

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**SENATE.**

Friday, February 21, 1913.

Senate called to order by the President.

Prayer by Rev. John Evans of Gardiner.

Journal of previous session read and approved.

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

Ordered, the House concurring, that when the Senate and House adjourn, it be to meet next Monday afternoon, February 24, at half past four o'clock.

The order was given a passage and sent down for concurrence.

Subsequently the Chair announced that the House had concurred in the passage of the order.

Papers from the House disposed in concurrence.

An Act to repeal Section 10 of Chapter 124 of the Revised Statutes in relation to railroad employees.

This bill came from the House by that Branch referred to the committee on legal affairs, and on motion by Mr. Flaherty of Cumberland, was tabled for printing pending reference in concurrence.

Remonstrance of H. H. Locke and 37 others of Buxton against exempting from taxation the Cyrus Woodman reservation in the town of Buxton, and the Pleasant Mountain reservation in the town of Denmark.

This remonstrance came from the House by that Branch referred to the committee on taxation.

On motion by Mr. Wing of Franklin, the Senate non-concurred with the action of the House in referring this remonstrance to the committee on taxation, and it was then placed on file.

An Act to incorporate the trustees of the John B. Curtis free public library in Bradford.

This bill came from the House, having been introduced after the time limit on private and special legisla-

tion had expired, and was referred to the committee on legal affairs and sent up for concurrence.

In the Senate, this bill was referred to the next Legislature, and sent down for concurrence.

An Act to amend Section 1 of Chapter 284 of the Public Laws of 1909, relating to the Westbrook Municipal Court.

The report of the committee on legal affairs "ought not to pass," was originally accepted in the House and sent up for concurrence. The Senate accepted the report in concurrence. The House then recalled the bill, reconsidered the vote whereby the report of the committee was accepted, and re-committed the bill to the committee.

The Senate reconsidered the vote whereby on February 20th the report of the committee, "ought not to pass," was accepted on concurrence, and the bill was then recommitted to the committee on legal affairs.

Majority report of the committee on labor, on An Act to repeal Section 51 of Chapter 40 of the Revised Statutes, relating to the employment of adults and minors, "ought not to pass," and minority report of the same committee on the same bill, "ought to pass."

These reports came from the House, the majority report accepted by that Branch.

In the Senate, the majority report was accepted by a viva voce vote, in concurrence.

Before the vote was taken, the Chair read the bill.

**House Bills in the First Reading.**

An Act relating to the taxation of telegraph companies.

An Act to amend Section fourteen of Chapter eighty-four of the Revised Statutes as amended by Section one of Chapter one hundred and eighty-six of the Public Laws of nineteen hundred and seven, relating to the limitation of actions against Executors and Administrators.

An Act to confirm the charter of York Harbor Reading Room and to authorize it to provide for certificates of membership.

An Act authorizing the city of West-

brook to assume control of Saccarappa cemetery.

An Act for the better protection of alewives in Patten's bay in the town of Surry, Hancock county, Maine.

An Act to incorporate the Monhegan Water Company.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes, relating to the taking of smelts.

Resolve in favor of Peter W. Ranco, representative of Penobscot Tribe of Indians.

Resolve in favor of Peter J. Newell, representative of the Passamaquoddy Tribe of Indians.

A communication was received from the office of secretary of State transmitting a list of the public Acts approved by the Governor, and the date of approval.

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

#### Judiciary.

By Mr. Duton of Kennebec: An Act to amend Section 51 of Chapter 79 of the Revised Statutes as amended by the Public Laws of 1907 and 1911, relating to trial terms of the supreme judicial court. (On motion by Mr. Hersey of Aroostook, tabled for printing pending reference.)

#### Legal Affairs.

By Mr. Murphy of Cumberland: An Act amending Section 14 of Chapter 30 of the Revised Statutes and subsequent amendment thereof relating to the pharmacy law (On motion by Mr. Murphy, tabled for printing pending reference.)

#### Education.

By Mr. Walker of Somerset: Resolve in favor of the Farmington State Normal Schol for furnishings and equipment for a dormitory.

#### Agriculture.

By Mr. Burleigh of Aroostook: Petition of Houlton Grange in favor of experimental seed farm in Aroostook county.

#### State Lands and Forest Preservation.

By Mr. Colby of Somerset: An Act to amend Chapter 193 of the Laws of

1909, entitled "An Act creating the Maine Forestry District, and providing for protection against forest fires therein.

#### Senate Bills in First Reading.

An Act to extend the charter and rights of the Penobscot Bay Railroad Company.

Resolve in favor of W. J. Maybury, secretary of the committee on insane hospitals.

An Act to prevent the organization or existence of secret societies in public schools.

An Act to amend Section 8 of Chapter 116 of the Revised Statutes, relating to transcripts in the superior court for Kennebec county.

An Act to repeal Chapter 149 of the Resolve of 1911 and to provide for State paper.

Resolve providing for the purchase and distribution of the book of early Maine history entitled, "The Makers of Maine."

#### Reports of Committees.

Mr. Walker from the Committee on Education, on bill, An Act to amend section 116 of chapter 15 of the Revised Statutes of Maine, relating to instructions for the blind, reported same in a new draft under title of "An Act to amend section 116 of chapter 15 of the Revised Statutes, relating to instruction of the blind," and that it "ought to pass."

Mr. Murphy from the same committee on Resolve in favor of Greeley Institute, reported same "ought to pass."

