

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**SENATE.**

Saturday, March 22, 1913.

Senate called to order by the President.

Prayer by Rev. Benjamin P. Hope of Augusta.

Journal of previous session read and approved.

Mr. STEARNS of Oxford: Mr. President, I desire to ask unanimous consent to introduce an order at this time in relation to adjournment, and move its passage.

Unanimous consent was granted and the following order was read, adopted and sent down for concurrence:

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

Subsequently the order was returned from the House concurred in by that branch.

Papers from the House disposed of in concurrence.

From the House: Remonstrance of Charles J. Rush and 100 others of Millinocket and East Millinocket against passage of Senate Bill No. 318, an Act to provide a license for residents to hunt wild birds and animals.

In the House this remonstrance was referred to the committee on inland fisheries and game.

In the Senate it was placed on file in non-concurrence, on motion by Mr. Wing of Franklin.

From the House: Senate Document 453, an Act to create a Public Utilities Commission, prescribe its powers and duties, and provide for the regulation and control of public utilities.

In the Senate this bill was passed to be engrossed, as amended.

It came from the House amended by the adoption of House Amendments, A, B and C.

Mr. HERSEY of Aroostook: Mr. President, having a personal knowledge of the feeling of the Senate in the matter in regard to the House Amendments upon this bill, I feel that there is no one in the Senate who wishes to offer further opposition to

this bill in regard to the House Amendments.

The House Amendments that have been adopted are simply formal amendments, and do not affect the life of the bill. I move that the House Amendments be adopted in concurrence.

The vote whereby the bill, Senate Document 453, was passed to be engrossed in the Senate was reconsidered.

House Amendments A, B and C to Senate Document 453 were read by the Chair, and were then adopted in concurrence with the House.

The bill, Senate Document 453, was then passed to be engrossed, as amended.

From the House: Report of the committee on agriculture, "ought not to pass" on bill, an Act to amend Chapter 145 of the Public Laws of 1911, entitled "An Act to extirpate contagious diseases among cattle, sheep and swine."

On motion by Mr. Wing of Franklin, the report was tabled pending acceptance in concurrence.

From the House: Report of the committee on taxation, "ought to pass," on an Act to amend Section 54 of Chapter 8 of the Revised Statutes, relating to the taxation of savings banks. Majority report, "ought to pass"; minority report, "ought not to pass."

In the House the majority report was accepted.

In the Senate, on motion by Mr. Wing of Franklin, both reports were tabled, pending acceptance of either report and assigned for consideration, next Wednesday.

From the House: Report of the committee on sea and shore fisheries on an Act to grant a license to build a weir in Machias Bay.

In the House, after the report was accepted, the bill was indefinitely postponed.

In the Senate, on motion by Mr. Packard of Knox, the bill was indefinitely postponed in concurrence.

**House Bills in First Reading.**

An Act additional to Chapter 84 of the Revised Statutes, relating to proceedings in civil actions in court.

An action relative to the direct elections of delegates to national conventions, and to provide for the expression of preference for candidates for President and Vice President of the United States.

An Act relating to municipal elections in the town of Eden.

An Act to amend the charter of the city of Auburn and provide a commission form of government.

Resolve for laying county taxes for the year 1913.

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

**Judiciary.**

By Mr. Murphy of Cumberland, bill, An Act to provide for appointment of road commissioners by selectmen.

(On motion by Mr. Packard of Knox, tabled for printing pending reference.)

**Appropriations and Financial Affairs.**

By Mr. Boynton of Lincoln: Resolve in favor of the superintendent of public buildings to provide for a rail in the Senate Chamber.

**Placed on File.**

By Mr. Dutton of Kennebec: Petitions of Joseph Fortain and 34 others; of Louis Fournur and 34 others; of Joseph Balengar and 33 others; of Romuald Fortin and 39 others; of Octave Lachance and 40 others; of Chas. Deschine and 38 others; of Honore Houle and 11 others of Biddeford; of Harold Parry and 33 others; of F. Kerouack and 3 others; of Ansilmie Richard and 3 others; of Arthur Lamarre and 7 others; of E. D. Morin and 17 others; of M. Johnny Levesque and 23 others; of William M. Small and 5 others and Fred Richard and 2 others; of Archille Bolduc and 35 others; of Waterville; of Patrick Michaud and 15 others; of Willie Brilliant and 15 others of Lewiston; of Aime Dumont and 17 others; of Jos. Dallaire and 23 others of Skowhegan in favor of substituting in the matter of repeal of Catholic Bishop of Portland.

the new draft of petitioners' new draft to new draft of Judiciary Committee.

