

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Wednesday, February 12, 1913.

Senate called to order by the President.

Prayer by Rev. Father LaRiviere of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

House Document 186, An Act to encourage and promote the building and use of tuberculosis hospitals in cities and towns, came from the House by that Branch referred to the committee on judiciary, and on motion by Mr. Stearns of Oxford, was tabled pending reference in concurrence.

An Act relating to the compulsory assignment of real estate mortgages under certain circumstances, came from the House by that Branch referred to the committee on judiciary and on motion by Mr. Murphy of Cumberland, was tabled for printing pending reference in concurrence.

An Act to amend Section 70 of Chapter 8 of the Revised Statutes, as amended by Chapter 186 of the Public Laws of 1909, relating to the collection of inheritance taxes, came from the House by that Branch referred to the committee on judiciary, and on motion by Mr. Cole of York, was tabled for printing pending reference in concurrence.

The following bills came from the House, introduced in that Branch after the expiration of the time limit on private legislation:

An Act to amend Chapter 489 of the Private and Special Laws of 1901, entitled "An Act to supply the town of Lubec with pure water."

An Act to permit the town of Pittsfield to obtain a pure water supply.

An Act to incorporate the Pittsfield Water District.

The PRESIDENT: The Chair has been informed by a large majority of the members of the Senate that they are opposed to the suspension of the rule or the extension of the date for receiving private and special legisla-

tion. In order to relieve any individual member of the Senate from embarrassment—the Chair avails himself of his own right of objection, and unanimous consent is denied and under the joint rules these bills are referred to the next Legislature.

An Act relating to the assistant assessors of the city of Portland, came from the House by that Branch referred to the Cumberland county delegation, and on motion by Mr. Flaherty of Cumberland, the Senate non-concurred with the action of the House in referring this bill to the Cumberland county delegation, and the bill was then referred to the Portland delegation.

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

Ordered, the Senate concurring, that hereafter all resolves calling for financial aid in cities, towns and plantations, shall be accompanied by statement of facts, certified and sworn to by municipal and other officers having jurisdiction over the same to entitle them to the consideration of committees.

On motion by Mr. Bailey of Penobscot, tabled pending passage in concurrence.

House Bills in First Reading.

An Act to amend the charter of the Springvale Aqueduct Company.

An Act relating to the town of Caribou.

An Act to ratify and confirm certain proceedings and by-laws of the Brazil Railway Company.

An Act to establish a Board of State Park Commissioners and to define its powers and duties.

An Act to legalize the doings of the stockholders of the Aberthaw Construction Company.

An Act to create the Strong Water District.

An Act for the better protection of shell fish within the town of Kittery in the county of York.

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

Resolve, in favor of the town of Danforth.

Resolve, in favor of the town of Columbia.

Resolve, in favor of the town of Sebec.

Resolve, in favor of the town of Norway.

Resolve, in favor of the town of Oxford.

Resolve for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases.

Resolve, in favor of the city of Biddeford.

Resolve, in favor of the city of Biddeford.

Resolve, in favor of the town of Stoneham.

Resolve, in favor of Sockholm Plantation.

Resolve, in favor of the Commissioner of Agriculture in his capacity as sealer of weights and measures.

Resolve, in favor of the town of Dennysville.

Resolve, in favor of the town of East Livermore.

Resolve, in favor of the town of St. George.

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

Judiciary.

By Mr. Stearns of Oxford: An Act amendatory of and additional to Chapter 22 of the Revised Statutes, relating to nuisances.

By Mr. Conant of Waldo: Petitions of W. H. Twombly of Munroe and 21 others; of Russell C. Nealey of Winterport and 20 others in favor of woman's suffrage.

By Mr. Packard of Knox: Petition of W. H. Bean and 35 others of Camden and Rockport, for same.

By Mr. Hersey of Aroostook: Petition of Isabella Daggett and 27 others of Smyrna for same.

By Mr. Bailey of Penobscot: Petition of Mrs. Lila B. Howes of Bangor and 21 others for same.

By Mr. Colby of Somerset: Petition of Carrie L. Hilton and 15 others for same.

By Mr. Wing of Franklin: Petition of Henry P. White of Farmington and 16 others; J. Eugene Brown of Farmington and 17 others; Wilbert G. Mallett and 16 others of Farmington, all for the passage of a bill relating to Osteopathy.

