

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

SENATE.

Thursday, April 10, 1913.

Senate called to order by the President.

Prayer by Rev. Robert Lawton of South Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: House Document 333, An Act relating to the protection of moose, came from the House indefinitely postponed by that branch.

On motion by Mr. Wing of Franklin, the bill was indefinitely postponed in concurrence.

From the House: Resolve in favor of the State House employees for extra work incurred during this session of the Legislature.

In the House this resolve was reported by the committee, "ought not to pass," and the report was accepted.

In the Senate the report was accepted in concurrence. Subsequently the Senate declined to reconsider its vote in accepting the report in concurrence.

Yesterday in the House under suspension of the rules, the vote whereby the report was accepted, was reconsidered, the resolve was substituted for the report and passed to be engrossed.

Mr. ALLEN of Kennebec: Mr. President, on account of the absence of my colleague, Senator Dutton, who is sick this morning, and who is interested in this measure, I move that it be tabled until tomorrow morning.

The motion was agreed to, and the bill was tabled pending action in concurrence with the House.

From the House: The conference committee on the disagreeing action of the two branches of the Legislature, on an Act establishing the Lincoln Municipal Court, reported that they were unable to agree. The report was signed by all members of the committee.

The report was accepted in concurrence.

From the House: The committee of conference on the disagreeing action of the two branches of the Legislature on an Act providing temporary compensation for the recorder of the Houlton Municipal Court, reported that they were unable to agree. The report was signed by all members of the committee.

The report was accepted in concurrence.

Placed on File.

Petition of E. L. Craig and 24 others endorsing the action of the Governor in presenting charges against certain sheriffs.

Final Committee Reports.

Committee on manufactures.
Committee on agriculture.
Committee on State School for Boys and Industrial School for Girls.
Committee on pensions.

Reports of Committees.

The committee on State prison which was instructed by order of the Legislature to investigate the books, accounts and financial conditions of the Maine State prison and report to this Legislature by bill or otherwise, submit the following report, with accompanying resolve:

To the Honorable Senate and House of Representatives:

By an order of the Legislature adopted in both branches on March 31st the Joint Standing Committee on State Prison was directed to investigate the financial condition and management of the prison and report to the Legislature during the present session.

On Saturday, March 22nd, a majority of the committee visited the prison and examined all departments. We found a considerable quantity of carriages and wagons, which we were informed was about the usual number for this time of year and most of which should be sold during the approaching spring and summer season. There are about 100 sleighs on hand, which is somewhat more than usual at this period of the year. Weather conditions in the past winter have made the sale of sleighs exceed-

ingly difficult. These sleighs cannot be sold until another winter, and in the meantime will need to be re-varnished. The average price of the sleighs at wholesale is \$30, and this figure should be obtained when they are sold.

The harness department has the usual amount of stock on hand, which is adequate for present requirements. There are few completed harnesses, however, as all of the work of this department is on orders, and the harnesses are sold as fast as made, and none are carried in stock.

The paint and varnish rooms are supplied with a quantity of paints, oils, varnishes, etc., fully equal to the average stock on hand, and sufficient for all requirements.

In the broom department, work was entirely suspended, all of the men standing or sitting idly at the benches. No one was employed. This condition was due to the lack of stock with which to complete the manufacture of brooms which had been commenced.

In the blacksmith shop 30 prisoners are ordinarily employed, but owing to the lack of stock there was work for only 10. Two-thirds of the prisoners in this department were without employment on this account. The enforced idleness of so many prisoners necessarily means a substantial loss in the operation of the prison. Necessary supplies have been ordered, and as soon as they are received, the condition in these two departments will be improved and remedied. But it must be borne in mind that the bills against the prison, hereafter referred to, will be increased by the amount of these purchases.

There has been no uniform system of accounting in the prison departments and the method of keeping the books and accounts is inaccurate and unsuited to the requirements of the institution.

