. And it is with that idea in mind that I offer this amendment, Senate Amendment A.

Mr. HERSEY of Aroostook: Mr. President: I assume, as chairman of the committee which made this report, and which was unanimous, that I ought to state our position. From experience in this Legislature, two years ago when this subject matter of public utilities was before a sub-committee of the judiciary and the legal affairs, it resulted in nothing of interest to the people of this State. It was the opinion of your committee on the Governor's message, and I think it was the opinion of the Speaker of the House, and you, Mr. President, and the Governor as well, that this matter of public utilities should be taken up by a joint special committee, and a non-partisan committee, a committee composed, not of lawyers only, but of some of the business men in this Legislature, on that committee. While lawyers know a great deal, they do not contain all the wisdom in the world, and once in a while a business man on a business matter can have an opinion

just as good as a lawyer, and we thought it ought to go to a sub-committee, one that would not be burdened with other matters, and that would have taken time to treat the matter as it should be treated.

I do not wish, Mr. President, by any act of mine to insist upon the report of that special committee. I am willing to accept the amendment offered by the senator from York as a solution of this problem and the best perhaps. We do not, at the threshold of legislation, wish to precipitate a fight as to where a bill shall go. It is best to have some legislation on this subject, and I am very much interested that this bill should go through the Legislature. It should be a good bill, a working bill, that will meet the wants of this State. I want it to go through without a fight as to where it shall go, and without a fight politically, if we can avoid it. I want a good law, if we can get it and I shall be the last one to do anything whereby my own private opinion as to what committee shall consider it shall stand in the way of legislation. And the fact that this amendment sends this bill to two committees one of which I am a member has not anything to do with changing my position. I do it for the sake, as the Democratic politicians say (of course), for the sake of harmony. And so far as I am concerned I will make no objection.

Mr. MOREY of Androscoggin: Mr. President, I have the honor of serving on the committee with the distinguished gentleman who preceded me. I am also a harmonizer, with the gentleman, and I think, in the interest of the public that this bill, which we hope to pass, may result for the interests of the people of the State, and that all elementary friction should be avoided. It is the one supreme matter of the session that should receive the combined, earnest, thoughtful attention of every man in the Legislature. It is far reaching in its importance, and it seems to me that the order referring it to the two legal committees would, under the circumstances, be the best solution and would promote the least friction. I cordially second the motion.

Mr. BAILEY of Penobscot: Mr. President, as one of those who opposed a spe-

cial committee, perhaps it would not be out of order for me to state my position. In the first place I do not wish in any way for this Legislature or for the people to understand that I had any fears but what the President of this Senate and the Speaker of the House would appoint a proper special committee. But I believed it would establish a bad precedent, and that future Legislatures might not have such fair, just, honest and upright presiding officers, and might use that as a precedent to appoint special committees. Therefore, on that ground I consider that I was justified in opposing a special committee.

The question being on the adoption of the amendment offered by the senator from York, Mr. Cole, the amendment was adopted.

On further motion by the same senator the recommendation of the committee was adopted.

Mr. Morey of Androscoggin: Mr. President, the bank examiner of the State has drawn my attention to Senate Document No. 6, and informs me that there is a demand from the savings banks in the State for a copy of the report, and that the supply is entirely exhausted. It is believed that 200 additional copies will be necessary to accommodate the demand for this report, and I accordingly introduce the following order, on the recommendation of the bank examiner:

Ordered, That 200 extra copies of Senate Document No. 6 be printed for distribution.

The order was adopted.

On motion by Mr. Hersey of Aroostook, Senate Document No. 18, An Act to create and establish a public utilities commission and prescribe its powers and duties and provide for the regulation and control of public utilities, was taken from the table.

On further motion by the same senator, the bill was referred to the judiciary and legal affairs committees, jointly.

Sent down for concurrence.

On motion by Mr. Allen of Kennebec, Senate Document No. 19, An Act to repeal Chapter 340 of the Private and Spe-

cial Acts of 1907, relating to highway in Readfield closed to automobiles, was taken from the table.

On further motion by the same senator, the bill was referred to the committee on ways and bridges, and sent down for concurrence.

On motion by Mr. Dutton of Kennebec, Senate Document No. 20, An Act additional to Chapter 144 of the Revised Statutes in relation to emergency commitment of insane patients to insane hospitals, was taken from the table.

On further motion by the same senator, the bill was referred to the committee on insane hospitals, and sent down for concurrence.

On motion by Mr. Dutton of Kennebec, Senate Document No. 21, An Act additional to Chapter 144 of the Revised Statutes in relation to the voluntary admission of insane patients to insane hospitals, was taken from the table.

On further motion by the same senator, the bill was referred to the committee on insane hospitals, and sent down for concurrence.

On motion by Mr. Murphy of Cumberland, Senate Document No. 23, Resolve in favor of the town of Eagle Lake, was taken from the table.

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

On motion by Mr. Murphy of Cumberland, Senate Document No. 22, An Act to amend Section 1 of Chapter 284 of the Private and Special Laws of 1909, relating to the Westbrook Municipal Court, was taken from the table.

On further motion by the same senator, the bill was referred to the committee on legal affairs, in concurrence.

From the House: Ordered, The Senate concurring, that when the Senate and House adjourn, it be to meet on Tuesday next, January 21st, at 10 o'clock in the forenoon.

This order came from the House, in that branch passed and sent up for concurrence.

The order was passed in concurrence.

On motion by Mr. Stearns of Oxford, the Senate adjourned to meet next Tuesday at 10 o'clock in the forenoon.