

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Monday, March 24, 1913.

Senate called to order by the President.

Prayer by Rev. Herbert L. Nichols of Hallowell.

Journal of previous session read and approved.

Mr. STEARNS of Oxford: Mr. President, I would like to ask unanimous consent to present out of order, an order in relation to sessions of the Senate, and move its adoption.

Unanimous consent was granted, and that senator presented the following order:

Ordered, that the Senate hold two sessions daily, beginning at 9 o'clock in the morning and at 3.30 o'clock in the afternoon until otherwise ordered.

The order was given a passage.

Papers from the House disposed of in concurrence.

From the House: An Act to amend Section 67 of Chapter 209 of the public Laws of 1909, relating to re-enlistment in the National Guard.

In the House, under suspension of the rules, this bill was given its several readings and was passed to be engrossed.

On motion by Mr. Stearns of Oxford, the rules were suspended, and the bill was tabled for printing without reference to a committee.

From the House: An Act to amend Sections 41, 42, 43 and 44 of the Revised Statutes, relating to superintendents of schools in towns comprising school unions.

In the House, pending passage of this bill to be enacted, the vote whereby it was passed to be engrossed, was reconsidered, and House Amendment A was adopted.

In the Senate the vote whereby the bill was passed to be engrossed, was reconsidered, and House Amendment A was adopted in concurrence. The bill was then passed to be engrossed, as amended, in concurrence.

From the House: The committee of conference on the disagreeing action of

the two branches of the Legislature in relation to Resolve in favor of Michael Burns, reported that they could come to no agreement.

The report of the committee was accepted in concurrence with the House.

House Bills in First Reading.

An Act to repeal chapter 30 of the Revised Statutes as amended by chapter 74 of the Public Laws of 1907, and chapter 201 of the Public Laws of 1909, relating to apothecaries and the sale of poisons.

An Act authorizing the City of Bath to levy assessments for Street Improvements.

An Act to amend chapter 217 of the Acts and Resolves of 1911, increasing the corporate limits of the Porter Kezar Falls Village Corporation of Porter.

An Act to amend section 51 of chapter 28 of the Revised Statutes relating to investigations of fires and inspection of buildings.

An Act relating to the protection of deer in the town of Isle au Haut, in Hancock county.

An Act to amend section 12 of chapter four of the Revised Statutes, relating to the choice of town officers.

An Act to amend section three of chapter 229 of the Public Laws of 1909, relating to the State Board of Arbitration and Conciliation.

Resolve relating to repairs and improvements of Capitol Building and Grounds.

Resolve authorizing the compilation and publication of the Insurance Laws of Maine.

Resolve to aid in repairing Springfield Normal Academy building, as amended. (In the House pending first reading, House Amendment A was adopted. In the Senate House Amendment A was adopted in concurrence, and the resolve was given its first reading, as amended.)

An Act to repeal Chapter 315 of the Private and Special Laws of 1903, entitled "An Act to incorporate the Madunkeunk Dam and Improvement Company."

An Act to provide for the reconstruction of the Portland bridge.

(House Amendments A and B were adopted in concurrence. Pending adoption of House Amendment C in concurrence, on motion by Mr. Morey of Androscoggin, the bill and amendment were tabled.)

A communication was received from the office of the secretary of State transmitting reports of the trustees, resident officers and visiting committee of the Maine insane hospital and the Eastern Maine hospital, for the year ending Nov. 30, 1912.

Placed on file.

The following resolve was presented and referred:

Appropriations and Financial Affairs.

By Mr. Burleigh of Aroostook: Resolve in favor of the clerk of the committee on railroads and expresses.

Senate Bills in First Reading.

Resolve in favor of survey for road in towns of Amherst and Clifton.

An Act relating to payments to minors under decree of the court.

An Act relating to the jurisdiction of the superior court in the county of Kennebec. (On motion by Mr. Dutton of Kennebec, the rules were suspended, the bill was given its second reading and was passed to be engrossed.)

An Act creating the office of assistant attorney general.

Resolve for the revision and consolidation of the Public Laws.

Resolve for the appointment of commissioners to the international celebration of the opening of the Panama canal. (On motion by Mr. Dutton of Kennebec, the rules were suspended, the bill was given its second reading and was passed to be engrossed.)

An Act to establish a close time on lobsters in certain waters of Hancock county.

An Act to enlarge the powers of the Sheepscot Valley Power Company.

Mr. DUTTON of Kennebec: Mr. President, I wish to offer an amendment pending first reading of this bill. Senate Amendment A to Senate Document 584. Amend Senate Document 584 by adding Section 9, as follows: "Section 9. Land owners of Hibbert Gore, so-called, are hereby empowered to maintain and enforce their rights under this act in Lincoln county, and the courts of Lin-

coln county shall have jurisdiction thereof."

