

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**SENATE.**

Thursday, January 23, 1913.

Senate called to order by the President.

Prayer by Rev. Isaiah F. Lusk.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

An Act to incorporate the Washburn Water Company.

An Act to amend the act establishing the Northern Aroostook Municipal Court.

An Act to create a lien on wells.

An Act to amend Section 27 of Chapter 135 of the Revised Statutes, as amended by Chapter 184 of the Public Laws of 1909, relating to new trials in criminal cases.

These several bills came from the House by that Branch referred to the committee on judiciary, and upon motion by Mr. Hersey of Aroostook, were tabled for printing pending reference in concurrence.

Resolve in favor of the election of United States senator by direct vote of the people, came from the House by that Branch referred to the committee on legal affairs.

On motion by Mr. Bailey of Penobscot, the resolve was tabled for printing pending reference in concurrence.

An Act to regulate the salary of the register of probate for the county of Piscataquis, came from the House by that Branch referred to the committee on appropriations and financial affairs.

On motion by Mr. Stearns of Oxford, tabled pending reference in concurrence.

Resolve to aid in repair of Springfield Normal Academy building, came from the House by that Branch referred to the committee on education.

On motion by Mr. Walker of Somerset, tabled for printing pending reference in concurrence.

An Act to amend Section 38 of Chapter 48 of the Revised Statutes of Maine, in regard to savings banks.

An Act to amend Section 54 of Chapter 8 of the Revised Statutes, relative to mortgages in savings banks.

An Act changing the name of the Lewiston Trust and Safe Deposit Company.

These several bills came from the House by that Branch referred to the committee on banks and banking, and upon motion by Mr. Dutton of Kennebec, were tabled for printing pending reference in concurrence.

An Act to regulate the packing, shipping and sale of apples, came from the House by that Branch referred to the committee on agriculture.

On motion by Mr. Stearns of Oxford, tabled for printing pending reference in concurrence.

An Act to provide for scientific investigation in agriculture in Aroostook county, came from the House by that Branch referred to the committee on agriculture.

On motion by Mr. Hersey of Aroostook, tabled for printing pending reference in concurrence.

An Act to provide for a close time on bull moose, came from the House by that Branch referred to the committee on inland fisheries and game.

On motion by Mr. Hastings of Androscoggin, tabled for printing pending reference in concurrence.

Petition of Charles A. Hill and ten others, residents of Belgrade Lakes and vicinity, county of Kennebec, asking that Section 2 of Chapter 284 of the Private and Special Laws of 1909, prohibiting the taking of smelts in the Belgrade chain of lakes from June 15th of each year until the ice is out the following spring, be repealed, came from the House by that Branch referred to the committee on inland fisheries and game.

On motion by Mr. Hastings of Androscoggin, tabled pending reference in concurrence.

An Act to set off part of the town of Dyer Brook and annex the same to the town of Island Falls, with proof of notice to Dyer Brook, came from the House by that Branch referred to the committee on towns.

On motion by Mr. Hersey of Aroostook, the bill was tabled pending reference in concurrence.

An Act to set off from the town of

Mason certain lots and annex them to the town of Bethel, came from the House by that Branch referred to the committee on towns.

On motion by Mr. Hastings of Androscoggin, tabled pending reference in concurrence.

The following order came from the House by that Branch passed and sent up for concurrence:

Ordered, the Senate concurring, that all committees are hereby directed to report to the committee on appropriations and financial affairs all appropriations of money recommended by them, or any acts or resolves recommended by them which amend existing statutes or resolves requiring an appropriation of money. The committee on appropriations and financial affairs is hereby directed to make record of said reports and forthwith submit the same to the Legislature without changes therein. No act or resolve involving an appropriation of money or amending a statute, or resolve involving an appropriation of money shall be engrossed without having endorsed thereon in addition to the usual endorsements of the officers of the Senate and House, the following: "Examined and recorded by the committee on appropriations and financial affairs ——— Chairman."

