

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

AUGUSTA
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HOUSE

Thursday, Feb. 1st, 1917.

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

Prayer by the Rev. Mr. Livingston of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on sea and shore fisheries, reporting "ought to pass" under same title on Resolve in favor of the printing of the biennial report of the Maine State Sea Food Commission, came from the Senate recommended to the committee on sea and shore fisheries, in non-concurrence.

On motion by Mr. Williams of Auburn, the House voted to reconsider its vote whereby the resolve on January 30 was read the second time and passed to be engrossed.

On further motion by the same gentleman, the House voted to reconsider its vote whereby the resolve was read once on January 26.

On further motion by the same gentleman, the House voted to reconsider its vote whereby on January 25, it voted to accept the report of the committee.

On further motion by the same gentleman, the House voted to concur with the Senate in recommitting the report to the committee on sea and shore fisheries.

From the Senate: House Doc. No. 18, bill, An Act additional to and amendatory of Chapter 206 of the Private and Special Laws of 1907, relating to the West Branch Driving and Reservoir Dam Company.

The Senate voted to insist on its former action in referring this bill to the committee on interior waters.

Mr. MURRAY of Bangor: Mr. Speaker—

The SPEAKER: Before the Chair recognizes the gentleman from Bangor, Mr. Murray, it wishes to give the status of this bill to the House, perhaps a little more clearly, for the benefit of some of the members. This act was referred by your committee of reference to the committee on interior waters, it being a Senate bill. The Senate referred it to the committee on interior waters. It came to the House, and on motion the House non-concurred, and referred the bill to the committee on judiciary. It went back to the Senate, the Senate insisted, and now the bill comes back to the House.

Mr. MURRAY of Bangor: Mr. Speaker, I move that we recede and concur with the Senate.

Mr. BAXTER of Portland: Mr. Speaker, I would like to explain to the House just the status of this bill, and further give the reasons why I consider it of sufficient importance for this House to insist on its former motion that this bill be referred to the committee on judiciary. Sometimes, great questions are settled by what seem at the time to be very trifling incidents, and I believe that this is one of those occasions. The Senator from Penobscot (Mr. Gillin) yesterday, in the Senate, told of the long and costly fight that was made in 1903 to secure the charter of this West Branch Log Driving Reservoir and Dam Company. He said that there were millions involved in it, that private interests came down here and fought throughout that session. I have been told privately, on excellent authority, and it is not mere gossip, that the lobby at that time cost those interests \$150,000. Now what were they working for? They surely were not working for the interests of the State of Maine. Those men did not spend that large sum of money having in mind the protection of the water powers and reservoirs that belong to the State of Maine; and through that large expenditure they took from the State of Maine what is, perhaps, the most valu-

able reservoir system in our State. I have talked with those interested in water powers and they will confirm what I say. Now when I took up this matter about this amendment, which seems to be almost a formal matter, I was only acting in the public interest. I wanted to make sure that this company was not asking for something which still remains with the people of the State of Maine. Rather an interesting situation has developed since then. I find that there are large private interests opposed to this bill, and they will be down here next week and take up this question from their point of view. I am not interested in that at all except in this way: When there are private interests involved on both sides, those of us who are to protect the interests of the State of Maine are given a good deal of information we would not otherwise receive. Now I think the time has come when this House should stand up and face the situation squarely. If we are going to pass any constructive water power legislation in the interests of the State of Maine, we want to serve notice on the Senate, and everybody else, this morning that we are going to stand right up and take our medicine.

The Senator from Penobscot yesterday rather took exceptions to a statement that I made that the West Branch Reservoir Co. was given the right of eminent domain. Now I believe that the right of eminent domain which remains in the State of Maine should only on the rarest occasions be granted to any private corporation. The State of Maine certainly did give this West Branch Reservoir Co. the right of eminent domain. It gave them the right to flood any land around Chesuncook lake, and the other chains of lakes in that vicinity; it gave them the right to take any camp sites, whether the men who owned them wanted to sell or not. They simply had to give them up, take the money paid them, or else go to the court house and settle it after a hearing. Now if that is not the right of eminent domain, I do not understand what the term means. If a corporation has the right to take your farm, or your house, whether you want to sell

it or not, and pay you what is awarded, I am sure that constitutes an exercise of the power of eminent domain.