**Senate Bills in First Reading.**

Resolve in favor of John W. Higgins, clerk of committee on Maine School for Feeble Minded.

Resolve in favor of the official reporter of the Senate.

An Act to provide for the determination and payment of damages in connection with the building of the State bridge between the city of Old Town and the town of Milford and the grading of the highway and approaches thereto.

An Act to provide for the care and administration of funds and property donated for moral, religious, benevolent or educational purposes in accordance with the intention of the donor.

Resolve in favor of the Old Town-Orono Anti-Tuberculosis Association of Old Town.

Resolve in favor of the Northern Maine General Hospital at Eagle Lake.

Resolve in favor of the Healey Asylum of Lewiston.

An Act to amend Chapter 61 of the Revised Statutes, relating to marriage and the registration of vital statistics.

An Act to amend Section 2 of Chapter 250 of the Public Laws of 1909, relating to the payment of fees accruing to State institutions and departments.

Resolve in favor of the State highway department to provide for deficiencies on certain contracts for bridge construction at Old Town and to legalize the acts of the Governor and Council.

Resolve in favor of the Augusta General Hospital.

Resolve in favor of Edward W. Murphy for expenses of committee appointed by the 75th Legislature to investigate methods of distributing State school funds.

Resolve in favor of the Holy Innocents' Home for Infants, Portland.

An Act additional to Chapter 61 of the Revised States providing for the correction of errors in the records of births, marriages and deaths.

**Reports of Committees.**

Mr. Emery from the Committee on Appropriations and Financial Affairs,

on Resolve in favor of the Northern Maine General Hospital, Eagle Lake, same "ought not to pass."

Mr. Emery from the same committee, on Resolve in favor of Northern Maine General Hospital, Eagle Lake, reported same "ought not to pass."

Mr. Smith from the Committee on Insane Hospitals, on Resolve in favor of Maine Insane Hospitals for erection of piazzas on Harlow and Sanborn Wings, reported same "ought not to pass."

Mr. Smith from the same committee, on Resolve in favor of the Maine Hospital for new building for Nurse's Home, reported same "ought not to pass."

The reports were accepted.

Mr. Stearns from the committee on judiciary, on bill An Act to enlarge the powers of the Scheepscot Valley Power Company, which was recommitted to the committee, and reported in new draft Senate Document No. 540, submitted same in a new draft under the same title, and that it "ought to pass."

Mr. Hersey from the same committee, on bill An Act to create the office of assistant attorney general, reported same "ought to pass."

Mr. Bailey from the committee on legal affairs, on bill An Act to establish the Lincoln municipal court in Lincoln county (Senate Document No. 178), reported same in a new draft under the same title, and that it "ought to pass."

Mr. Bailey from the same committee, on bill An Act relating to payment of minors under decree of court, reported same in a new draft under the same title, and that it "ought to pass."

Mr. Cole from the same committee on bill An Act to incorporate York County Power Company (Senate Document No. 179), reported same in a new draft under the same title, and that it "ought to pass."

Mr. Colby from the committee on ways and bridges, on Resolve in aid of a road around Chick hill in the towns of Amherst and Clifton (Senate Document No. 266), reported same in a new draft under title of "Resolve in favor of survey for road in towns of Amherst and Clifton," and that it "ought to pass."

Mr. Packard from the committee on

sea and shore fisheries, on bill An Act establishing a close time on lobsters in certain waters of Hancock county, reported same in a new draft under the same title, and that it "ought to pass."

Mr. Smith from the committee on Insane hospitals, on Resolve in favor of the Maine Insane hospital, reported same "ought to pass." (This being a printed bill it was given its first reading.)

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

The following joint standing committees made their final report:

The committee on taxation.

The committee on legal affairs.

The reports were accepted and sent down for concurrence.

#### Passed to Be Engrossed.

An Act relating to the assistant assessors of the city of Portland.

An Act to incorporate the Livermore & Augusta Ry. Co.

An Act to incorporate the Southwest Harbor Water District.

An Act to provide for scientific investigation in agriculture in Aroostook county.

An Act to establish a county farm in the county of Penobscot.

An Act relating to inter-insurers and authorizing the business transacted thereby.

Resolve in favor of screening Allen pond in Greene, in the county of Androscoggin.

Resolve in favor of Eastern Maine Insane hospital, for money expended.

An Act to amend an Act to provide for nomination of candidates of political parties by primary election.

An Act to amend Chapter 119 of the Public Laws of 1911 regulating the sale of agricultural seeds, commercial feeding stuffs, commercial fertilizers, drugs, foods, fungicides and insecticides.

An Act relative to weights of certain commodities.

