

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Friday, February 7, 1913.

Senate called to order by the President.

Prayer by Rev. Paul S. Phalen of Augusta.

Journal of previous session read and approved.

On motion by Mr. Stearns of Oxford, unanimous consent was given, and that senator presented out of order the following order and moved its passage:

Ordered, the House concurring, that when the Senate and House adjourn, it be to meet Monday afternoon, February 10th, at 4.30 o'clock.

Passed and sent down for concurrence. Subsequently the order was returned from the House concurred in by that branch.

Papers from the House disposed of in concurrence.

An Act relating to An Act entitled "An Act to incorporate the city of Old Town," came from the House by that Branch referred to the committee on judiciary, and on motion by Mr. Richardson of Penobscot, was tabled for printing pending reference in concurrence.

An Act to amend Chapter 459 of the Private and Special Laws of 1901, came from the House by that Branch referred to the committee on judiciary, and on motion by Mr. Hersey of Aroostook, was tabled for correction of title.

Petition of Hon. Harry L. Webber and 18 others in favor of county farm for inebriates in Androscoggin county, came from the House by that Branch referred to the committee on judiciary, and on motion by Mr. Hastings of Androscoggin, the Senate voted to non-concur with the action of the House in referring this petition to the committee on judiciary, and on further motion by the same senator, the petition was referred to the Androscoggin County Delegation.

An Act to amend Section 8 of Chapter 325 of the Private and Special Laws of 1897, came from the House by that Branch referred to the committee on legal affairs, and on motion by Mr. Morey of Androscoggin, was tabled for correction of title.

An Act to incorporate the Bustin's Island Village Corporation in the town of Freeport, Maine, came from the House by that Branch referred to the committee on legal affairs, and on motion by Mr. Smith of Penobscot, was tabled for printing pending reference in concurrence.

An Act relating to the superintending school committee of the city of Bath.

An Act to provide a charter for the city of Bath.

These two bills came from the House by that Branch referred to the committee on legal affairs, and on motion by Mr. Maxwell of Sagadahoc were tabled for printing pending reference in concurrence.

An Act to amend Chapter 153 of the Private and Special Laws of 1903, relating to Old Town Municipal Court, came from the House by that Branch referred to the committee on legal affairs, and on motion by Mr. Richardson of Penobscot, was tabled for printing pending reference in concurrence.

An Act to amend an Act entitled "An Act to incorporate the city of Brewer," came from the House by that Branch referred to the committee on legal affairs, and on motion by Mr. Bailey of Penobscot, was tabled for printing pending reference in concurrence.

An Act to regulate the size and construction of caboose cars, came from the House by that Branch referred to the committee on railroads and expresses, and on motion by Mr. Smith of Penobscot, was tabled for printing pending reference in concurrence.

An Act to incorporate the Livermore & Augusta Street Railway, came from the House by that Branch referred to the committee on railroads and ex-

presses, and on motion by Mr. Smith of Penobscot, was tabled for printing pending reference in concurrence.

An Act to extend the charter of the Farmington & Augusta Railway Company, came from the House by that Branch referred to the committee on railroads and expresses, and on motion by Mr. Walker of Somerset, was tabled for printing pending reference in concurrence.

Resolve to determine and establish the liability of the Portland & Rochester Railroad Company, its lessees and successors in interest, for the future repair and maintenance of Horne's bridge, so-called, with approaches thereto, in the town of Lebanon, county of York, came from the House by that Branch referred to the committee on railroads and expresses, and on motion by Mr. Maxwell of Sagadahoc, was tabled for printing pending reference in concurrence.

An Act authorizing the trustees of the Western State Normal School to take land for school purposes.

Resolve in favor of the Western State Normal School at Gorham for the purchase or acquiring of land.

These two bills came from the House by that Branch referred to the committee on education, and on motion by Mr. Murphy of Cumberland, were tabled for printing pending reference in concurrence.

Resolve in favor of Kennebec County Agricultural Society with statement of facts, came from the House by that Branch referred to the committee on agriculture, and on motion by Mr. Dutton of Kennebec, was tabled for printing pending reference in concurrence.