This bill seems very harmless, but as these private interests have since told me, it involves a very important question—not only of the right of flowage, but of the right of diverting this river from its natural course; and I want to urge upon the members of this House not to be influenced by the statement I have heard here this morning, that this is merely a formal matter, and that it does not make any difference which committee settles it, because I think it is really of vital importance. As a member of the judiciary committee, I am not anxious to have any more bills presented to that committee over which there is going to be a contest. We have work enough to do; but it comes right down to this; we have one important water power resolve before us—the “Tracy bill.” I hope there will come to that committee the bill which one of the members of this House is going to introduce, which recommends that the State of Maine enter into the water power business. That bill will no doubt go to the judiciary committee. Now these are all important legal questions, involving the greatest asset of the State of Maine; and, if these questions are to be properly threshed out, and something come of them, one committee should handle them. The water power interests would like nothing better than to have these bills distributed among the different committees, so that they could confuse the situation and tangle us up, with the result that this Legislature would adjourn without having done anything practical to protect what remains to the State of Maine.

Now I hope, gentlemen, that you thoroughly understand the situation and that when the vote is put you will vote no on the motion of the gentleman from Bangor, Mr. Murray, so that we will not concur with the Senate; and if that motion is lost, I shall move that we adhere. Now what would the situation be if we should vote to adhere? If the Senate holds to its position, the bill then would be hung up between the two bodies—and I think it

might be for the best interests of the State to kill this bill in that way. If they do not wish to recede, and have this bill heard by what seems to me to be the proper committee, let the bill remain hanging in the air, and we will get more out of it. Surely the interests of the State of Maine will not suffer if this bill never gets beyond this stage.

Mr. MURRAY of Bangor: Mr. Speaker, I have listened patiently to the speech of my brother from Portland (Mr. Baxter), two-thirds of which I consider ancient history. This bill went before the committee on reference, and, after careful consideration, they voted unanimously to send the bill to the committee on interior waters. The committee on interior waters is the natural body to which this bill should go. The bill went back to the Senate, and was sent to that committee. Now, personally, I believe that the committee on interior waters is just as capable of handling this question as is the judiciary committee. Upon the committee on interior waters are two lawyers, and though the committee on judiciary is composed entirely of members of the bar, and lawyers—I use both words advisedly—I feel that these two members on the interior waters committee are as capable as all the lawyers on the judiciary committee. In addition to that, speaking from a partisan standpoint, upon the committee on interior waters are two of the minority party. If there is some sort of a steal in this bill, then let those two and the party which they represent, accept the responsibility which they should. I see no reason why this bill should leave the body in which it naturally should rest—the committee on interior waters—and go to the body of which my brother is a member. I see nothing in his argument except the fact that years ago the Great Northern Paper Company by eminent domain took some rights. They did, and, as he said the other day, that is ancient history. Now I see a lot of clouds in the air. I have heard nothing of opposition to the bill. If there is, it can be met before that committee. I come from the east, and, if there were a steal, somebody

down there would know it. I, therefore, believe that it is right, fair and proper that this bill should go to the committee on interior waters.

Mr. BAXTER: Mr. Speaker, one of the remarks of the gentleman from Bangor, Mr. Murray, needs to be explained. It is true that this bill came before the committee on reference, of which I am a member. It seemed there unimportant; it seemed to me to be merely a formal matter at that time; and I raised no question in regard to its reference to the committee on interior waters. On the second day following, this bill was brought to my attention by the attorney of the company who wants these privileges. That brought to my mind the fact that it might be of more importance than it seems on the surface. That was the reason that I tabled the bill for printing, in order that we might look it over, and that is the reason why now, after having realized the importance of this bill, I ask that it be referred to the committee which I had hoped would handle this entire situation.

Mr. COLE of Eliot: Mr. Speaker, had it not been for one remark of the gentleman from Portland, Mr. Baxter, I should not take any of the time of this House; to follow his views would mean disaster to this whole Legislature. If it is to be the policy of any member of this Legislature when a bill is not referred to the committee he wishes, to hold it in the air and thereby kill it, no man has any license or any rights in this Legislature. It should be the business of this Legislature, the machinery of the Legislature, to set in motion every bill in order that it may be referred to a hearing before some committee, and that it may have some report and be considered before this Legislature; and it would be unwise at this stage of the session for the House and Senate to get into any controversy whereby either body should attempt by any method or means to hold in the air, as he has said, between the two houses any measure or measures. For that reason, it seems to me wise for us to

concur with the Senate in this matter and allow the bill to go where the Senate has desired it to go. If there is anything in the bill that is wrong, and the bill should happen to be reported favorably, it will then have time for consideration in the House, and I believe that every member of this House can be depended on to vote honestly upon it when the matter is explained to him. I can see no reason at this time, whatever may be our feelings regarding water powers, conservation, or anything else, why any bill should be held in the air, thus establishing a precedent by which every bill may be held in the air when there comes a contest between two members of the two branches of this Legislature. I, therefore, hope that the motion of the gentleman from Bangor will prevail.