The gross assets of the prison on Dec. 1, 1910, consisted of stock on hand \$81,188.81; cash in bank \$7,506.80; cash in safe \$68.93; accounts receivable \$21,543.52; a total of \$110,308.06. Deducting amount due convicts \$1191.76; accounts payable \$11,473.96; making the total debt of \$12,665.72 leaves a net balance of \$97,642.34.

The gross assets for the year 1911 are as follows: Stock on hand, Nov.

29, 1911, \$64,881.88. Cash in bank \$4982.59; cash in safe \$598.15; accounts receivable \$21,223.10; a total of \$91,685.72. Deducting from this the amount due convicts \$888.03; accounts payable \$889.79; a total debt of \$9787.82, thus leaves a balance of \$81,897.90.

The gross assets for the year 1912 are as follows: Stock on hand \$69,869.60; cash in bank \$2451.40; cash in safe \$320.95; accounts receivable \$21,969.71; a total of \$94,611.66. Deducting from this the amount due convicts \$731.20; accounts payable \$16,419.23; a total of \$17,150.43, thus leaves a balance of resources at the prison of \$77,461.23.

The account of stock lately taken by the officers of the prison and the prison inspectors is as follows:

Stock as per list	\$62,412.45
Cash on hand	173.83
Bills receivable	17,738.05
	<hr/>
Making the total resources	\$80,324.33
Deducting from this the amount due convicts (estimated)	\$750.00
Accounts payable, including the two notes at bank	21,234.54
	<hr/>
	\$21,984.54
Thus leaving a balance above liability	\$58,339.79

We understand the difference in the value of stock on hand, Feb. 1, 1911, and the stock taken on the same basis, December, 1910, showed a deficiency in value of about \$14,000, to this amount should be added that allowed for worthless accounts charged off to profit and loss, 1911 and 1912, \$2338.03, also the estimated discount or decline in the price of brooms manufactured and the raw material amounting to \$2700.

The loss in running the prison for Dec. 1, 1911 to Dec. 1, 1912, as per the report of Warden Wiggin amounted to \$4381.27. These discounts in taking account of stock February, 1911, added to the poor bills and deficiency in values amount to \$23,419.30. You will notice that the total net resources, Nov. 30, 1910, at the time Warden Wiggin took charge were \$97,642.34. The last net balance, March, 1913, \$58,339.79, thus showing a deficiency of \$39,302.55, from this we should deduct the amount

of \$23,419.30 stated above, which still leaves a deficiency of \$15,883.25. We do not approve the method of taking account of stock at the institution. The parties in charge stated to us that there was no way of ascertaining the cost of the several articles manufactured, that the usual system of taking account was to take them at the selling price instead of at what it cost to manufacture, thereby allowing the full value and making no allowance for the expense of selling. You can readily see that any warden who takes charge of this institution, by manufacturing large quantities of wagons, sleighs, brooms, furniture, etc., can show that the institution is run at a profit regardless of the fact that no goods of any quantity are sold, that his successor will be obliged to work a year to sell this old stock and have to make discounts amounting probably to thousands of dollars besides the expense of selling. We consider this method is wrong, there should be a way of figuring the cost of each article and when stock is taken, it should be figured at cost and not at the selling price. Then any warden would receive credit for what had been sold. We were notified April fifth that the firm of Lewis A. Brown & Co., of Boston, who owed the State \$2574.65, had failed and settled up as a bankrupt and that not one dollar of this is available, thereby cutting the bills receivable down to \$15,163.40 and the total net resources to \$55,765.14. We see but one way to explain this shortage of \$22,964.52. It has cost part of this amount to run the Prison more than the prisoners have earned and the difference in value between that fixed by the officials that have taken this stock March 7, 1913, and those who made the value at the time Warden Wiggin took charge, February, 1911. Your committee has no way of ascertaining this fact as there seems to be no record of the values set at that time, February, 1911. We can not state that these differences will cover this amount. Warden Wiggin stated to us that he had a sales book at the prison, that he kept a full account of everything sold. The parties at the Prison when we were there stated there was no sales book found. We recommend that the same be examined if found and ascertain if the goods sold from Dec. 1,

1912, to March 17, 1913, added to the stock taken on the later date will agree after adding the sales less the purchases.