An Act to amend Section 30 of Chapter 51 of the Revised Statutes, as amended by Chapter 127 of the Public Laws of 1905, as amended by Chapter 92 of the Public Laws of 1907, relating to railroad branch tracks.

Resolve in favor of national aid for improvement of postal roads.

Resolve for the scientific investigation of scallops and the scallops fisheries.

An Act to provide for the safe keeping of indemnity bonds.

An Act to appropriate moneys for the expenditures of government for the year 1913.

Resolve in favor of the Industrial School for Girls at Hallowell for medical examination and treatment with supplies.

The PRESIDENT: If there is any bill or resolve on its passage to be enacted or final passage that any member desires action upon delayed, if he will mention it as the bills are read it will be laid aside.

#### Passed to Be Enacted.

An Act to extend the rights, powers and privileges of the Barrows Falls Light and Power Company.

An Act to amend Section 62 of Chapter 7 of the Revised Statutes, by providing that railroad companies shall screen the windows of smoking cars.

An Act additional to Chapter 94 of the Private and Special Laws of 1903, entitled "An Act to prevent the pollution of the waters of Sebago lake."

An Act to amend Sections 54 and 55 of Chapter 40 of the Revised Statutes, as amended, relating to the issuing of age a schooling certificates.

An Act to authorize the York Light and Heat Company to furnish electricity to the inhabitants of Pine Point and Grand Beach.

An Act to revise the charter of the city of Eastport.

An Act to amend Chapter 151 of the Private and Special Laws of 1887 entitled, "An Act to create the Roman Catholic bishop of Portland, and his successors a corporation sole," as amended by Chapter 47 of the Private and Special Laws of 1891.

#### Finally Passed.

Resolve in favor of the bureau of horticulture for the year 1913.

Resolve in favor of the bureau of horticulture for the year 1914.

Resolve in favor of the Maine Wesleyan Seminary and Woman's College for the promotion of certain practical sciences. (On motion by Mr. Murphy of Cumberland, tabled pending final passage.)

Mr. DUTTON of Kennebec: Mr. President, in the absence of my colleague, Senator Allen, I would like to inquire of the senator through the Chair, if he will assign a day for the consideration of this matter.

Mr. MURPHY: Mr. President, I want to say just a few words on this matter. This resolve calls for an appropriation of \$1200 a year, and there is a law on the books that says any academy or High school maintaining a course in agriculture, manual training, or one other subject, shall receive State aid to the extent of \$500 a year.

In this particular case we are paying them \$1200 a year, each and every year, to prepare and maintain a course in agriculture. Is it right to hand them over \$500 additional from the funds appropriated for industrial training?

As there are not very many here present, today, it would be well to consider this matter fairly, for the very reason that we have turned down other academies that have made similar requests. I refer to the Springfield Normal school which wanted an appropriation to establish a course in agriculture, and it was turned down.

If that aid is not extended to them they may not be able to establish a course in manual training or agriculture, and cannot receive State aid for that purpose. Whereas this one we are practically bribing to go into it, and we are giving them \$1200. In addition to that they would be entitled to \$500 each year. I am perfectly willing to name a date but it might be well to add an amendment to this particular bill whereby if they get this \$1200 they ought not to get the additional \$500.

Mr. DUTTON: Mr. President, I presume that any day next week will be acceptable to my colleague. He comes almost from the shadow of this institution and I assume may be interested in the bill.

The vote whereby the bill was tabled pending final passage was reconsidered and the bill was then tabled and assigned for consideration, next Thursday.

Mr. STEARNS of Oxford: Mr. President, before taking up the matters under Orders of the Day, I desire to re-

quest that a recess be taken for 10 minutes in order that I may confer with some members of the Senate in relation to a matter which I have on my desk to introduce under orders of the day.

The motion was agreed to and a recess was taken.

#### After Recess.

Senate called to order by the President.

#### Orders of the Day.

On motion by Mr. Stearns of Oxford, unanimous consent was granted, and that senator introduced out of order, Resolve for the revision and consolidation of the public laws, and on further motion by the same senator the Resolve was tabled for printing.

On motion by the same senator, unanimous consent was granted, and that senator introduced out of order, Resolve to provide for re-indexing and indexing the House and Senate papers in Senate office, and on further motion by the same senator the Resolve was referred to the committee on appropriations and financial affairs.

Mr. STEARNS: Mr. President, I ask unanimous consent to present the report of the committee on judiciary on the employers' liability bill, which was referred to this Legislature from the last Legislature.