The SPEAKER: The question is: As many as are in favor of the motion of the gentleman from Bangor, Mr. Murray, that the House recede and concur with the Senate in referring the bill to the committee on interior waters, will say aye; those opposed will say no.

A viva voce vote being doubted,

Mr. Baxter of Portland called for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER: Those in favor of the motion of the gentleman from Bangor, Mr. Murray, that the House recede will answer yes when their names are called; all those opposed will answer no. The clerk will call the roll.

YEA—Albert, Alden, Allen of Sanford, Anderson, Andrews of Norway, Averill, Babb, Berry, Besse, Billings, Bolduc, Borman of Vinalhaven, Bowman of Detroit, Boynton, Bragdon, Brewster, Burbank, Bussabarger, Buzzell, Chaplain of Bridgton, Charles, Clason, Clement, Cole of Eliot, Cole of Etna, Conary, Corliss, Cushman, Daigle of New Canada Pl. Dearth, Descoteaux, Eaton, Ellis of Gardiner, Emerson, Farrington, Fleming, Fletcher, Flint, Gannett, Goldthwait, Grant, Hanson, Hammond, Harman, Holbrook, Holley, Holt of Gouldsboro, Hooper, Hunt, Jordan of Baileyville, King, Kneeland, Langley, Largay, Larrabee, Levesque, Lyford, Meserve, Messer, Morin, Murphy, Murray, Nicholas, O'Connell, Packard of Newburgh, Packard of Rockland, Pattee, Picher, Powers, Ran-

ney, Reed, Richards, Rowe, Sawyer of Eden, Sawyer of Madison, Snow of Bluehill, Snow of Mars Hill, Stubbs, Tate, Turner, Washburn, Watson, Welch, Webb, Williams, Wilson—86.

NAY—Barnes, Baxter, Brackett, Brown, Cates, Chaplin of South Portland, Clark of Harrison, Clarke of Randolph, Clifford, Coffin, Credford, Cummings, Daigle of Wallagrass, Day, Driscoll, Dutton, Ellis of York, Frost, Garcelon, Greenlaw, Gurney, Hall, Harris, Hart, Hartwell, Hill, Howard, Hutchins, Jenkins, Jennings, Jordan of Cumberland, Knight, Leavitt, Lenfest, Lewis, Longley, McNally, Merrill, Morison, Newcomb, Pendexter, Purington, Redman, Rounds, Russell, Ryder, Sisson, Speirs, Stearns, Stanley, Tuttle, Wagg, Watts—53.

ABSENT—Allan of Portland, Ames, Andrews of Warren, Dow, Drisko, Holt of Skowhegan, Lawrence, Libby, Muttly, Neilon, Phillips—11.

The SPEAKER: Eighty-six having voted in the affirmative, and 53 in the negative, the motion of the gentleman from Bangor, Mr. Murray, prevails, and the Chair will put the further motion of the gentleman from Bangor that the House now concur with the Senate.

The motion was agreed to.

From the Senate: Ordered, that the superintendent of buildings be, and hereby is, instructed to procure and have placed above the President's chair in the Senate chamber a suitable coat of arms of the State of Maine appropriately draped at a cost of not exceeding \$500, and ordered further that a special committee of three consisting of the President of the Senate and two other members of the Senate 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 hangings and see that same is put in place as soon as possible.

The order received a passage in concurrence.

From the Senate: Ordered, the House concurring, that 1500 additional copies of the Senate and House registers be provided for the use of this Legislature.

The order received a passage in concurrence.

Senate Bills on First Reading

Senate 34: An Act amending the charter of the United Electric Securities Co.

Senate 49: An Act to incorporate the Old Folks' Home in Bath.

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

Appropriations and Financial Affairs.

By Mr. Besse of Clinton: Resolve in favor of purchasing a site and securing plans for a State library building. (1000 copies ordered printed.)

