

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

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1917

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**HOUSE.**

Thursday, January 25, 1917.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Ruth Swift of Haverhill, Mass.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Mr. COLE of Elliot: Mr. Speaker, I ask unanimous consent to introduce an order out of order, the Senate concurring, that when the Senate and House adjourn they adjourn to meet Friday, January 26, at eight o'clock in the forenoon.

Unanimous consent being given, the order received a passage and was sent up for concurrence.

The following bills, petitions and resolves were presented and, on recommendation of the committee on reference of bills, were referred to the following committees:

**Agriculture.**

By Mr. Stanley of Dixfield: An Act to give more power to the local sealers of weights and measures and their deputies.

**Appropriations and Financial Affairs.**

By Mr. Lyford of Atkinson: Resolve in favor of the trustees of Piscataquis County Hospital of Dover and Foxcroft for maintenance.

By Mr. Murray of Bangor: Resolve in favor of the Eastern Maine Orphan's Home (Mount St. Michael's) Bangor, Maine.

By Mr. Gurney of Portland: Resolve in favor of the Maine Home for Friendless Boys for care, support and education.

By Mr. Dutton of Bingham: Resolve in favor of Robert Lee Bussabarger.

**Claims.**

By Mr. Hall of Wilton: Resolve reimbursing the town of Wilton for

money expended for the support of certain State paupers.

**Education.**

By Mr. Pattee of Harmony: Resolve in favor of Hartland Academy for repairs and equipment.

**Indian Affairs.**

By Mr. Hartwell of Old Town: Resolve in favor of the Penobscot Tribe of Indians for the general care, maintenance, relief and education thereof.

**Inland Fisheries and Game.**

By Mr. Meserve of Naples: An Act to amend Section 29 of Chapter 33 of the Revised Statutes (1916) relating to the transportation of fish under special tag.

By Mr. Clement of Montville: An Act to amend Section 18 of Chapter 33 of the Revised Statutes of 1916 relating to fishing through the ice in Unity Pond, in the towns of Unity, Burnham and Troy, in Waldo county.

By Mr. Phillips of Southwest Harbor: Resolve appropriating money for the construction of a fish way at the outlet of Great Pond, in the towns of Mt. Desert and Southwest Harbor, on Mt. Desert Island.

By Mr. Meserve of Naples: Petition of A. N. Cannell and 38 others for amendment to fish and game laws relating to cusk.

By Mr. Hall of Wilton: Petition of E. H. Morison and 79 others of Wilton in favor of resolve for aid in screening Wilson Lake.

**Insane Hospitals.**

By Mr. Farrington of Augusta: Resolve in favor of Augusta State Hospital for a nurses' home, with statement of facts.

By the same gentleman: Resolve in favor of the Augusta State Hospital for renovation of the bath and toilet rooms in the Harlow and Sanborn Buildings, with statement of facts.

By Mr. Gannett of Augusta: Resolve in favor of the Augusta State Hospital for equipping the second and third male stone buildings now being renovated, with statement of facts.

By the same gentleman: Resolve in favor of the Augusta State Hospital

for the renovation of the bath and toilet rooms, new hardwood floors in the wards, and new electric wiring of the male and female pavilion buildings, with statement of facts.

#### Interior Waters.

By Mr. Murray of Bangor: An Act to extend and amend the charter of the Bangor Boom Company.

#### Judiciary.

By Mr. Cole of Eliot: An Act to define certain terms used in Section 58, Chapter 64, Revised Statutes, in relation to licensing Children's Homes and Maternity Hospitals.

By Mr. Langley of Lewiston: An Act to amend Section 39, Chapter 30, Revised Statutes of 1916, relating to the inspection of safeguards and repairs by town officers and fire engineers. (500 copies ordered printed.)

By Mr. Murray of Bangor: An Act increasing authority of constables in serving writs.

By Mr. Longley of Sidney: An Act to regulate the practice of osteopathy, creating a Board of Examination for those desiring to practice the same and providing penalties for violation of this act. (2000 copies ordered printed.)

#### Legal Affairs.

By Mr. Gurney of Portland: An Act amending Section 11 of Chapter 117 of the Revised Statutes.