I will say in explanation of this amendment that it seems there is a small tract of land out there which might be flowed by this corporation, or the dams built by it. There is some question as to which county it is located in. The owners of the land claim it is located in no county, and I understand they have satisfied the people of the adjoining towns that is true and they pay no taxes. The question of their rights might come up and they want some court to have jurisdiction over the case, and that is the reason for this amendment.

I move the adoption of the amendment.

The motion was agreed to, the amendment was adopted, and the bill, as amended, was assigned for second reading tomorrow morning.

An Act to incorporate the York County Power Company.

An Act to establish the Lincoln County municipal court.

Reports of Committees.

Majority and minority reports of the committee on State lands and forest preservation, on bill, an Act to amend Section 1 of Chapter 7 of the Revised Statutes, relating to the appointment of land agent.

Majority report "ought to pass in new draft."

Signed: Colby, Smith, Reynolds, Marsden, Taylor, Wise.

Minority report of the same committee, "ought not to pass."

Signed: Goodwin, Robinson, Harriman, Bither.

On motion by Mr. Packard of Knox, pending adoption of either report, both reports and bill were tabled, the new draft ordered printed, and assigned for consideration tomorrow.

Passed to Be Engrossed.

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

An Act 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. (On motion by Mr. Dutton of Kennebec, tabled pending second reading.)

Resolve for laying county taxes for the year 1913.

Resolve in favor of the Maine Insane hospital for liquidating a deficiency in certain accounts.

Resolve in favor of the official reporter of the Senate.

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

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. (On motion by Mr. Packard of Knox, tabled pending second reading.)

Resolve in favor of the Northern Maine General hospital, Eagle Lake.

Resolve in favor of the Healy asylum of Lewiston for maintenance. (On motion by Mr. Morey of Androscoggin, tabled pending second reading.)

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 by deficiencies on certain contracts for bridge construction at Old Town and to legalize acts of the Governor and Council.

Resolve in favor of the Augusta General hospital, for maintenance.

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, for maintenance.

An Act additional to Chapter 61 of the

Revised Statutes providing for the correction of errors in the records of births, marriages and deaths.

An Act relating to the protection of Moose.

Resolve relating to the Penobscot Tribe of Indians.

An Act additional to Section 41 of Chapter 49 of the Revised Statutes, relating to the organization of insurance companies.

Passed to Be Enacted.

An Act to amend Section 1 of Chapter 88 of the Public Laws of 1909, relating to the appropriation for procuring plans and specifications for school buildings.

An Act to create the Temple Water District.

An Act to amend Sections 18 and 19 of Chapter 29 of the Private and Special Laws of 1869 and amendments thereof and additions thereto, relating to the charter of the city of Ellsworth, and also making certain additions to provisions affecting said sections.

An Act for the better protection of clams within the town of York, in the county of York.

An Act to amend Paragraph 10 of Section 1 of Chapter 73 of Revised Statutes relating to the sales of real estate by license of court.

An Act to regulate the size of smoked herring boxes.

An Act to prohibit Lobster Pot Fishing in the York River.

An Act to authorize the town of Boothbay Harbor to retire its Bonded Indebtedness and Issue New Bonds.

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

An Act relative to the retirement of Veterans of the Civil War in the service of the State.

An Act to amend Section 5 of Chapter 15 of the Public Laws of 1907, and also Section 6 of said chapter as amended by Chapter 34 of the Public Laws of 1909 and Chapters 84 and 176 of the Public Laws of 1911, relating to the protection of Trees and Shrubs from dangerous Insects and Diseases.

Orders of the Day.

On motion, by Mr. Colby of Somerset, An Act to amend Sections 6, 9, and 10, of Chapter 193 of the Public Laws of 1909 entitled "An Act creating the Maine Forestry District and providing for protection against Forest Fires therein," was taken from the table, and on further motion by the same senator the bill was passed to be enacted.

Mr. HERSEY of Aroostook: Mr. President, I move to take from the table the majority and minority reports of the committee on judiciary on Senate Document No. 351, An Act to repeal Chapter 149 of the Resolves of 1911 and to provide for State paper, and by agreement with the senator from Androscoggin, Senator Morey, ask that it be specially assigned for consideration for Thursday of this week.

The motion was agreed to and the bill was tabled and specially assigned for Thursday.

The PRESIDENT: The Chair understands that to be the morning session of Thursday.