By Mr. Harris of Boothbay Harbor: Resolve in favor of the Secretary of the Maine State Sea Food Protective Commission.

Banks and Banking.

By Mr. Gurney of Portland: An Act relating to duplicate pass books and certificates in case of loss of the original in loan and building associations. (500 copies ordered printed.)

Claims.

By Mr. Ranney of Winn: Resolve in favor of the town of Chester.

By Mr. Greenlaw of Presque Isle: Resolve reimbursing the town of Presque Isle for money expended on account of a certain State pauper.

Education.

By Mr. Kneeland of Lincoln: Resolve in favor of Eastern Maine Institute.

Inland Fisheries and Game.

By Mr. Clason of Lisbon: An Act to provide for the registration of non-resident fishermen. (2000 copies ordered printed.)

By Mr. Stanley of Dixfield: An Act to amend Section 55 of Chapter 33 of the Revised Statutes (1916), relating to the protection of game birds. (500 copies ordered printed.)

By Mr. Flint of Monson: An Act to provide for a non-resident fishing license. (1500 copies ordered printed.)

By Mr. Allen of Sanford: An Act to authorize the hunting of raccoons and to extend the time of such hunting.

By Mr. Babb of Sebago: An Act to amend Paragraph Four of Section 19 of Chapter 33 of the Revised Statutes, 1916, relating to fishing in certain waters of Cumberland county.

By Mr. Ranney of Winn: An Act to amend Section 67 of the Public Laws of 1915, relating to ice fishing in Passadumkeag river or Passadumkeag stream, so-called, in the counties of Penobscot and Hancock.

By Mr. Merrill of Gray: Resolve in favor of additional feeding pools at the Raymond fish hatchery, in the county of Cumberland.

By Mr. Allen of Sanford: Petition of Von E. Gerry and others in favor of an act authorizing the hunting of raccoons and extending the time of such hunting.

By Mr. Dutton of Bingham: Petition of Fred L. Marshall and 14 others, residents of The Forks and vicinity, Somerset county, State of Maine, asking for the opening of Lake Moxie, Somerset county, to ice fishing two days in each week, for citizens only.

By Mr. Holt of Gouldsboro: Remonstrance of George L. Stewart and others protesting against the passage of any amendment to Chapter 334, of the Public Laws of 1915, or the passage of any law that will remove foxes from the list of protected fur-bearing animals.

By Mr. Dutton of Bingham: Petition of Forrest H. Colby and 27 others asking a change of the law relating to fishing in Helen Pond, Pierce Pond, King Pond and Pierce Pond Outlet.

By Mr. Grant of Hope: Petition of George A. Thorndike of Camden and 739 others to repeal that part of Section 50, Chapter 227 of the Public Laws of 1915, in favor of repealing law prohibiting hunting on Sunday.

By Mr. Packard of Rockland: Petition of A. R. Bachelder of Rockland and 99 others to repeal that part of Section 50, Chapter 277, of the Public Laws of 1915, in favor of repeal of Sunday hunting law.

By Mr. Andrews of Norway: Petition of J. Waldo Nash and 41 others in favor of opening the waters of Lake Pennessewassee in Norway from a point about 200 feet below Crockett's bridge for ice fishing.

By Mr. Stanley of Dixfield: Petition of E. G. Bassett and 21 others, of Peru, Oxford county, for a law closing the tributaries to Worthley Pond, in said Peru, to all fishing.

By Mr. Bragdon of Westbrook: Petition of W. E. Mains of Bridgton and 45 others in favor of amending Chapter 33, Section 26, of the Revised Statutes, relating to the taking of smelts, minnows, white fish and cusk; also petition of H. H. Fitch of East Sebago and 19 others in favor of same; also petition of Harry B. Philpot of North Windham and 29 others in favor of same; also petition of Fred A. Verriell of Westbrook and 28 others in favor of same; also petition of James M. Kelley of Westbrook and 68 others in favor of same; also petition of George Spiller of South Casco and 35 others in favor of same; also petition of Walter F. Bachelder of North Sebago and 17 others in favor of same; also petition of Guy C. Atherton of South Windham and 13 others in favor of same.

Judiciary

By Mr. Wilson of Portland: An Act to amend Section 13 of Chapter 133 of the Revised Statutes of 1916, relating to licensed detectives. (500 copies ordered printed.)