By Mr. Dutton of Kennebec: Petition of H. L. Emery of Waterville and 20 others for same.

By Mr. Stearns of Oxford: Petition of George B. Turner of Oxford and 20 others for same.

Legal Affairs.

By Mr. Allen of Kennebec: (Presented out of order.)

Petition of B. D. McLellan and 91 others of Waterville; of James L. Mahoney and 14 others of Waterville; of Samuel Clark and 7 others of Waterville; of Clark and O'Connor and 41 other business men of Waterville and Fairfield for the bill in relation to payment of weekly wages.

Education.

By Mr. Flaherty of Cumberland: Petition of Joseph E. Connolly and 1 other; of John A. Milliken of Portland and 12 other teachers; of William W. Andrews of Portland and 13 other teachers; of Harry M. Bigelow and 18 others; of Isabella Garvin of Portland and 6 other teachers; of Ellen D. Stevens of Portland and 7 other teachers, all in favor of teachers' pension bill.

By Mr. Mansfield of Washington: Petition of Superintendent E. F. Harmon and 29 others of Eastport, for same.

Stand Lands and Forest Preservation.

By Mr. Colby of Somerset: Resolve for retracing and defining the lines around the reserve or school lands of plantations and townships.

Ways and Bridges.

By Mr. Packard of Knox: Petitions of C. E. Gregory and 33 others; of H. L. Shepard and 48 others, for an appropriation for repairs on trunk line highway between Rockland and Rockport.

Inland Fisheries and Game.

By Mr. Patten of Hancock: Remonstrance of John D. Davis and 30

others of Stonington concerning a close time for deer in the town of Isle au Haut.

Agriculture.

By Mr. Conant of Waldo: An Act relating to enforcement of law regulating sale of seeds, feeding stuffs, commercial fertilizer, drugs, foods, fungicides and insecticides. (Tabled on motion by Mr. Conant, for printing pending reference.)

By Mr. Moulton of Cumberland: Petition of Owen Smith of Portland and 7 others for the promotion of breeding live stock in a scientific manner.

Interior Waters.

By Mr. Colby of Somerset: An Act to amend Section 1 of Chapter 24 of the Revised Statutes of Maine relating to mills and mill dams. (On motion by Mr. Colby, tabled for printing pending reference.)

Reports of Committees.

Majority report from the committee on judiciary, on bill, An Act in relation to the Ellsworth Municipal Court, "ought to pass."

(Signed) Stearns, Hersey, Dutton, Smith of Presque Isle, Smith of Patten, Durgin of Milo, Smith of Auburn, Waterhouse, Sanborn.

Minority report from the same committee on the same bill and that it "ought not to pass."

(Signed) Dunton.

The majority report of the committee was accepted.

Passed to be Engrossed.

Resolve in favor of the officers of the Senate at the organization of that body, January 1, 1913.

Resolve for the appointment of a delegation to the conferences of the National Tax Association.

Passed to be Enacted.

An Act to amend Section 1 of Chapter 125 of the Public Laws of 1909, relating to the State Superintendent of Public Schools.

An Act to increase the capital stock of the Maine Telephone & Telegraph Company, and to ratify, confirm and make valid certain doings of said company.

An Act to incorporate the Lewiston Chamber of Commerce.

An Act to authorize the Van Buren Water District to issue bonds.

An Act additional to Chapter 127 of the Revised Statutes, relating to the fraudulent giving of checks.

An Act to extend the charter of the Sebec Power Company.

An Act to amend Section 46 of Chapter 106 of the Revised Statutes, as amended by Chapter 9 of the Public Laws of 1909, relating to the appointment of surveyors in real actions.

An Act to incorporate the Van Buren Sewerage Company.

An Act to amend Section 2 of Chapter 62 of the Revised Statutes, as amended by Chapter 148 of the Public Laws of 1907, relating to divorce proceedings.

An Act to change the name of the Maine Insane Hospital.

An Act to change the name of the Aroostook Trust & Banking Company to Aroostook Trust Company.

An Act to amend Section 65 of Chapter 4 of the Revised Statutes, relating to burial of honorably discharged soldiers and sailors.