An Act to authorize Enos Sawyer Jr., of Sebocis Plantation to maintain booms, stop and sort logs and lumber in Sebocis Stream, Sebocis Plantation, Penobscot county, came from the House, by that Branch referred to the committee on interior waters, and on motion by Mr. Bailey of Penobscot, was tabled for printing pending reference in concurrence.

An Act to repeal Chapter 315 of the Private and Special Laws of 1903, entitled "An Act to incorporate the Madunkeunk Dam & Improvement Company" came from the House by that Branch referred to the committee on interior waters, and on motion by Mr. Bailey of Penobscot, was tabled for printing pending reference in concurrence.

An Act relative to the taking of the waters of Little Ossipee Lake, in the town of Waterboro, came from the House by that Branch referred to the committee on interior waters, and on motion by Mr. Cole of York, was tabled for printing pending reference in concurrence.

House Document 128, An Act to amend Chapter 163 of the Public Laws of 1905, as amended by Chapter 20 of the Public Laws of 1907, relating to the taxing of soldiers and sailors, came from the House by that Branch referred to the committee on military affairs, and on motion by Mr. Wing of Franklin, was tabled pending reference in concurrence.

An Act to regulate ice fishing in Lake Maranocook in the towns of Readfield and Winthrop, Kennebec county.

An Act to close Androscoggin Lake situated in Wayne, Kennebec county, and in Leeds, Androscoggin county, to all ice fishing.

An Act to permit the taking of white perch in Lake Maranocook, in the towns of Readfield and Winthrop, Kennebec county.

These three bills came from the House by that Branch referred to the committee on inland fisheries and game, and on motion by Mr. Allen of Kennebec, were tabled for printing pending reference in concurrence.

An Act to amend Chapter 41 of the Revised Statutes, relating to sea and shore fisheries, came from the House by that Branch referred to the committee of sea and shore fisheries, and on motion by Mr. Packard of Knox, was tabled for printing pending reference in concurrence.

Resolve in favor of Annie L. Bassett, came from the House by that Branch

referred to the committee on claims, and on motion by Mr. Richardson of Penobscot, the Senate voted to non-concur with the House in referring this Resolve to the committee on claims, and on further motion by the same senator, the Resolve was referred to the committee on ways and bridges and sent down for concurrence.

Petition of Leroy Haley and 27 others relating to clerk hire of the clerk of courts of York county, came from the House by that Branch referred to the York County Delegation, and on motion by Mr. Cole of York, was tabled pending reference in concurrence.

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

Ordered, the Senate concurring, that a joint select committee of three from the Senate and seven from the House be appointed, and unless the Bangor & Aroostook Railroad Company or such of its employes as are now engaged in a strike shall before Thursday February, 13th, 1913, submit their controversies to arbitration, and unless, pending such submission, both parties to the controversy shall use all reasonable endeavors to enable said railroad to fully resume its traffic, said railroad and said employes, through the labor organizations representing them, shall be summoned to appear before said committee forthwith; and in case said parties are then unwilling to submit their controversies to arbitration and endeavor to resume traffic as aforesaid, said committee shall proceed forthwith to investigate the causes of such suspension of traffic and the merits of said controversy, and report to the Legislature by bill or otherwise on or before February 20th, 1913. Said committee is hereby authorized to employ counsel and experts, compel the attendance of persons and the production of books and papers which it deems necessary.

Mr. HERSEY of Aroostook: Mr. President, on January 21st, I presented to this Senate an order in substance embodying the views of this Legislature that it was our opinion that the matters, labor disputes, between the Bangor & Aroostook R. R.