Unanimous consent was granted and the senator presented the report of the committee on judiciary "ought not to pass," on bill, an Act relating to the liability of employers to make compensation for personal injuries suffered by employees, because same subject matter has been covered by a new draft of Senate bill 165.

The report was accepted.

On motion by the same senator, unanimous consent was granted, and that senator presented the report of the committee on judiciary on bill, an Act relative to compensation to employees for personal injuries received in the course of their employment and to the prevention of such injuries, reporting same in a new draft, under the same title, and that it "ought to pass."

The report of the committee was ac-

cepted, and on further motion by the same senator, the bill was tabled, pending its first reading, and was specially assigned for consideration, Tuesday of next week.

Mr. STEARNS: Mr. President, I ask unanimous consent to introduce at this time an order in relation to amendments that may be offered to this bill, if any, to be offered not later than Monday's session, and a duplicate copy thereof filed with the secretary of the Senate at the same time, and move its passage.

I will say, Mr. President, that this bill by an arrangement with the secretary of the Senate was understood to be introduced at this time and the secretary has very kindly arranged with the printer so that the new draft has been printed and will be here within half an hour, so that members of the Legislature will be able to get copies of the new draft of this bill within a very short time.

It is on this account and by reason of the fact that we have gained on the printing that I have been moved to offer the order in relation to the amendments, which we desire to have introduced at the earliest possible moment, if any are to be offered, so that they may be considered at an early date.

The motion was agreed to and the order was given passage.

Mr. DUTTON of Kennebec: Mr. President, I ask the unanimous consent of the Senate to introduce a resolve out of order. This resolve provides for the appointment of five commissioners by the Governor and Council to the Pan American Exposition. It carries no appropriation and no compensation. If there is no objection to the introduction of this matter I will move that it have its first reading at this time.

The PRESIDENT: The secretary will read the resolve before unanimous consent is given.

The resolve was read by the secretary. Resolve for the appointment of Commissioners to the Inter-National Celebration of the Opening of the Panama Canal.

Resolved, That the governor, by and with the consent of the council, be and hereby is authorized and em-

powered to appoint not more than five commissioners to represent the State of Maine and its educational and industrial interests in connection with and at the Panama-Pacific International Exposition to be held at San Francisco in California in 1915 as authorized by the President and Congress of the United States to celebrate the completion and opening of the Panama Canal; in which celebration the United States government has invited all nations to participate. Such commissioners shall so be selected as collectively to possess knowledge of the educational and industrial interests of the State of Maine adequate to equip the commission to determine and announce the plan, scope and prospects of said exposition and the intellectual and material values it offers or probably will offer which may and should be accepted and availed of by citizens and industries of this State. It shall be within the province of such commissioners, with the approval of the governor and council, to arrange and prepare for a representation of the history, progress, industries and resources of the State of Maine at said exposition. The commissioners hereby authorized shall serve without compensation.

The PRESIDENT: In the opinion of the Chair the resolve is a public resolve.

Unanimous consent was given and the resolve was received, and under suspension of the rules was tabled for printing, without reference to a committee.

On motion by Mr. Wing of Franklin, the majority and minority reports of the committee on inland fisheries and game, on House Document 333 and Senate Document 68, in relation to close time on bull moose, was taken from the table.

The PRESIDENT: The Chair will state the parliamentary situation. The Senate originally accepted the majority report of the committee in non-concurrence, and passed the bill, Senate Document 68, to be engrossed. On a return of the papers from the House, the Senate reconsidered the vote whereby Senate Document 68 was passed to be engrossed, and reconsidered the vote whereby the majority report was

accepted, and then accepted the minority report on House Document 333, in concurrence. Pending first reading of House Document 333, the Senate adopted House Amendment A to House Document 333, in concurrence with the House. The pending question at the time the bill was tabled was on the commitment of the bill to the committee on bills in the second reading.

On motion by Mr. Wing, the vote whereby the Senate yesterday adopted House Amendment A was reconsidered.

On further motion by the same senator the Senate voted to nonconcur with the House in the adoption of House Amendment A.

Mr. WING: Mr. President, I now offer Senate Amendment A to House Document 333.

Senate Amendment to House Bill 333: "Amend House Bill 333 by striking out all of Section 1, and inserting in place thereof the following:

'Section 1. No person shall, at any time, hunt, take, catch, kill, destroy or have in possession any moose less than two years old, or part thereof.

No person shall, except as otherwise provided, between the first day of December of each year and the thirty-first day of October of the following year, both days inclusive, hunt, take, catch, kill, destroy or have in possession any moose or part thereof, and no person shall, during the month of November of each year, hunt, take, catch, destroy or have in possession more than one moose or part thereof.