An Act to change the name of the Eastern Maine Insane Hospital.

An Act in relation to the Lincoln county jail.

An Act to amend and extend the charter of the Baker and Spencer Brook Dam and Improvement Company.

Finally Passed.

Resolve in favor of Betsey Storer.

Resolve in favor of Macella L. Gordon.

Resolve for extra pay to the Maine Volunteers in the war with Spain.

Resolve in aid of navigation on Moosehead Lake.

Resolve in favor of Philenda A. Brown of Topsyfield.

Resolve in favor of the town of Rockport.

On motion by Mr. Burleigh of Aroostook, the vote whereby this resolve was passed to be engrossed, was reconsidered, and on further motion by the same sena-

tor, the resolve was recommitted to the committee on ways and bridges.

Resolve in favor of preserving the life of the fish in the several fish hatcheries, and for the temporary operation of the hatcheries and feeding stations for fish in this State, and for the protection of fish, game and birds.

This resolve carrying an emergency clause required for its final passage a two-thirds vote of all the members elected to the Senate. A rising vote was had and 26 members voting for the final passage of the resolve, it was finally passed.

Orders of the Day.

On motion by Mr. Hersey of Aroostook, House Document 116, An Act to amend Chapter 256 of the Private and Special Laws of the year 1907, was taken from the table.

The same senator offered Senate Amendment A, amending the title by adding thereto the words "In relation to the Cumberland County Power & Light Company."

The amendment was adopted.

On motion by Mr. Murphy of Cumberland, the bill was tabled pending reference in concurrence.

On motion by Mr. Hersey of Aroostook, An Act to abolish the police court of the city of Rockland and to establish a superior court for the county of Knox, was taken from the table.

Mr. HERSEY: Mr. President, I yield to the senator from Knox.

Mr. PACKARD of Knox: Mr. President, I move that this bill be indefinitely postponed.

The motion was agreed to.

Mr. BURLEIGH of Aroostook: Mr. President, I move to take from the table all the resolves I have had laid on the table, and that the resolves in favor of the building and repair of bridges be put on their passage, while the resolves in favor of the repair of road be referred back to the committee.

The motion was agreed to, and House Document 101, Resolve in favor of Roque Bluffs, was taken from the table, given its second reading and passed to be engrossed.

House Document 102, Resolve in favor of the town of Whiting, was taken from

the table, given its second reading and passed to be engrossed.

House Document 59, Resolve in aid of building a highway bridge across Moose river in Jackman Plantation in the county of Somerset, was taken from the table, given its second reading, and passed to be engrossed.

House Document 71, Resolve in favor of Eastport bridge, was taken from the table, and given its first reading.

House Document 72, Resolve in favor of the Gardiner and Randolph bridge, was taken from the table and given its first reading.

House Document 87, Resolve in favor of the Machiasport and East Machias bridge, was taken from the table, given its second reading and was passed to be engrossed.

Senate Document 167, Resolve in aid of repairing the bridge across the Kennebec river between the plantations of West Forks and The Forks, was taken from the table, given its second reading and was passed to be engrossed.

House Document 113, Resolve in aid of repair of bridges in the town of Anderson, was taken from the table and given its first reading.

Senate Document 112, Resolve in favor of repair of bridges in the town of Dresden, was taken from the table and given its first reading.

Senate Document 168, Resolve in favor of repair of bridge in the town of Norridgewock, was taken from the table, given its second reading and passed to be engrossed.

Resolve in aid of building roads in New Canada Plantation, was taken from the table, and pending first reading, was referred to the committee on ways and bridges.

House Document 105, Resolve in favor of a road in Elliottsville Plantation, was taken from the table, and pending second reading was recommitted to the committee on ways and bridges.

Resolve in favor of the Washington Plantation and Perkins Plantation in Franklin county for the repair and permanent improvement of highways.

Resolve in favor of aid in repairing road from The Forks to Lake Moxie station.

Resolve in favor of Letter E Plantation, and Sandy River Plantation in Franklin county, for the repair and permanent improvement of highways.

Resolve in favor of Jerusalem and Crocker Townships in Franklin county for the repair and permanent improvement of highways.