Mr. BAILEY of Penobscot: Mr. President, I ask unanimous consent to introduce, out of order, Senate Amendment A to Senate Document No. 575, the Workmen's Compensation Act so-called.

The PRESIDENT: The Chair understands under the order adopted Saturday, that the Workmen's Compensation Act will come up, today, for amendments, and the senator from Oxford moves that the Compensation Act, so-called, be taken from the table.

The motion was agreed to.

The PRESIDENT: The Chair will state that under the order passed, Saturday, amendments to the Compensation Act should be offered at this session, and that the Compensation Act together with amendments will lie on the table and be assigned for tomorrow.

The senator from Penobscot, Senator Bailey offers Senate amendment A to Senate Document No. 575:

Amend Clause 2 of Section 1 by adding thereto the following words: (e) "Laborers employed in the cutting, hauling, yarding or driving of logs or lumber, or any laborer in the woods or on the drives" so that said clause of Section 1 shall read as follows:

"II. 'Employee' shall include every person in the service of another under contract of hire, express or implied, oral or written, except, (a) farm laborers, (b) domestic servants, (c) persons whose employment by corporations, partnerships and natural persons is not in the usual course of the trade, business, profession or occupation of their employers, (d) officials of the State, counties, cities, towns or water districts, (e) laborers employed in the cutting, hauling, yarding or driving of logs or lumber, or any laborer in the woods or on the drives."

The understanding is that all these amendments will be tabled for printing until tomorrow.

The senator from Kennebec, Senator Dutton, offers Senate amendment B to Senate Document No. 575:

"Amend Paragraph six of Section 1 by striking out all after the word 'their' in line 40 and substituting the following: 'employees under the provisions of this act. Whenever in the Sections hereof relating to procedure the words 'Insurance Company' are used, they shall be held to apply to cases in which the employer has elected to file such policy instead of paying premiums to the Industrial Accident Fund, and to employers authorized to insure their own liability as provided in paragraph three of Section 13 thereof.'

The same senator offers Senate amendment C to Senate Document No. 575:

"Striking out all of Paragraph four of Section 13 and substitute therefor the following:

Thereupon, the Commission shall issue to the employer authorized under the preceding Section to insure his own liability a certificate stating that such employer has conformed to the provisions of this act, which certificate shall remain in force for one year unless sooner revoked by the Commission. And when

an Industrial Accident Insurance policy is filed as provided in paragraph two hereof, said certificate shall set forth the date to which the premium has been paid or at which the policy expires, which certificate shall remain in force until such date.

Mr. MOREY of Androscoggin: Mr. President, do I understand that all amendments will be precluded unless put in this afternoon?

The PRESIDENT: The Chair understands that under the order passed Saturday, the amendments were to be offered, today. Are there further amendments to be offered?

Mr. MOREY: I don't know. There are one or two matters that I wish to look over, as far as I am concerned, a little more carefully, and I have not yet had an opportunity, but I do not want to delay or retard anything at all in regard to it. I would be willing to have them put in at the opening of the session, tomorrow. We are to have two sessions, tomorrow, as I understand it. I may not decide to offer them.

The PRESIDENT: The Chair understands this order would have the same force and effect as any rule and might be suspended by consent at any time.

The senator could undoubtedly secure consent.

The senator from Oxford moves that the bill with the amendments lie upon the table and be specially assigned for consideration, tomorrow morning, immediately at the close of the morning hour. The Chair understands that will bring this up for consideration at the beginning of the calendar, at the beginning of orders of the day.

The motion was agreed to.

Mr. COLBY of Somerset: Mr. Pres-

ident, at the suggestion of Senator Morey I move to take from the table House Document No. 483, Resolve in favor of Law Reporting Company.

The motion was agreed to.

Mr. COLBY: Just a word of explanation, Mr. President, in regard to this resolve. I will say that this was a matter between this company, being a New York company, and the library, and there were extended hearings, three of them, before our committee on claims, and this was really a compromise measure, giving them 50 per cent. of the bill, and it was a unanimous report of the committee, and I move that the bill take its second reading, Mr. President.

The motion was agreed to.

On motion by Mr. Packard of Knox, Senate Document No. 582, An Act to provide for appointment of road commissioners by selectmen, was taken from the table, and on further motion by the same senator, the bill was referred to the committee on ways and bridges.

On motion by the same senator, House Document No. 118, An Act relative to the venue of actions by or against inhabitants of Stonington, Deer Isle, Isle au Haut, Swan's Island, Long Island and all islands belonging thereto, was taken from the table, and on further motion by the same senator the report of the committee on legal affairs was accepted in concurrence.

On motion by Mr. Hagerthy of Hancock,

Adjourned until tomorrow morning, at 9 o'clock.