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

Mr. Moulton from the Committee on Agriculture, on bill, An Act to amend chapter 347 of the Public Laws of 1909, providing for the uniform grading, packing and branding of apples, reported legislation thereon inexpedient as the subject matter is covered by a new draft.

The report was accepted.

Mr. Hastings from the committee on interior waters, on An Act to change the name of Roach river, First Roach pond, Second Roach pond, Second Roach pond, Third Roach pond and Fourth Roach pond, in Piscataquis

County, reported same "ought to pass."

Mr. Hastings from the same committee, on bill, An Act to regulate the use of Songo Lock by steamboats, vessels, or other boats, reported same in a new draft under title of An Act to regulate the use of Songo Lock by steamboats, motorboats and other boats, and that it "ought to pass."

Mr. Hastings from the same committee, on Resolve in favor of navigation on Sebec Lake, reported same "ought to pass."

Mr. Hastings from the same Committee on "Resolve in aid of navigation on Sebago Lake, reported same "ought to pass."

Mr. Colby from the same Committee, on bill An Act to extend the charter of the Penobscot Boom Corporation for 15 years, reported same "ought to pass."

Mr. Colby from the same Committee, on bill, An Act to authorize the Kingman Lumber Company to build and maintain piers and booms in Mattawambeag and Molunkus Rivers, reported same in new draft under same title, and that it "ought to pass."

Mr. Colby from the same Committee, on bill An Act to extend the charter of the Penobscot Lumbering Association, for 15 years, reported same "ought to pass."

Mr. Conant from the committee on ways and bridges, on Resolve in favor of the Rockland-Rockport Trunk Line, reported same in a new draft, under the same title, and that it "ought to pass."

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

Mr. Smith from the Committee on State Lands and Forest Preservation, on Resolve authorizing Land Agent to sell islands in Long Lake, Kennebec County, reported the same "ought not to pass."

The report was accepted.

#### Passed to Be Engrossed.

An Act to amend Section 5 of Chapter 251 of the Private and Special Laws of 1907, as amended by Chapter 28 of the Private and Special Laws of 1909, relating to the protection of alewives, shad and sturgeon in various rivers in Maine.

An Act to amend the charter of the city of Ellsworth.

(Recommended to the committee on judiciary.)

An Act to change the burden of proof in certain negligence cases in which contributory negligence is a defense. (The report of the committee on bills in second reading was accepted.)

Mr. Bailey of Penobscot: Mr. President, I move that pending second reading the bill lie on the table and be assigned for consideration next Wednesday, and upon that motion, I ask for the yeas and nays.

The PRESIDENT: The pending question is upon the motion of the senator from Penobscot, that the bill lie upon the table and be specially assigned for next Wednesday. The question is debatable upon the point of time upon which it is assigned for consideration.

Mr. MOREY of Angroscooggin: Mr. President, there are at least three members of the Senate who have just retired from the Chamber, and it seems to me that this might be deferred until they are sent for.

The absent members were sent for, and the Chair again stated the pending question.

The yeas and nays were ordered, and the secretary called the roll. Those voting yea, in favor of assigning the bill for consideration next Wednesday were: Messrs. Allen, Bailey, Burleigh, Chase, Cole, Conant, Emery, Maxwell, Reynolds, Smith, Walker, Wing—12. Those voting nay, were: Messrs. Allan, Boynton, Colby, Flaherty, Hastings, Hersey, Jillson, Mansfield, Morey, Moulton, Murphy, Packard, Richardson, Stearns—14. Absentees: Messrs. Clark, Dutton, Hagerthy—3.

Twelve having voted in the affirmative and fourteen in the negative, the motion of the senator of Penobscot did not prevail.

The bill was then given its second reading and was passed to be engrossed.

Resolve in favor of E. B. Weeks and Isaac F. Tibbetts of Old Town.

An Act to amend Chapter 39 of the Public Laws of 1911, providing for the weekly payment of wages.

An Act to amend Section 10 of Chapter 101 of the Revised Statutes, pertaining to larceny.

**Passed to Be Enacted.**

An Act relating to the protection of smelts in Sasanoa river.

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.

**Finally Passed.**

Resolve in favor of the Maine Seed Improvement Association.

Resolve in favor of the town of Newport.

Resolve in favor of the town of Newport.

Resolve in favor of the town of Norway.

**Orders of the Day.**

On motion by Mr. Conant of Waldo, unanimous consent was given, and that senator presented out of order the report of the committee on ways and bridges on Resolve in favor of aid in repairing road from The Forks to Lake Moxie station, submitting same under new draft and the same title,

and that it "ought to pass." The report was accepted.

The PRESIDENT: The Chair will state that this resolve has been before the House and Senate and has been once passed to be engrossed. It now comes back again on the report of the committee and comes up, de novo, and must be read again.

The resolve was then given its first reading.

On motion by Mr. Morey of Androscoggin, Senate Document 353, An Act in relation to certain rights and liabilities of husband and wife, was taken from the table, and on further motion by the same senator, having been printed, was referred to the committee on judiciary in concurrence.

On motion by Mr. Stearns of Oxford, Senate Document 262, Resolve authorizing the highway commissioner to construct a suitable shelter for the immigrant inspector at Van Buren, Maine, was taken from the table.

On further motion by the same Senator, the resolve was tabled, and specially assigned for consideration next Wednesday.

On motion by Mr. Chase of Piscataquis,

Adjourned until next Monday afternoon, February 24th, a 4.30 o'clock.