Mr. DUTTON of Kennebec: Mr. President, as the order contains so many provisions, I move it lie on the table for printing so that we may have it for reference.

Mr. EMERY of York: Mr. President, I wish to say in explanation of that order that it was thought wise for the different committees to report the different amounts which they may pass upon to this committee in order that they may have the information at hand at the earliest possible moment. It is necessary for them to know what is being done and what amount of money is needed. It seems to me if this order is tabled for printing it will cause great delay.

Mr. DUTTON: Mr. President, I did not make this motion to table the order for the purpose of delay or because I had any objection to its pas-

sage, but as I stated, it contains so many provisions that committees are to be governed by that there should be some way whereby we can have a copy of it. And if the senator will make some provision to have this order printed so that all can have a copy, I do not object to its passage at this time.

Mr. MOREY of Androscoggin: Mr. President, I think that this is perhaps the exact phraseology that was adopted two years ago. It was found that a considerable difficulty might be avoided if the committee on appropriations and financial affairs knew exactly the amount that was being appropriated from day to day by the different committees. It seemed to be very important in order that the appropriations might be kept within the income derived from the State, and I understand it was a good deal of benefit to the committee two years ago. If an arrangement of this kind is adopted the committee can readily see at a glance how things are progressing, with a view that the appropriations shall not exceed the possible revenue to be raised by the State. It was a great advantage then, and unless there is serious objection, it seems to me it ought to go along for the benefit of the committee at this time.

Mr. STEARNS of Oxford: Mr. President, it seems to me that there is some force in the suggestion made by the senator from York, Senator Emery, that this order should have an early passage. There also seems to be some force in the suggestion of Senator Dutton, who suggests that the various committees ought to have a copy of the order in order to be governed thereby. If the senator from Kennebec would withdraw his motion, I suggest that this order have a passage in concurrence with an understanding that a sufficient number of copies of this order be made to furnish each committee.

The PRESIDENT: The Chair will state that this order was printed in full in the legislative record this morning and in the Kennebec Journal. A

copy of the order will be sent to the secretary of each committee from the office of the secretary of the Senate.

Mr. DUTTON: Mr. President, with that understanding, I withdraw my motion.

The PRESIDENT: The question is now upon the passage of the order in concurrence.

Mr. MURPHY of Cumberland: Mr. President, as I understand it, when a list of appropriations is sent to the appropriation committee from the other committees, there may be a tendency there to cut down those appropriations. As a member of the committee on education, I believe it is our duty to properly scrutinize all requests for appropriations. If we then apply the pruning knife ourselves, we would like to know if it is to be further applied by the committee on appropriations and financial affairs. Therefore I do not know why it would not be well to make an amendment to that order, obliging the chairmen of the various committees to appear in person with their lists and explain that they have already made a reduction to the greatest extent. The committee on education will have several requests from the normal schools and academies for appropriations, and it is our intention to cut to the limit but we do not desire further cuts by the committee on appropriations and financial affairs.

The PRESIDENT: The Chair will read from the order: "The committee on appropriations and financial affairs is hereby directed to make record of said reports and forthwith submit the same to the Legislature without changes therein."

The question is on the passage of the order in concurrence.

Mr. MURPHY: Mr. President, I would like to have the information from Senator Emery as to how they will handle these matters.

Mr. EMERY: Mr. President, the object of the order is not to do any pruning, but it is quite necessary that the financial committee know about what is being spent here. We have so much money to spend, and if we

spend it all for one thing, someone else must suffer. It is necessary for us to know from day to day what is being done with our money.

Mr. MURPHY: Mr. President, we simply want to understand each other. That is all.

The order was given a passage in concurrence.

An order came from the House, passed in that Branch, in relation to revising, arranging and consolidating the inland fish and game laws of the State, both general and public, and private and special.

On motion by Mr. Morey of Androscoggin, the order was tabled.