The members of the committee feel certain that it will be impossible to conduct the Prison profitably or economically without an appropriation for the payment of the outstanding bills. Many of these accounts are long overdue and for the credit of the State they should be paid at once. The warden is writing letters of apology to creditors who are asking for their money. The manufactured goods on hand can not be sold at present for enough to meet them and all of the current income will be needed for the current expenses. To get the best results from the operation of the Prison, the warden should have sufficient funds constantly on hand to buy all supplies and stock for cash, thus securing the trade discounts allowed on cash purchases. He should also be able to take advantage of the market and to buy in sufficient quantities to obtain the lowest prices. In the harness department alone purchases amounting to \$14,000.00 have been made in two months and a discount of 2 per cent. for cash on all purchases in all departments would effect a saving equal to the salaries of two or more of the subordinate officials of the Prison. But cash purchases can not properly be made until overdue accounts are paid. With less than \$200.00 on hand and nearly \$22,000.00 of unpaid bills outstanding, on part of which interest at the rate of 6 per cent. is being paid, it is evident that the warden can not possibly purchase supplies for cash and at the same time extinguish this indebtedness, from current income.

It has apparently never been the policy of the State to insure its Prison property and no insurance is carried on any of the buildings or contents.

Recommendations.

We approve of the employment of an expert accountant to provide an improved and comprehensive system of accounting for the Prison.

We advise the purchase of a safe for the Prison office, to provide proper protection for the books and papers of the institution.

We recommend the appropriation of \$20,000.00 by a deficiency resolve to provide for payment of the outstanding

debts of the prison, which should be passed as an emergency measure so that the amount will be immediately available.

We believe that the term of the warden should expire on a definite date, when the assets of the Prison should be delivered to his successor and receipted for.

We suggest to the Governor and Council that they consider the expediency of insuring the Prison workshops and contents, especially the harness shop and contents, and of installing the sprinkler system in these buildings to obtain the advantage of the lowest rates of insurance.

April 9, 1913.

Respectfully submitted,

P. W. BENTON,
C. DOHERTY,
CHAS. J. CHASE,
ALEX. C. HAGERTHY,
G. F. MANSFIELD,
BENJ. F. STURGIS,
H. D. MAXWELL,
THOMAS W. SKELTON,
Committee on State Prison.

The report of the committee was accepted.

Resolve for the payment of debts at the Maine State prison.

Mr. PACKARD of Knox: Mr. President, I move that the report of the committee and the resolve be tabled for printing.

The PRESIDENT: The Chair will state that unless the senator is very anxious to have the resolve printed it is advisable that the House act upon it this morning.

Mr. PACKARD: That is agreeable to me, Mr. President, and I will withdraw my motion.

Mr. WALKER of Somerset: Mr. President, I would ask through the Chair if the emergency clause is satisfactory to the senator from Aroostook; if he thinks it is legal and would be all right.

Mr. HERSEY of Aroostook: Mr. President, the senator from Aroostook will state through the Chair with a great deal of pleasure, if I am to be the official adviser of the Senate, I will answer that in the opinion of the senator from Aroostook, the emerg-

ency clause upon this measure is very proper indeed, and that I shall be pleased to vote upon it. I do not wish to express any further my opinion in regard to other measures that have passed this Legislature.

Mr. WALKER: Mr. President, I would like to inquire of the Senator through the Chair whether this emergency clause would be in regard to public health and safety.

Mr. HERSEY: Mr. President, the senator from Aroostook is pleased to say that when the State has bills owing its creditors and they are pressing the State for those payments, in the opinion of the senator from Aroostook, it is very proper for the State to take the position that for the safety of the State they had better pay their bills.