By Mr. Sawyer of Madison: An Act to amend Chapter 121 of the Private and Special Laws of 1913 to enable the annual meetings of Madison Water District to be held at any time during the month of July.

#### Military Affairs.

By Mr. Eaton of Rumford: Resolve to reimburse the town of Rumford for money paid out for dependents of the Second Maine Infantry.

#### Pensions.

By Mr. Clement of Montville: Resolve in favor of Addie L. Coombs of Montville for State pension.

By Mr. Ames of Stockton Springs: Resolve in favor of a State pension for Lucena P. Andrews.

By the same gentleman: Resolve in favor of Georgiana Carley.

By Mr. Billings of North Berwick: Resolve in favor of Olive A. Getchell, for State pension.

By Mr. Ames of Stockton Springs: Resolve in favor of Ellen M. Shute of Stockton Springs.

By Mr. Messer of Union: Resolve providing a State pension for Winifred Whitney of Union.

By Mr. Tate of Topsham: Resolve in favor of George A. Crowley of Topsham, Maine.

By Mr. Andrews of Norway: Resolve giving a State pension to Levi E. Holden.

By Mr. Brown of South Portland: Resolve in favor of a State pension for Hattie E. Rust of South Portland.

#### Public Health.

By Mr. Hall of Wilton: An Act additional to Chapter 51 of the Private and Special Laws of 1907, relating to the pollution of the waters of North or Varnum's Pond.

#### Public Utilities.

By Mr. Ames of Stockton Springs: An Act to incorporate the Penobscot River Ferry Company. (500 copies ordered printed.)

#### Railroads and Expresses

By Mr. Clifford of Reed Plantation: An Act to extend and amend the charter of the Eastern Maine Railroad.

#### Salaries and Fees.

By Mr. Lyford of Atkinson: An Act to amend Section 1 of Chapter 337 of the Public Laws of 1915 relating to amount to be paid for probate clerk hire in Piscataquis county.

By the same gentleman: An Act to amend Section 1 of Chapter 204 of the Public Laws of 1915 relating to the salaries of registers of probate in Piscataquis county.

By Mr. Rounds of Portland: An Act to amend Section 42 of Chapter 117 of the Revised Statutes, relating to the salary of the county commissioners of Cumberland county.

By Mr. Langley of Lewiston: An Act to amend Paragraph 2, Section 45,

Chapter 117, Revised Statutes of 1916, relating to clerk hire in county offices.

By Mr. Sawyer of Madison: An Act to amend Section 38 of Chapter 117 of the Revised Statutes of 1916 regarding the compensation of the judge of probate for Somerset county.

By Mr. Langley of Lewiston: An Act to amend Section 43, Chapter 117, Revised Statutes 1916, relating to salaries of registers of deeds.

#### School for Feeble Minded.

By Mr. Daigle of Wallagrass: Resolve appropriating money for the construction of outside service extension from the central heating and power plant to the brick buildings of steam heat and cold water hydrants and electric transmission at the Maine School for Feeble Minded.

By Mr. Dutton of Bingham: Resolve appropriating money for the construction and equipment of one brick building for a dormitory for boys at the Maine School for Feeble Minded.

By Mr. Libby of Litchfield: Resolve appropriating money for equipment of a central heating and power plant at the Maine School for Feeble Minded.

By Mr. Hunt of Brunswick: Resolve appropriating money for the extension of the electric lighting system at the Maine School for Feeble Minded.

By Mr. Bussabarger of Lubec: Resolve appropriating money for the construction of a bridge across Collyer brook at the Maine School for Feeble minded.

By Mr. Merrill of Gray: Resolve appropriating money for the construction of a horse barn at the Maine School for Feeble Minded.

By Mr. Wagg of Durham: Resolve appropriating money for the construction and equipment of one brick building for congregate dining room with quarters for certain employees at the Maine School for Feeble Minded.

#### Ways and Bridges

By Mr. Longley of Sidney: An Act to amend Section 16 and Section 17 of Chapter 4 of the Revised Statutes, relating to road commissioners. (1000 copies ordered printed.)

