

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Monday, April 7, 1913.

Senate called to order by the President.

Prayer by Rev. Clayton D. Boothby of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Senate Document 587, An Act to establish the Lincoln Municipal Court.

This bill was reported to the Senate from the committee on legal affairs, read twice and passed to be engrossed.

In the House the bill was passed to be engrossed, as amended by House Amendment A.

The Senate refused to reconsider the vote whereby the bill was passed to be engrossed for the purpose of adopting House Amendment A.

The bill came from the House that branch insisting upon its former action, and asking for a committee of conference.

On motion by Mr. Boynton of Lincoln, the Senate insisted and granted a committee of conference.

The Chair appointed as such committee of conference on the disagreeing action of the two branches: The senator from Lincoln, Senator Boynton, the senator from Penobscot, Senator Bailey and the senator from Penobscot, Senator Richardson.

From the House: The report of the committee of conference, that they were unable to agree, on the disagreeing action of the two branches, on an Act creating the Knox County Power Company, was accepted in the House. In the Senate the report of the committee was accepted in concurrence.

From the House: An Act defining the terms "Veteran of the Civil War in the Service of the State."

This bill was received in the House under suspension of the rules and was passed to be engrossed without printing and without reference to a committee.

Upon request by the senator from Oxford, the bill was read.

On motion by the same senator, the rules were suspended, and the bill was given its several readings and was passed to be engrossed without printing and without reference to a committee.

From the House: An Act amendatory of and additional to Chapter 37 of the Public Laws of 1909, relating to the issuance of mileage books by railroad corporations.

In the House the bill was received under suspension of the rules and was passed to be engrossed without printing and without reference to a committee.

Upon request of the senator from Aroostook, Mr. Hersey, the bill was read.

Mr. HERSEY of Aroostook: Mr. President, this is a repetition, is the same in every way and form, the same subject matter of that which has been recently vetoed by the Governor.

Now I have this to say. The utilities commission was recently organized by this Legislature for a certain purpose of regulating the fares and charges of railroads and public service corporations, as well as to destroy special privileges and preferences and any advantages to any person or corporation in the matter of regulation of fares and charges, and one object of this utilities commission is to do away with this wicked system of mileages upon railroads. I assert, without fear of contradiction, that one of the preferences that was obnoxious to the people, to the common people, to the laboring man, was the system of mileage, whereby the man who had enough money to purchase a thousand miles had a preference on fares on a railroad; and this is simply saying that the man who can purchase 500 miles can have a preference over a man who wants to go 250 miles or 100 miles or 50 miles.

Now I believe that one-half of the people in the state who travel on the railroads do not want 500 miles. They want something less than 500 miles—one-half of the people.

Now if a man by purchasing 1000 miles or 500 miles gets that cheaper, the poor man who travels a short distance and buys a ticket, must pay the

difference that is taken off. The railroad isn't losing any money. They say that they want this mileage, they are willing to have it granted. They have been trying, ever since the utilities commission has been organized and passed this Legislature, to get under it in some way, and they want to get under it in this way to perpetuate this system of mileages.

Now Mr. President, section 30 of the utilities commission says, "It shall be unlawful for any public utility to demand, charge, collect or receive from any person, firm or corporation less compensation for any service rendered or to be rendered by said public utility in consideration of the furnishing by such person, firm or corporation of any part of the facilities incident thereto." and section 32: "It shall be unlawful for any person, firm or corporation knowingly to solicit, accept or receive any rebate, discount or discrimination in respect to any service rendered or to be rendered by any public utility."

One of the first duties of the public utilities commission when organized and in force, will be to say that railroad fares in the State of Maine shall be uniform, that they shall charge the same rates to one person as to another, that if you travel a thousand miles it will be the same rate per mile as though you travelled fifty, and there shall be no discriminations, and no rebates, and no advantages, and no preferences.

There is no sense in it, that the man who wants to travel from Augusta to Waterville, if he or she is an Italian peddler, shall pay any more than the Governor of the State of Maine to go from Augusta to Waterville, because the Governor will have a mileage book of 500 miles. And the utilities commission will settle it, and I object to any attempt to get under and behind the utilities commission by the railroads of this State by perpetuating this disgraceful system of mileages and preferences. The utilities commission will abolish that. If the railroads want to issue mileages, after the utilities commission is organized, let them issue a mileage for convenience as the Boston & Maine does—but you buy them at the same rate.