On motion by the senator from Piscataquis, the rules were suspended and the bill was given its readings and was passed to be engrossed.

The same committee which was instructed by an order of the Legislature to inquire into the expediency of allowing time convicts in the State prison a small compensation for their work and labor while performing such work while in the prison, reported same inexpedient.

The report was accepted.

The PRESIDENT: Under unfinished business, the Chair lays before the Senate 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.

The pending question is the passage of the bill to be enacted.

Mr. RICHARDSON of Penobscot: Mr. President, I wish to offer Senate Amendment A to this bill. I move that the rules be suspended and that the vote whereby this bill was passed to be engrossed be reconsidered.

The motion was agreed to and the senator presented the following amendment:

Senate Amendment A. to An Act to amend Section 2 of Chapter 250 of the Public Laws of 1909, relating to the payment of fees accruing to State in-

stitutions and departments, as amended by House Amendment.

Amend Section 1 of said Act by adding after the first word "State" in the eighth line thereof the words, "provided however that this provision shall not apply to any educational institution"; and amend further by adding after the word "accrues" in the tenth line of said Section 1, the words "and the same is hereby appropriated for the use of such institution;" and amend further by striking out the word "one" in the 25th line in said Section 1, and inserting in place thereof the word "two;" and amend further by adding after the word "same" in the 27th line of said Section 1, the words "the crediting of fees or other income accruing to State institutions except educational institutions, and the payment of bills of such institutions shall be under such regulations as the State auditor may prescribe."

Mr. RICHARDSON of Penobscot: Mr. President, just a word of explanation in regard to these changes which have been thought to be necessary.

It was believed by some who are particularly interested in some of the educational institutions, that it was possible that this act, this law might inadvertently be made to apply to the Normal schools and the University of Maine, which was not the intention, and so we added that first amendment—"Provided, however, that this provision shall not apply to any educational institution," so this may clear without any question these several educational institutions.

Then, furthermore, in the second amendment it was thought that the crediting of these receipts to the various institutions from which they originated might not possibly make these credits available for the use of the institution technically, and so at the suggestion of one of the auditors it was thought best to add there, "and the same is hereby appropriated for the use of such institution."

Further, it was thought that at least one of the institutions might possibly at times require more than \$1000 at one time, and at the urgent request of our present auditor, we have made that change to make it \$2000. This is entirely within his discretion, and if

the institution does not require more than \$500, it is within his power to advance only \$500.

Then further, Section 2 of this Act provides that all acts and parts of Acts inconsistent with this Act are hereby repealed. One of the former auditors thought that that possibly might have some application on the enabling Act under which the auditor's office was created, and so we provided the final amendment there, "crediting the fees or other income accruing to State institutions, except educational institutions, and the payment of bills of such institutions shall be under such regulations as the State auditor may prescribe," so that all of this may be under the control of the auditor.

I think the Senate will agree that these amendments increase the force of the Act.

I move the adoption of Senate Amendment A.

The motion was agreed to, and the bill, as amended, was then passed to be engrossed.

The PRESIDENT: The Chair now lays before the Senate for consideration An Act to amend the Act which constitutes the police court for the city of Rockland.

Mr. PACKARD of Knox: Mr. President, this Act which increased the duties of the recorder of the Rockland police court also increased his salary. The Senate accepted the amendment which cut out the increase of salary, and the fact is that no one in the county was in favor of the act except the recorder, and now that he has lost the increase, he does not want the Act, and so I move that the bill be indefinitely postponed.

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

The PRESIDENT: The Chair lays before the Senate House Document 225, An Act to require certain vehicles to carry lights at night on public highways and bridges.

Mr. MAXWELL of Sagadahoc: Mr. President, I yield the floor to the senator from Penobscot, Senator Bailey.

Mr. BAILEY of Penobscot: Mr. President, since the bill was tabled the other day, I have looked at the bill that came from the House, and it

was the original report amended in such a way as to make the report of the bill as reported by the committee absolutely worthless for the purpose for which it was intended. Of course we all know that there is more than one way to kill a bill, and the House took the indirect way.