The following order came from the House, passed in that Branch:

Ordered, that the committee on salaries and fees be directed to inquire into the expediency of increasing the pay of members of the Legislature and placing them, as regards free telephone service, on an equality with other State officials, and to report by bill or otherwise to this Legislature.

On motion by Mr. Walker of Somerset, tabled pending passage in concurrence.

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

#### Judiciary.

By Mr. Allen of Kennebec: An Act to incorporate Mount Vernon Water and Electric Company.

#### Legal Affairs.

By Mr. Morey of Androscoggin: An Act to authorize the Valley Cemetery Company to take land for burial purposes.

By Mr. Bailey of Penobscot: An Act to amend Section 71 of Chapter 83, in regard to release or discharge of attachments.

#### Education.

By Mr. Murphy of Cumberland: Petition of D. E. Koughan and 47 others in favor of teachers' pension bill.

By Mr. Colby of Somerset: Petition of C. H. Clark and 50 others for same; also petition of Carl J. Sandberg and 10 others for same.

By Mr. Moulton of Cumberland: Petition of Lavania G. Kent and 22 others for same; also petition of Wilson Nevens and 17 others for same.

By Mr. Morey of Androscoggin: Petition of C. D. Farrar and 436 others for same; also petition of Bertha M. Hincley and 74 others for same.

#### Inland Fisheries and Game.

By Mr. Colby of Somerset: Petition of G. B. Lydick and 112 others, respectfully requesting that Long Pond, so called, in Somerset county, be open to smelt fishing through the ice.

By the same Senator: Petition of J. L. Williams and 57 others respectfully requesting that Big Wood pond, otherwise known as Wood pond, situated in Jackman, Dennistown plantation, and Attean township, be open so that smelts can be taken through the ice during each winter season.

By the same Senator: Petition of John B. Sterling and 21 others, respectfully requesting that the law regulating the taking of fish in Crocker pond, Somerset county, be changed so that five pounds of fish may be taken in any one day by each person and the clause stating the number of fish to be taken shall be repealed.

#### Agriculture.

By Mr. Allen of Kennebec: Petition of R. Alden and 25 others in favor of proposed law for experiments in animal husbandry.

#### Senate Bills in First Reading.

Resolve to provide steel cases for regimental rolls.

Resolve in favor of Fort William Henry in the town of Bristol.

An Act to appropriate money to defray the expenses of the Governor and his Staff in attending the ceremonies of the inauguration of the President of the United States. (Tabled pending second reading on motion by Mr. Hersey of Aroostook.)

An Act to incorporate the Van Buren Bridge Company.

#### Reports of Committees.

Mr. Hersey from the committee on judiciary on bill. An Act to make uniform the law relating to the sale of

goods, reported that same "ought not to pass."

The report of the committee was accepted.

Mr. Colby from the committee on ways and bridges, on resolve to aid in repairing roads from The Forks to Lake Moxie Station, reported same in a new draft and under the same title, and that it "ought to pass."

The report was accepted and the bill was tabled for printing under the joint rules.

#### Orders of the Day.

On motion by Mr. Dutton of Kennebec, Senate Document 45, Resolve authorizing the State land agent to release the interest of the State in any islands in Long Lake or Long Pond in Kennebec county, was taken from the table, and upon further motion by the same senator was referred to the committee on State lands and forest preservation.

On motion by Mr. Bailey of Penobscot, Senate Document 57, An Act to amend Section 5 of Chapter 88 of the Revised Statutes, relating to the jurisdiction of trustee actions, was taken from the table, and upon further motion by the same senator was referred to the committee on legal affairs.

On motion by the same senator, Senate Document 59, An Act to amend Section 10 of Chapter 121 of the Revised Statutes of 1903, pertaining to larceny, was taken from the table, and upon further motion by the same senator, was referred to the committee on legal affairs.