Co. and its employees should be submitted to arbitration. While that order was pending in this Senate, the next morning after it was presented, a like order came from the House, passed by that Body unanimously, and was unanimously concurred in by this Senate. In the meantime the Governor of our State, feeling that public exigencies required it, called upon the State Board of Arbitration to investigate the strike on the Bangor & Aroostook R. R., and to report, according to their duties as embodied in the Statutes of this State. That committee, composed of men in whom I have a great deal of confidence, men of ability and honesty, made a faithful examination and investigation of that strike. They called before them both parties to the controversy and heard them and their witnesses for many days. They took a large volume of testimony. The State went to large expense in that extended hearing at Bangor. After a long and careful investigation that evidence was reported to the Governor of our State. That State Board of Arbitration made a report to the Governor, and the Governor accompanied that report to this Legislature, together with all the evidence, by a message, able, clear and direct, for our consideration. That report and that message were received by this Legislature only a few days ago. Two days ago the House unanimously received a bill or act to embody into law legislation making compulsory arbitration on the part of public service corporations in this State. That bill has been printed, House Document No. 132. That bill this morning came from the House referred to the committee on judiciary, and by this Senate this morning has been referred to that committee.

I have examined this bill, Mr. President, and while it is my opinion that it is faulty in certain respects, it does furnish a basis and a foundation for legislation. And I think before this committee, composed of ten lawyers, a bill may be and will be reported to this Legislature that can authorize us to deal with our own corporations and force public service corporations to arbitrate their labor disputes. And if necessary, when that bill is reported to

this Legislature and public exigencies demand it, if on that occasion their still exists any strike in this State of such importance that it should be dealt with, an emergency clause can be added to that law.

Yesterday, Mr. President, there was presented in the House this order, read this morning in the Senate, and now before us which in substance calls for a committee of ten members of this Legislature to sit and investigate this same strike at the expense of the State; to call before them witnesses and documents and papers, and go to great expense for a full investigation of the strike, which means a repetition of what has already been done, and to report to this Legislature, or to report a bill to some committee of this Legislature.

Now, Mr. President, it seems to me that it is about time to stop this matter of appeals from this Legislature, and prayers from this Legislature to any single corporation in this State to arbitrate.

It seems to me from what has really been done by this Legislature, from what has been done by the State Board of Arbitration, from the message of our Governor, it seems to me—I may be mistaken—that the Bangor & Aroostook R. R. Company ought to get the idea that this Legislature believes in arbitration; that our Governor believes in arbitration. That all the people of the State believe in arbitration. It seems to me they ought to get the idea that public opinion is in favor of arbitration. But I remember that old Book, Mr. President, which says it is foolish and senseless to give our prayers and our devotions to idols of wood and stone, because while "having eyes they see not, and having ears they hear not." Is it not about time to stop every morning giving our devotions and our prayers to this soulless corporation?

I tell you, Mr. President, I am in favor of a weapon being forged in this Legislature that will enforce public opinion, I do not believe, Mr. President, that this corporation, the Bangor & Aroostook R. R. Company pays any attention or will pay any attention to

public opinion. I think that we want a spear that can pierce the hide of this corporation. And while this matter is pending, Mr. President, before the committee on judiciary, I move that this matter lie upon the table.

The PRESIDENT: The pending question is on the adoption of the motion of the senator from Aroostook, Senator Hersey. Is the Senate ready for the question?

Mr. PACKARD of Knox: Mr. President, I ask that when the vote be taken, it be taken by the yeas and nays.

A sufficient number not arising, the yeas and nays were not ordered.

The motion of the senator from Aroostook, Senator Hersey, to lay the order on the table, was then unanimously agreed to.

House Bills in the First Reading.

Resolve in favor of C. R. Hall and George S. Lowell.

Resolve in favor of repair of bridges in the town of Dresden.

(On motion by Mr. Burleigh of Aroostook, tabled pending second reading.)

Resolve in favor of repair of bridges in the town of Addison. (On motion by Mr. Burleigh of Aroostook, tabled pending second reading.)

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

Judiciary.

By Mr. Mansfield of Washington: Petition of Lillian A. Leavitt and 59 others of Danforth; Mrs. D. H. Powell and 48 others of Weston and Danforth for woman suffrage.

By Mr. Packard of Knox: Petition of F. S. Philbrick and 50 others of Camden and Rockport in favor of woman suffrage.