The majority report of the committee provided a reasonable and efficient bill for the protection of those traveling upon the highway. The original report required that all vehicles, except those loaded with hay and straw, should be provided with a light at certain hours. Now since this matter has been discussed, I have had some instances brought to my attention both by letter and by word of mouth, of the necessity of this bill. Perhaps I will not take the time of the Senate to relate more than one.

It seems that a man and his wife had been attending a Grange meeting. It was in September when we have that sort of a haze in the atmosphere, and also the roads were dusty. They were riding in an open Concord wagon which was covered with dust, and the man and his wife both had on linen dusters.

This haze or fog was not what you would call thick, but still it was just enough to obscure the outline. An automobile came along, and on account of this haze and fog did not see the buggy and the occupants on account of the dustlike color, and when within 25 or 30 feet they did observe it—whether they were asleep or not, the occupants of the wagon does not appear, but when they went to turn out they turned the wrong way and there was a collision, the wagon was overturned and the man's arm broken. He sued the man who drove the automobile and recovered a verdict of \$400. The lawyer who handles his case took \$200 of it, he paid \$50 for getting his arm set, for the surgical operation, so that for the two months that he was laid up with a broken arm he received \$150, besides the pain suffering.

Now I was talking with the man who drove the automobile and he said that unquestionably if there had been a light on that wagon there would

have been no trouble whatever, no collision, no accident. Because any one who drives an automobile, knows and I think it is common knowledge to those who don't, that a light can be seen through this sort of haze that we have, or even through fog, some distance off. There will be a light spot in the fog which will give warning that some one is ahead.

Now just because I own an automobile I am not advocating this measure. Some people think that because I drive an automobile that I am looking after myself. But I am not.

There was another accident happened, parties who came into the State who belong in Connecticut, and they were very much wrought up and mad because there were no lights being carried, because in their own state lights are provided on all vehicles, and they said they would never come into this State again where the conditions were so archaic.

And as I said before, the outlay and expense in this matter would be trivial. Of course I did not mean to insinuate that all well-to-do farmers would carry a 75 cent lantern. Of course those who took pride in their rigs would buy a proper lantern which would be in accordance with their equipment. But, as I said before, I do believe that advance and progress require certain advances in our methods of doing business all along the line. We have passed many progressive measures in this Legislature, and I believe that this is one and I move, Mr. President, that we substitute the report of the committee for the bill as it comes in from the House.

Mr. ALLEN of Kennebec: Mr. President, I think this bill has been pretty well aired out and lighted up. It is a question if we need more light. But the remarks of the senator from Penobscot suggest to me the fact that as far as I am able to determine, it would not matter much how many lights there were on a vehicle if the party driving didn't know which way to turn out and turned the wrong way. The party that he refers to must have been driving in the Provinces where they turn the opposite way to what we do. I wonder what the gentleman would do if he should

meet some of those Province people, with the lights on, when they turn to the left instead of the right—opposite from what we do.

I suggest this, Mr. President, from my personal knowledge of the accidents which have occurred and collisions of automobiles and carriages, that if you eliminate the people driving them who are intoxicated, you eliminate 75 per cent. of the accidents, light or no light.

Mr. BAILEY: Mr. President, the idea is, it was not because of the man driving on the wrong side of the road, or keeping to the wrong side of the road—it was that the man driving the automobile could not see the carriage at a far enough distance away so that he could slow down. It is not confined to Province people turning to the wrong side of the road.

Everybody who drives automobiles knows you find that condition in broad daylight, but under those conditions you can see a team, and most every one who drives an automobile slows down when he comes to a team so as not to pass it at a rapid rate. But when you are traveling along at a reasonable rate of speed and you get right on top of a team, you don't have time then to swing one way or the other. That is the question there.

Mr. WALKER of Somerset: Mr. President, I move the previous question.