Whoever violates any provision of this Act shall pay a fine of not less than one hundred dollars nor more than two hundred dollars and costs for each offence or be imprisoned not exceeding four months.'

The amendment was adopted and ... second reading of the bill assigned for Monday.

On motion of Mr. Stearns of Oxford, House Document No. 480, an Act in relation to the transportation of fish taken in waters in Davis Town, Stetson Town, Seven Ponds Town and Massachusetts Gore, so-called, in Franklin County, was taken from the table, and on further motion by the



same senator the bill was passed to be engrossed.

On motion by the same senator, Senate Document No. 477, an Act to amend the primary election law, was taken from the table, and on further motion by the same senator the bill was passed to be engrossed.

On motion by the same senator, Senate Document No. 219, known as the Osteopath bill, was taken from the table, and on further motion by the same senator the bill was assigned for consideration, Wednesday of next week, and the new draft ordered printed.

On motion by the same senator, Senate Document No. 558, an Act additional to Section 41 of Chapter 49 of the Revised Statutes of Maine relating to the organization of insurance companies, was taken from the table.

On further motion by the same senator, the bill was given its first reading, and its second reading was assigned for next Monday afternoon at 4.30 o'clock.

On motion by Mr. Packard of Knox, Resolve for the construction of a brick building for the woman attendants at the Maine School for Feeble-minded, was taken from the table, and on further motion by the same senator, the bill was finally passed.

Mr. PACKARD: I move to take from the table Senate Document No. 573, an Act for the better protection of the needy and deserving.

The motion was agreed to.

Mr. PACKARD: I yield the floor to the senator from Aroostook, Senator Hersey.

Mr. HERSEY of Aroostook: By reading Senate Document 573, I find that it is private legislation that some way has got into the Legislature without suspension of the rules and has been printed. I have consulted with the persons named in the bill, and find that none of the persons named in the bill were aware that such a bill was to be presented, and from the record of the presentation of the bill in the House I find that the sponsor for the bill was not aware that he had presented any such bill. I find further

that it is a joke. A joke is all right. I have no objections as far as it has gone, but I don't think that the record of this Legislature should show that the persons named in there wish any such legislation, which I am sure they do not.

I move, Mr. President, that Senate Bill No. 573 be indefinitely postponed.

The motion was agreed to, and the bill was indefinitely postponed.

Mr. DUTTON of Kennebec: Mr. President, by request, I ask unanimous consent to introduce a public bill out of order, and I will state in this connection that this relates to the jurisdiction of the superior court of Kennebec county. All that part of the bill which relates to the additional salary has been stricken out.

Unanimous consent was granted, and under suspension of the rules the bill was tabled for printing, pending first reading, without reference to a committee.

The PRESIDENT: The Chair will state that there are two other matters on the table for printing.

On motion by Mr. Stearns of Oxford, Senate Document 555, an Act to amend Chapter 5 of the Revised Statutes relating to the registration of voters, was taken from the table, and on further motion by the same senator was referred to the committee on judiciary.

On motion by the same senator Senate Document 562, Resolve in favor of Penobscot Tribe of Indians, was taken from the table. On further motion by the same senator, the resolve was given its first reading.

On motion by Mr. Murphy of Cumberland, House Document 449, an Act to regulate the sale of morphine and other hypnotic or narcotic drugs, was taken from the table.

Mr. MURPHY: Mr. President, I offer Senate Amendment A to House Document 449: "Amend Section 3 of House Document 449 by striking out in the 28th line the words 'one fourth' and substituting therefor the words 'one half.'"

The PRESIDENT: The Chair will state that the effect of the amendment is to make that portion of the section read as follows: "and provided further that

such remedies and preparations do not contain more than two grains of opium, or one-half of a grain of morphine.”

On motion by Mr. Murphy the amendment was adopted, and the second reading of the bill assigned for Tuesday morning next.

On motion by the same senator, Senate Document 61, an Act to authorize duties and towns to appropriate money for advertising purposes, was taken from the table.

Mr. MURPHY: Mr. President, I offer Senate Amendment A to Senate Document 61 and move its adoption.

“Amend Senate Document 61 by adding the following words to Section 2: ‘The provisions of this act shall not apply

to cities of more than fifty thousand inhabitants.’”

The amendment was adopted and next Tuesday morning assigned for the second reading of the bill.

On motion by the same senator, Senate Document 535, an Act to amend Section 5 of Chapter 184 of the Private and Special Laws of 1891 relating to drains and sewers in the city of Portland, was taken from the table.

On further motion by the same senator, the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Burleigh of Aroostook,

Adjourned until next Monday afternoon at half past four.