By Mr. Redman of Ellsworth: An Act

to grant legislative assent to the provisions of the federal aid road act and to authorize the State Highway Commission to co-operate with the federal government according to the provisions of said act. (1500 copies ordered printed.)

By Mr. Andrews of Warren: Resolve in favor of the town of Warren for the repairs necessary on the toll bridge, so called, at South Warren.

By Mr. Morison of Corinth—Resolve in favor of aid in rebuilding a road in the town of Glenburn.

By Mr. Murphy of Calais: Resolve appropriating money to aid in repairing the international bridge across the St. Croix river in the city of Calais. (500 copies ordered printed.)

By Mr. Morison of Corinth: Resolve in favor of aid in rebuilding a road in the town of Corinth.

By the same gentleman: Resolve in favor of aid in building road in the town of Charleston.

On motion by Mr. Barnes of Houlton, the vote was reconsidered whereby bill, An Act increasing the authority of constables in serving writs, was referred to the committee on judiciary, and on further motion by the same gentleman it was tabled for printing, and 500 copies ordered printed.

Mr. SAWYER of Madison: Mr. Speaker, I move you that the bill relating to the salary of the judge of probate for the county of Somerset be referred to the Somerset delegation.

The SPEAKER: The rule which fixes the duty of the committee of reference states that it shall be the duty of that committee to suggest the reference of bills to appropriate committees. Joint Rule 16 provides that no rule shall be suspended unless the consent of two-thirds of the members present is obtained. The Chair rules that the report or the suggestion of the committee of reference fixes the disposition of a bill; and the Chair's ruling is that it will take a two-thirds vote of the House to refer a bill to another committee. Of course that is subject to appeal.

Mr. FARRINGTON of Augusta: Mr. Speaker, as I understand the duty of this committee on reference of bills is simply to facilitate the business of the Legislature, and their reference to one committee or another is simply as a matter of suggestion, and that this House is not bound in any way by such reference; that it can refer as it pleases. It seems to me a rather dangerous precedent, or might be such, if this committee of reference can absolutely, as a matter of ruling, say where a certain bill shall go, particularly when it would take a two-thirds vote to overcome it. I believe this House has an absolute right to refer as it pleases, notwithstanding the suggestion by the committee of reference.

Mr. BARNES of Houlton: Mr. Speaker, I think my brother, Mr. Farrington of Augusta, will agree, after a little more consideration, that the ruling of the Chair is correct relative to the standing of a report of the Committee of Reference; but that matter suggested by the gentleman from Somerset (Mr. Sawyer) is of rather more importance to us than even supporting the Speaker's ruling at this time, and I wish simply to suggest that doubtless, relative to the salaries of some of the county officials from each of the 16 counties of the State, there may be requests for increase, and that while many measures are properly referable to the county delegations, yet we are reasonably sure, having heard many of these resolves already read, that many of a similar nature will be introduced in the House at this session, and that it is fair, proper and entirely reasonable that these accumulate in the hands of the Committee on Salaries and Fees until they have reason to believe they are all in, when they will give each matter full and careful consideration, doubtless conferring with the delegations from the different counties, and in due time probably recommending, as at the last session when these matters were considered in any amount, a bill covering each and all of them, so that a request for a rise in salary from any section of the State may receive from the Committee on Salaries and Fees full consideration, and none be specially

handled by the county delegation. I am sure if these matters are to be left to the county delegation from any one county, that the most of us will feel like having ours referred to our county delegations, and uniformity in salaries in the State probably cannot be reached by being handled by 16 different committees. I hope that the ruling of the Chair will be sustained, and, while I have no personal feeling about it whatever, I am going to make the suggestion that perhaps we can do the business of the whole State better through the Committee on Salaries and Fees than by reference to the 16 county delegations.

The SPEAKER: The Chair wishes to make clear this ruling. It is the opinion of the Chair that Joint Rule 11, which defines the duties of the Committee of Reference, is mandatory in its effect on the two houses. Therefore, the effect of a motion from the floor to make a different disposition of a bill or resolve would be, in effect, a suspension of Rule 11, and hence, under Joint Rule 16, it would require a two-thirds vote.