The motion was agreed to.

Mr. ALLEN: Mr. President, I call for the yeas and nays.

A sufficient number having arisen, the yeas and nays were ordered.

Mr. Bailey of Penobscot announced that he was paired with Senator Dutton; that he would vote yes and that Senator Dutton if present would vote no.

The secretary called the roll. Those voting yea were: Messrs. Allan, Boynton, Chase, Colby, Conant, Mansfield, Maxwell, Morey, Murphy, Richardson, Smith Stearns, Wing—13. Those voting nay were: Messrs. Allen, Burleigh, Cole, Hagerthy, Hastings, Hersey, Jillson, Packard, Patten, Reynolds, Walker—11. Absentees: Messrs. Clark, Emery, Flaherty, Moulton—4.

Thirteen senators having voted in the affirmative, and 11 in the negative, the motion prevailed.

On motion by Mr. Bailey of Penobscot, the rules were suspended, the bill

was given its two readings and was passed to be engrossed.

THE PRESIDENT: The time having arrived under the rules for the formation of a joint convention for the consideration of the charges against Sheriff Emerson, the Senate will now proceed to the hall of the House for the purpose of forming the convention.

The Senate thereupon retired to the hall of the House.

After Recess.

Senate called to order by the President at 6 P. M.

THE PRESIDENT: The Chair desires to state that in the matter of the Lincoln Municipal Court, this morning, the Chair was incorrectly informed. This matter was referred to a committee of conference, and the officers of the Senate were under the impression that the report of the conference committee had been accepted in the House, and we therefore accepted the report in concurrence. It now appears that the pending question being the report of the conference committee, the House voted to recede and concur with the Senate in the passage of the bill to be engrossed, without adoption of the amendment. The Senate having passed the bill to be engrossed, and the House having passed it to be engrossed as amended by House Amendment A, and the Senate having declined to concur with the House in the adoption of House Amendment A, the difference in other words between the two branches was in the adoption of House Amendment A, and the House having receded and concurred with the Senate, there is no longer any disagreeing action. And the senator from Lincoln moved that the vote whereby the report of the committee was accepted be reconsidered.

The motion was agreed to.

On motion by the same senator, the committee was discharged from further consideration of the bill.

The bill having been passed to be engrossed in both branches, no further action was necessary except that it take its usual course.

On motion by Mr. Wing of Franklin, unanimous consent was given, and that senator presented the report of the com-

mittee of conference on the disagreeing action of the two branches on the Workmen's Compensation bill, recommending that said bill, as amended by Senate Amendments O, P and Q, should receive a passage.

The report was signed by a majority of the members of the committee from both branches.

The report was accepted.

On motion by Mr. Richardson of Penobscot, unanimous consent was given, and that senator presented out of order a resolve in favor of the Senate post-master.

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

On motion by Mr. Hersey of Aroostook, unanimous consent was given, and that senator presented out of order a Memorial from this Legislature to Congress.

The memorial was read by the secretary.

On motion by Mr. Morey of Androscoggin, the memorial was tabled for printing and assigned for tomorrow morning.

On motion by Mr. Stearns of Oxford, a recess was taken until 7.45 P. M.

After Recess.

Senate called to order by the President at 8 P. M.

THE PRESIDENT: The Chair will state the House is not in session, having adjourned until tomorrow morning, and for the purpose of forming a convention, it will not be necessary to go in in form

It might be well if there is any business to be taken up, to take it up now and then come in, tomorrow morning, at 9 o'clock.

Mr. MOREY of Androscoggin: Mr. President, is there a bill that was passed by the house, this afternoon, a mileage bill? I understand that it passed the House, and I do not know whether it has come around here or not.

THE PRESIDENT: The Chair will state that no papers have come from the House. Presumably if the action has been taken, it is not yet recorded on the journal, and cannot come in until morning.

On motion by Mr. Morey of Androscoggin, adjourned until tomorrow morning at 9 o'clock.