By Mr. Walker of Somerset: Petition of Louise H. Coburn and 148 others to submit to the people of the State a Constitutional Amendment, giving the right of suffrage to woman under the same conditions and limitations as men.

Education.

By Mr. Flaherty of Cumberland: Petition of Elmer E. Parmenter of Portland and 28 others; of D. C. MacDon-

ald and 19 others in favor of Teachers' Pension bill.

By Mr. Jillson of Cumberland: Petition of Henry F. Merrill and 38 others; of Mary T. Stackpole and 5 others of Portland in favor of Teachers' Pension bill.

By Mr. Murphy of Cumberland: Petitions of Marada F. Adams and 23 others; of Susan E. Porter and 17 others; of Robert Codman Bishop and 37 others all of Portland in favor of Teachers' Pension bill.

By Mr. Maxwell of Sagadahoc: Petition of E. W. Hyde and 132 others, citizens of Bath, in favor of An Act to increase the efficiency of the Public schools of Maine by retiring teachers of long service with pensions.

Reports of Committees.

Mr. Hersey from the committee on judiciary, on An Act to amend Section 14 of Chapter 11 of the Revised Statutes, relating to recording officer drafting any document he is required to record, reported same "ought to pass."

Mr. Boynton from the committee on appropriation and financial affairs on Resolve in favor of the officers of the Senate at the organization of the Legislature, reported same "ought to pass."

Mr. Cole from the committee on federal relations, on Resolve in favor of construction of a suitable office for the emigrant inspector for Van Buren, appropriating \$500, reported same "ought to pass."

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

Mr. Dutton from the committee on judiciary on An Act granting additional rights to married women, reported same "ought to pass."

The report was accepted, and the bill having been printed, was given its first reading.

Passed to Be Engrossed.

Resolve in favor of repairing the covered bridge across the Kennebec river in the town of Norridgewock. (Tabled pending second reading by Mr. Burleigh of Aroostook.)

Resolve ratifying an amendment to the Constitution of the United States

providing that United States senators shall be elected by the people of the several states.

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

Passed to Be Enacted.

An Act to amend Section 52 of Chapter 15 of the Revised Statutes, relating to compulsory school attendance.

An Act relating to the relief of poor debtors.

An Act relating to the Home for Aged Women, located in Portland.

An Act to amend Section 38 of Chapter 15 of the Revised Statutes, relating to the duties of the superintendent of schools.

An Act to amend Chapter 175 of the Private and Special Laws of 1911, relating to the enlargement of territory of the Wiscasset Light & Power Company.

Orders of the Day.

The PRESIDENT: The Chair lays before the Senate for consideration and especially assigned for today An Act to amend Section 1 of Chapter 125 of the Public Laws of 1909, relating to the State superintendent of schools. The pending question is on the second reading of the bill.

Mr. WALKER of Somerset: Mr. President, I move that this bill now take its second reading.

The motion was agreed to, and on further motion by the same senator, the bill was passed to be engrossed.

On motion by Mr. Morey of Androscoggin, unanimous consent was given and that senator introduced the following order out of order and moved its passage:

Ordered, that before unanimous consent is given by the Senate for the introduction of any Act, Resolve or Order that the nature thereof be first laid before this body.

The PRESIDENT: The Chair will state that hereafter in accordance with the rule in regard to private and special legislation, the Chair will require that in any case.

Mr. MOREY: Then perhaps, Mr. President, the order is unnecessary. I

thought if the matter were brought to our attention frequently, that perhaps the rule would be better observed.

The PRESIDENT: The Chair will be very glad to have the rule reinforced.

The order was given a passage.

On motion by Mr. Bailey of Penobscot, the vote whereby Resolve in favor of a road around Chick Hill was referred to the committee on ways and bridges, was reconsidered, and on further motion by the same senator, the Resolve was tabled for printing pending reference.

On motion by the same senator, Senate Document 201, An Act to regulate the taking of real estate of private owners for rights of ways, was taken from the table, and on further motion by the same senator, was referred to the committee on legal affairs.