Mr. BAXTER of Portland: Mr. Speaker, as a member of the Committee on Reference of Bills, I would like to say that that committee makes it a point to accede to any request of a member in regard to referring a bill where there is any good reason for it. It seems to me in this particular case, however, that all the bills asking for increase of salaries should be referred to the Committee of Salaries and Fees. I do not think I exaggerate when I say that we already have referred 15 or 20 such bills to the Committee on Salaries and Fees, and I think the House would find itself in hopeless confusion should it begin to refer all these bills to the various county delegations. There are bills which may well be referred to the delegations from cities and counties, but I feel that the question of salaries should in every case be taken up by the appropriate committees.

Mr. SAWYER of Madison: Mr. Speaker, it certainly was not my intention to take the time of the House in this mat-

ter and I had no idea of doing so; but since the bill was introduced and came into my hands, I have had a communication from parties interested, and they desired me to make the motion I have made. I have inquired in regard to the custom of procedure in such matters, and I was instructed to make the motion; and, if it be in order, I would move that this matter lie upon the table until I hear from my constituents.

Mr. Sawyer then withdrew his motion relating to the salary of the judge of probate for the county of Somerset, referring the bill to the Somerset delegation.

On motion by Mr. Sawyer, the matter was then laid on the table pending reference to a committee.

### Orders

Mr. Rounds of Portland presented the following order:

Ordered, That the Superintendent of Buildings be instructed to procure forthwith suitable weather strips for the windows of the Hall of the House of Representatives.

Mr. ROUNDS: Mr. Speaker, I want to say that the other night here was pretty cold and some of us had to get out of our seats on that account. If strips were put on, the windows could still be opened whenever desired.

Mr. BARNES of Houlton: Mr. Speaker, if it is in order I move that this matter be referred to the committee on public buildings and grounds.

The SPEAKER: This being a House order it would not properly go to a joint committee. The House is competent to pass an order of this sort.

The order then received a passage.

On motion by Mr. Cole of Eliot, it was voted to reconsider the vote whereby this order received a passage.

Mr. COLE of Eliot: Mr. Speaker, it seems to me it would be unwise to pass an order of this kind without having some knowledge of the amount necessary for putting on weather strips. I think the gentleman from Portland (Mr.

Rounds) perhaps does not understand the situation here. I do not believe that the cold you felt the other night came in around the window. If he will go to the ventilating system on the sides here he will find that a draft of air strikes where he is sitting. It needs not weather strips on the windows but a screen over the ventilating system. It has been the misfortune of nearly every member of this House, ever since it was built, who had the ill luck to draw a seat near one of these ventilating systems to nearly freeze to death during the session. I think a little investigation on the part of the member from Portland will show that weather strips are not what is needed but that it is the screen that I have stated; and I move that the order lie on the table until we can have an investigation of the subject. In former sessions portable screens have been put over those ventilating systems, which has saved some of the draft.

The order was then tabled.

Mr. Emerson of Lewiston presented the following order:

Ordered, That the superintendent of buildings be, and hereby is, instructed to procure and have placed above the Speaker's chair in the Hall of Representatives a suitable coat of arms of the State; and ordered further that a special committee of three, consisting of the Speaker and two other members to be appointed by him, act with the superintendent of buildings in making any arrangements for suitable design, contract for said coat of arms, and see that the same is put in place as soon as practicable.

Mr. EMERSON: Mr. Speaker, shall I add a few words of explanation with reference to the order just read? The suggestions that have been made are to fill the entire window space directly back of the Speaker's chair with a board form, so that outside the building it will have the appearance of a curtain drawn. On the inside attached to this form in the larger space of the window, say three by four feet as space will allow, a suitable design of the coat of arms of the State, so that persons approaching the hall, or

from any part of the hall or gallery, the eye will first catch the design of our State seal.

The subject has been taken up with several of our representatives, including our Speaker, and the superintendent of buildings, and it unanimously considered that it will be very appropriate and will add very much to the decoration of the hall. We have seen similar decorations in public buildings in other places, and why should not Maine be up to the standard? If the order has a passage, it is assumed that as soon as the committee named can ascertain the cost and style of a suitable design, a resolve will be offered for an appropriation to cover the cost of the same, which will probably not exceed \$200. Mr. Speaker, I move that the order have a passage.