Now, Mr. President, another thing: There is no question but what this is the same subject matter covered by the one vetoed by the Governor. I followed the bill very carefully, and I call the attention of the Senate to Rule 14 of the Joint Rules of this Legislature which reads: "When any measure shall be finally rejected, it shall not be revived except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the House of which the mover is a member."

I have searched the record very carefully and I find no record of any notice given the House of Representatives by the mover of this matter that any three days' notice has been given the House that he would introduce this bill, and therefore I move that the measure be not received by us.

The PRESIDENT: In regard to the suggestion of the senator from Androscoggin, that under the rules this bill cannot be received except by unanimous consent or in the absence of that, by formal motion to suspend the rules, the Chair will state that the senator is right.

Mr. MOREY of Androscoggin: Mr. President, I do not understand that this is the same bill, in substance or in form with the bill introduced before. If my understanding of it is correct, the bill introduced before and vetoed by the Governor related solely to mileage on steam railroads; expressly limited to steam railroads. This bill is not limited to steam railroads, but covers any motive power and steam or electric roads. It is therefore essentially different.

With reference to the passage of the bill in the lower House and the matter of notice that must be received, we will say the notice was served where the bill was received, and the lower House is the sole judge of whether they shall receive the bill or not. We have no right to say that the House did not have three days' notice.

When you examine the bill and find it is different, of course the question

is in no way tenable even in the lower House. If it was the same bill, if the House determined that they had a right to receive the bill, we cannot look through their records and see whether it was. It was received, and it was passed to be engrossed and then came to this Body.

There is another thing. While I was sitting here, a member of the House told me that the railroad men appeared in the committee in opposition to this bill. In regard to the fact, I do not know.

Now then, why should not this mileage bill be entertained by this Senate? The lower Body have determined that it was a different measure, and under the rules, they had a right to receive it.

There is another reason why we should entertain this bill. If it had not been for a mistake the other day when the bill came up, several senators that were absent would have been present, and so far as I am concerned for one. I went to Senator Maxwell on Wednesday night before going home and asked him if the mileage bill was coming up the next morning. He told me that he had made arrangements for it to come up Friday morning and be laid on the table with the Governor's veto. I understand he did state his wishes, but for some reason the matter was overlooked and there were at least three or four votes that would have been against this bill, that went away thinking it was coming up Friday.

I do not know whether the Governor would veto this bill or not, but it should have an opportunity of being considered. It went through the House and is now simply up to get the opinion of the two Bodies, and it seems that all should have an opportunity to vote upon it. If it is rejected after members have had an opportunity to consider it, then like any other matter, it should die and nothing more be said about it. It seems to me that it does not require suspension of the rules to consider this matter when it is applied to both electric and steam roads for it is an entirely different question, and it seems to me that a

majority vote is sufficient to authorize its consideration.

Mr. RICHARDSON of Penobscot: Mr. President, in view of the fact that there are a number of the senators who are interested in this measure who are not present this morning, I move that further consideration of this bill be postponed until tomorrow morning at nine o'clock.

The motion was agreed to and the bill was tabled and assigned for tomorrow morning.

Committee Report.

Mr. Emery from the committee on appropriations and financial affairs on "Resolve in favor of Fred F. Lawrence, for services as stenographer to the joint special committee on Public Utilities," reported that the same ought to pass.

The report was accepted.

On motion by Mr. Boynton of Lincoln, under suspension of the rules, the resolve was given its readings and was passed to be engrossed, without printing and without reference to a committee.

Committee on bills in second reading to which was referred bill, An Act to require certain vehicles to carry lights at night on public highways and bridges, reported that no further verbal amendments were necessary.

The report was accepted.

On motion by Mr. Allen of Kennebec, pending second reading, the bill was tabled and assigned for tomorrow morning.

Passed to Be Enacted.

An Act creating a State Board of Charities and Corrections and prescribing the powers and duties thereof.

An Act to provide temporary clerk hire for the register of probate in Aroostook county.