On motion by Mr. Packard of Knox, Senate Document 196, An Act in relation to the Skowhegan & Athens Railway, was taken from the table, and on further motion by the same senator, was referred to the committee on railroads and expresses in concurrence.

On motion by the same senator, Senate Document 199, An Act to amend the Act which constitutes the police court for the city of Rockland, was taken from the table, and on further motion by the same senator, was referred to the committee on judiciary in concurrence.

On motion by the same senator, Senate Document 200, An Act to amend Chapter 100 of the Private and Special Laws of 1891, as amended by Chapter 506 of the Private and Special Laws of 1903, relating to drains and common sewers in the city of Rockland, was taken from the table, and on further motion by the same senator, was referred to the committee on judiciary in concurrence.

On motion by Mr. Smith of Penobscot, Senate Document 194, An Act to ratify the organization and amend the charter of the Hiram Water, Light & Power Company, was taken from the table, and on further motion by the same senator, was referred to the

committee on legal affairs in concurrence.

On motion by the same senator, Senate Document 198, An Act to incorporate the Great Moose Lake Power Company, was taken from the table, and on further motion by the same senator, was referred to the committee on judiciary in concurrence.

On motion by Mr. Walker of Somerset, Senate Document 193, An Act to incorporate the Kennebec Realty Company, was taken from the table, and on further motion by the same senator, was referred to the committee on legal affairs in concurrence.

On motion by Mr. Hersey of Aroostook, Senate Document 197, An Act to incorporate the Rockland Public Utilities District, was taken from the table, and on further motion by the same senator, was referred to the committee on judiciary in concurrence.

On motion by the same senator, Senate Document 204, An Act to amend Sections 2, 3, 4, 5, 6 and 9 of Chapter 17 of the Public Laws of 1905, regulating the practices of veterinary surgery, medicine and dentistry, was taken from the table, and on further motion by the same senator, was referred to the committee on agriculture in concurrence.

On motion by the same senator, An Act to amend Section 1 of Chapter 117 of the Public Laws of 1905, tabled for correction of title, was taken from the table, and having been corrected by the addition of the words "in relation to the salary of the county commissioners for the county of Washington," on further motion was referred to the committee on salaries and fees in concurrence.

On motion by Mr. Murphy of Cumberland, Senate Document 195, An Act to amend Section 73 of Chapter 9 of the Revised Statutes, as amended by Section 3 of Chapter 174 of the Public Laws of 1911, also to amend Section 75 of Chapter 9 of the Revised Statutes, for the purpose of compelling a complete assessment of all taxable property, was taken from the table, and on further motion by the same

senator, was referred to the committee on legal affairs in concurrence.

On motion by the same senator, Senate Document 202, An Act to provide for instruction in the elementary principles and practices in road building and improvement in the public schools of the State of Maine, was taken from the table, and on further motion by the same senator, was referred to the committee on education.

On motion by the same senator, Senate Document 203, An Act relating to the compensation of the register of probate for Cumberland county, was taken from the table, and on further motion by the same senator, was referred to the committee on salaries and fees.

On motion by the same senator, Senate Document 206, An Act relating to the Portland Gas Light Company, was taken from the table, and on further motion by the same senator, was referred to the Portland Delegation.

On motion by the same senator, Senate Document 207, An Act to in-

corporate the State of Maine Insurance Company, was taken from the table, and on further motion by the same senator, was referred to the committee on mercantile affairs and insurance.

On motion by the same senator, Senate Document 205, An Act regulating the hours of employment, and relating to conductors and motormen, was taken from the table, and on further motion by the same senator, was referred to the committee on railroads and expresses.

On motion by Mr. Boynton of Lincoln, An Act to amend Chapter 4, Section 71 of the Revised Statutes, tabled for correction of title, was taken from the table, and on further motion by the same senator, the title having been corrected by the addition of the words "relating to towns raising money," was referred to the committee on judiciary in concurrence.

On motion by Mr. Smith of Penobscot, adjourned, until Monday afternoon, February 10th, at 4.30 o'clock.