The order received a passage.

#### Reports of Committees

Mr. Baxter from the committee on judiciary, to which was referred bill, An Act to amend Section 21 of Chapter 7 of the Revised Statutes of Maine, relating to the time of opening and closing of polls, on State, national and municipal elections, reported that the same "ought not to pass."

The report was accepted and sent up for concurrence.

Mr. Harris from the committee on sea and shore fisheries, to which was referred Resolve in favor of printing the biennial report of the Maine State Sea Food Commission, reported that the same "ought to pass" in a new draft under the same title.

The report was accepted and the resolve tabled for printing under the joint rules.

#### Orders of the Day

On motion by Mr. Allan of Portland, Senate Order inviting Hon. Lyman H. Nelson of Portland to address the Legislature was taken from the table.

The pending question being on the passage of the order,

Mr. Wilson of Portland offered House Amendment A, as follows:

That said order be amended by striking out all of the substance of said Senate Order and substituting the following in lieu thereof:

"Ordered, the Senate concurring, that the use of Representatives' Hall be tendered to the committee on ways and bridges for a public meeting on the afternoon of Wednesday, Jan. 31, or some date to be fixed by it.

"Ordered, further, that as it is the sense and wish of the two houses that at this meeting the general subject of good roads be discussed, the Legislature extend an invitation to the Hon. Lyman H. Nelson of Portland, formerly chairman of the State Highway Commission, and to Prof. George T. Files of Brunswick and to others interested, whether members of the Legislature or not, to be present and address the legislative houses on this subject of vital and statewide importance."

The question being on the adoption of the amendment,

The amendment was adopted.

The question being on the passage of the order, as amended,

The order received a passage and was sent up for concurrence.

On motion by Mr. Hutchins of Mexico, House Doc. No. 21, Resolve appropriating money to aid the town of Mexico in purchasing the toll bridge over the Androscoggin river, connecting the towns of Mexico and Rumford, was taken from the table, and on further motion by the same gentleman was referred to the committee on ways and bridges.

On motion by Mr. Rounds of Portland, House Doc. No. 22, bill, An Act additional to Chapter 433 of the Private and Special Laws of 1907, entitled "An Act to incorporate the Portland Water District" was recalled from the Senate, and on further motion by the same gentleman, the vote was reconsidered whereby this bill was referred to the committee on Public utilities.

On further motion by Mr. Rounds, the bill was tabled pending reference.



On motion by Mr. Hartwell of Old Town, the House reconsidered its vote whereby it referred Resolve in favor of the Penobscot Tribe of Indians to the committee on Indian affairs, and on further motion by the same gentleman, it was tabled pending reference to a committee.

On motion by Mr. Dutton of Bingham, the bill relating to retiring of guaranty capital of a mutual fire insurance company, tabled yesterday for printing, was taken from the table and on further motion by the same gentleman it was referred to the committee on mercantile affairs and insurance.

From the Senate: Resolve proposing an amendment to the Constitution granting suffrage to women upon equal terms with men.

In the Senate, referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

Mr. ROUNDS of Portland: Mr. Speaker, I ask unanimous consent to introduce an order out of order.

Unanimous consent being given, the following order was presented:

Ordered, That the Superintendent of Buildings have the Hall of the House of Representatives fixed so that it will

be safe for the health of members and others.

Mr. MURRAY of Bangor: Mr. Speaker, in order that the majority may not freeze out the gentleman from Portland, Mr. Rounds, as they did before, I second his motion. (Laughter and applause.)

Mr. ROUNDS: Mr. Speaker, since this House convened today ladies sitting here have gotten up because it was so cold in the corner they couldn't stand it and they have left. That is why I present this order.

The order received a passage.

Mr. LONGLEY of Sidney: Mr. Speaker, I hope we do not infer that because these ladies have left the hall so abruptly, that Brother Rounds will go too.

The SPEAKER: The Chair announces to the House that the Senate has concurred with our order for adjournment, and that when the House adjourns, it will stand adjourned until 8 o'clock tomorrow morning.

On motion by Mr. Dutton of Bingham,

Adjourned until 8 o'clock tomorrow morning.