An Act providing temporary clerk hire for the register of deeds in Penobscot county.

An Act providing temporary clerk hire for the clerk of court in York county.

An Act providing temporary clerk hire for the clerk of courts in Piscataquis county.

An Act providing temporary clerk

hire for the register of deeds in Oxford county.

An Act providing temporary clerk hire for the register of probate in Kennebec county.

An Act in relation to the assessment of collection of inheritance taxes.

An Act to amend Sections 1 and 2 of Chapter 117 of the Public Laws of 1905, relating to the compensation of county commissioners.

An Act to provide for the re-construction of Portland bridge.

Finally Passed.

Resolve in favor of the Maine State Sanitorium Association to supply free beds and other assistance to needy patients at said institution.

Resolve in favor of Nita L. Goodell for services as stenographer of the presiding and recording officers of the House of Representatives.

Resolve in favor of the Eastern Maine General Hospital for maintenance.

Resolve in favor of aid in the construction of a highway bridge over the St. John river between Fort Kent, Maine, and St. Francis, New Brunswick.

Resolve in favor of F. P. Washburn, secretary of the committee on Indian affairs, for the expenses of that committee in visiting the Penobscot Reservation at Old Town.

Resolve to provide for indexing the House and Senate papers in the Senate office for the session for 1913.

Resolve to provide for re-indexing the House and Senate papers now on file in the Senate office.

Orders of the Day.

The Chair laid before the Senate for consideration the first assignment for today, House Document 712, An Act to amend Section 50 of Chapter 51 of the Revised Statutes, as amended by Chapter 165 of the Public Laws of 1911, relating to duties of the railroad commissioners.

The pending question was suspension of the rules and the first reading of the bill.

Mr. DUTTON of Kennebec: Mr. President, this bill was tabled by me because there was serious doubt in my mind as to whether the Board of Railroad Commissioners were not re-

vived by it. I am still more in doubt than I was at that time. In fact I am quite positive that the board is unintentionally—I don't think it is anybody's intention to do this—retained in existence by these words—that is, this bill having a passage after the public utilities bill was signed—that this examination may be made by a member of said board, which refers to the railroad commissioners, or some person appointed for the purpose by said board.

Now it strikes me that there would be a little question about that and inasmuch as the object to be attained by this bill can be acquired in a way that there will be no doubt about it, I want to offer an amendment to that bill. I will say this amendment will give all the opportunities and advantages desired by the friends of this measure.

The senator from Kennebec, Senator Dutton, offered Senate Amendment A, as follows: "Amendment House Document 712 by striking all after the enacting clause and substitute the following:

Section 1. All the duties imposed on the railroad commissioners by Section 50 of Chapter 51 of the Revised Statutes, as amended by Chapter 165 of the Public Laws of 1911, shall be performed by the public utilities commission or some members thereof, or by some competent person by said public utilities commission, duly appointed."

Mr. DUTTON: Mr. President, I don't think it is necessary for me to make any further observations. This covers the point. The idea is to get a man to make this inspection annually, and get a competent person to do it, and there should be no question whether he should be appointed by the Public Utilities Commission or by the Board of Railroad Commissioners.

On motion by Mr. Dutton, Senate Amendment A to House Document 712, was adopted, and on further motion by the same senator, the rules were suspended and the bill, as amended was given its second reading and was passed to be engrossed.

On motion to the senator from Oxford, the Senate took a short recess, subject to the call of the Chair.

After Recess.

Senate called to order by the President.

The PRESIDENT: The time having arrived to which the recess of the convention was taken, the Senate will proceed to the Hall of the House and reform in convention, to continue the proceedings for the removal of Sheriff Moulton.

The Senate then proceeded to the Hall of the House.

IN THE SENATE.

After Recess.

Senate called to order by the President.

On motion by Mr. Richardson of Penobscot, unanimous consent was given, and this senator presented out of order, under suspension of the rules, an Act appropriating moneys for the expenditure of government for the year 1913.

On motion by the same senator, the bill was referred to the committee on appropriations and financial affairs.

On motion by Mr. Packard of Knox, Adjourned until tomorrow morning at 9 o'clock.