On motion by Mr. Stearns of Oxford, the order directing the committee on library to secure bids on the classified Directory, was taken from the table.

Mr. STEARNS: Mr. President, I would say in connection with this order that it would not seem to be desirable for the Legislature to be committed to a proposition to embark upon the new idea of having two directories for the use of the Legislature. As I understand this order now, it simply authorizes the committee to receive bids and then act thereon, leaving it entirely discretionary with the committee. Having full confidence in the committee, I now move the order be referred to the committee on library in concurrence.

The PRESIDENT: The Chair will state that the action in the House was the passage of the order. Do I understand the senator to move the passage of the order in concurrence?

Mr. STEARNS: Mr. President, do I understand that the order directs the committee to make the purchase?

(The President read the order.)

Mr. STEARNS: Mr. President, that is as I understood it.

The order was given a passage in concurrence.

On motion by Mr. Richardson of Penobscot, Senate Document 44, An Act to amend Chapter 143 of the Revised Statutes, relating to the State school for Boys and the Maine Industrial School for Girls, was taken from the table, and upon further motion by the same senator, was referred to the committee on State School for Boys and Industrial School for Girls.

On motion by Mr. Clark of York, Senate Document 51, An Act to provide for the conducting of investigations in animal husbandry by the Maine Agricultural Experiment Station, was taken from the table, and upon further motion by the same senator, was referred to the committee on agriculture.

On motion by Mr. Murphy of Cumberland, Senate Document 58, An Act to incorporate the Royal River Manufacturing and Power Company, was taken from the table, and upon further motion by the same senator, was referred to the committee on judiciary.

On motion by Mr. Stearns of Oxford, Senate Document 60, An Act to incorporate the Rumford Bridge Company, was taken from the table, and upon further motion by the same senator was referred to the committee on ways and bridges.

On motion by the same senator, Senate Document 62, An Act to provide for the licensing of firemen, was taken from the table, and upon further motion by the same senator, was referred to the committee on legal affairs in concurrence.

On motion by Mr. Boynton of Lincoln, Senate Document 63, An Act to divide the town of Bristol and to incorporate the

town of South Bristol, was taken from the table, and upon further motion by the same senator, was referred to the committee on towns in concurrence.

On motion by Mr. Stearns of Oxford, Senate Document 50, An Act to incorporate the Quebec Extension Railway Company, was taken from the table, and upon further motion by the same senator, was referred to the committee on railroads and expresses.

On motion by Mr. Morey of Androscoggin, Senate Document 55, An Act to regulate advertisements and solicitations for employees during strikes, lock-outs or other labor disputes, was taken from the table, and upon further motion by the same senator, was referred to the committee on labor in concurrence.

On motion by Mr. Murphy of Cumberland, Senate Document 61, An Act to authorize cities and towns to appropriate money for advertising purposes, was taken from the table, and upon further motion by the same senator, was referred to the committee on taxation in concurrence.

On motion by Mr. Dutton of Kennebec, unanimous consent was granted and he presented out of order the following resolve and moved its passage:

Resolve in favor of the Law Reporting Company.

On further motion by the same senator, the resolve was tabled for printing pending reference to any committee.

Mr. MOREY of Androscoggin: Mr. President, there seems to be a misunderstanding, with two or three of the senators at least, in regard to the order that was tabled this morning relating to codifying the fish and game laws of the State. I would ask the President how he understands the matter is left, whether the order is tabled for printing or simply tabled?

The PRESIDENT: The recollection of the Chair is that it was tabled pending acceptance.

Mr. MOREY: Mr. President, I have been requested to have the order printed, and to ask that the order be printed pending reference.

On motion by Mr. Morey the vote was tabled for printing pending reference. whereby the order in relation to collating the fish and game laws was tabled. On motion by Mr. Flaherty of Cumberland, adjourned until tomorrow morning was reconsidered, and upon further motion by the same senator, the order at 10 o'clock.