On motion by Mr. Wing of Franklin, the three resolves in relation to the repair of roads in Franklin county: Resolve in favor of Washington Plantation, etc.; Resolve in favor of Letter E Plantation, etc.; Resolve in favor of Jerusalem and Crock Townships, etc. were tabled pending passage to be engrossed.

On motion by Mr. Burleigh of Aroostook, the vote whereby Resolve in favor of aid in repairing road from The Forks to Lake Moxie station, was passed to be engrossed was reconsidered, and on further motion by the same senator, was recommitted to the committee on ways and bridges.

House Document 88, Resolve in favor of the town of Whitneyville, was taken from the table, and pending its passage to be engrossed, was recommitted to the committee on ways and bridges.

On motion by Mr. Stearns of Oxford, House Document 104, An Act to save town officers the expense of jurors upon certain returns, was taken from the table.

On further motion by the same senator, the bill was given its first reading.

On motion by the same senator, An Act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving the check or draft shall not have sufficient funds or credit for payment of same, was taken from the table.

Mr. STEARNS: Mr. President, my recollection is that this bill was referred to the committee on banks and banking. The judiciary committee has already considered and reported upon a bill which appears to have covered the same subject matter. In order that this bill may be considered by that committee, I move that the Senate non-concur with the action of the House in referring this bill to the com-

mittee on banks and banking, and that it be referred to the committee on judiciary.

The motion was agreed to.

On motion by the same senator, An Act to provide for a commission to be known as the People's Water Rights and Power Commission of the State of Maine, was taken from the table, and on further motion by the same senator, was referred to the committee on interior waters in concurrence.

On motion by Mr. Packard of Knox, Senate Document 288, An Act to forbid the clipping of horses during the winter season, was taken from the table, and on further motion by the same senator, was referred to the committee on agriculture.

Mr. COLE of York: Mr. President, I would like to inquire if the title has been completed in the Act tabled by me for correction: An Act to amend Section 21 of Chapter 41 of the Revised Statutes as amended by Chapter 65 of the Laws of 1909.

The PRESIDENT: The Chair understands the title has not yet been corrected.

On motion by Mr. Hastings of Androscoggin, House Document 164, An Act to amend "An Act to incorporate the city of Auburn," approved February 12, 1868, 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. Wing of Franklin, House Document 180, An Act to amend Section 54 of Chapter 8 of the Revised Statutes relative to mortgages in savings banks, was taken from the table.

On further motion by the same senator, the Senate voted to non-concur with the action of the House in referring this bill to the committee on banks and banking, and it was then referred to the committee on taxation.

Mr. WING of Franklin: Mr. President, I ask unanimous consent to introduce a report out of order. It is in reference to the joint order that was referred to the committee on salaries and fees.

There was no objection and the senator presented the following report, which was read by the Chair:

The committee on salaries and fees which was instructed by an order of the Legislature to inquire into the expediency of appointing a special committee to sit during the recess and after adjournment of the present session, and to inquire into the amount of compensation received by all State and county officers, whose salaries are determinable by the Legislature, and to report to the next Legislature such amounts as will make the salaries of such officers equitable throughout the State, have had the same under consideration, and ask leave to report the accompanying order relating to the salaries of officers.

(Signed) Wing for the Committee.

The report was accepted.

Ordered, that a special joint committee of three on the part of the Senate and four on the part of the House, be appointed to inquire into the amount of compensation and services rendered by all State and county officials whose salaries are determinable by the Legislature. Said committee is hereby authorized to sit during any recess and after the adjournment of the present session, with

full power to employ a stenographer, summon, administer oaths to and examine witnesses, call for books and papers, and in general to obtain all necessary information upon which may be based Legislative action looking towards equalization of salaries, and report in writing their findings and recommendations, which report shall be filed with the clerk of the House not later than December 1, 1914, and be referred to the next Legislature without further action thereon.

On motion by Mr. Wing the report and accompanying order were tabled for printing pending adoption of the order.

On motion by Mr. Cole of York, An Act to amend Chapter 118 of the Private and Special Laws of 1911 relating to the park commissioners of the city of Portland, was taken from the table.

On further motion by the same senator, the bill was tabled for printing pending reference to the committee on judiciary in concurrence.

On motion by Mr. Jillson of Cumberland,

Adjourned until tomorrow morning, at 10 o'clock.