By Mr. Murray of Bangor: An Act to amend Chapter 264 of the Public Laws of 1915, relating to the powers of Penobscot county commissioners in regard to securing temporary loans. (500 copies ordered printed.)

By Mr. Flint of Monson: An Act to amend Section 28 of Chapter 64 of the Revised Statutes relating to registration of vital statistics.

By Mr. Stubbs of Strong: An Act relating to widow's allowance.

By Mr. Greenlaw of Presque Isle: An Act to enable the town of Presque Isle to assume the obligations of the Presque Isle village fire department arising out of a contract with the Presque Isle Water Co. (Tabled pending reference.)

By Mr. McNally of Ashland: Petition of A. L. Sloat and 25 others of Ashland favoring an amendment to the Constitution of Maine granting equal

suffrage to women; also resolution of Portage Grange, No. 515, in favor of same.

Legal Affairs.

By Mr. Hartwell of Old Town: An Act to better define the duties of medical examiners (500 copies ordered printed.)

By Mr. Chaplin of Bridgton: An Act to amend Section 1 of Chapter 141 of the Revised Statutes, relating to the appointment of medical examiners. (500 copies ordered printed.)

By Mr. Wilson of Portland: An Act to establish a county insurance agent for and within the county of Cumberland.

By Mr. Harris of Boothbay Harbor: An Act to authorize the town of Boothbay Harbor to construct a bridge across the harbor in said town.

By Mr. Hartwell of Old Town: An Act to protect the rights of certain members of the Penobscot Tribe of Indians owning land on Old Town Indian Island No. 1, and Island No. 12, commonly called Orson Island, in Penobscot river.

Military Affairs.

By Mr. Holt of Skowhegan: Resolve in favor of the town of Skowhegan, for reimbursement for money paid to aid dependent families of members of Co. E.

By Mr. Largay of Bangor: Resolve in favor of city of Bangor to reimburse it for moneys expended by it to aid families and dependents of members of the National Guard of the State of Maine.

Pensions.

By Mr. Turner of Veazie: Resolve providing State pension for Olive Stevens of Hermon, in the county of Penobscot.

Public Utilities.

By Mr. Cates of Vassalboro: An Act to provide for physical connection and certain auxiliary service between steam railroads and electric railroads. (1000 copies ordered printed.)

Railroads and Expresses

By Mr. Wilson of Portland: An Act to authorize the Maine Central Railroad Co. to build a branch line of rail-

road from Bancroft to the eastern boundary of the State.

Sea and Shore Fisheries

By Mr. Harman of Stonington: An Act to amend Section 18, Chapter 45 of the Revised Statutes, relating to lobster license law. (500 copies ordered printed.)

By Mr. Harris of Boothbay Harbor: An Act to amend Section 76 of Chapter 45 of the Revised Statutes, relating to the taking of smelts.

By the same gentleman: Resolve authorizing the payment of a bounty on dog fish.

By Mr. Holt of Gouldsboro: Remonstrance of H. W. Johnston and others against the passage of an act prohibiting the taking of smelts other than by hook and line in certain waters of Frenchmen's bay.

State Lands and Forest Preservation.

By Mr. King of Orono: Resolve appropriating money to maintain the State Forest Nursery and to encourage the reforestation of the waste lands of Maine. (500 copies ordered printed.)

By the same gentleman: Resolve appropriating money for further public instruction in forestry. (500 copies ordered printed.)

Taxation.

By Mr. Newcomb of Scarborough: An act to establish a uniform poll tax. (1000 copies ordered printed.)

Telephones and Telegraphs

By Mr. Meserve of Naples: An Act to provide for better telephone service. (500 copies ordered printed.)

Ways and Bridges.

By Mr. Largay of Bangor: An Act relating to vehicles, motor cars and trucks. (1000 copies ordered printed.)

By Mr. Holt of Gouldsboro: Resolve in favor of an appropriation for the construction of a bridge across the Taunton River, between the towns of Sullivan and Hancock, in the county of Hancock. (500 copies ordered printed.)

By Mr. Pattee of Harmony: Resolve to reimburse the town of Harmony for money expended for building bridge across Higgins Brook in the town of Harmony.

By Mr. Flint of Monson: Petition by A. L. Green and 22 others in favor of repairing road in Townships Five and Six, Range Nine; also petition of E. A. Sampson and 58 others of Brownville in favor of same; also petition of W. A. Mills and 99 others in favor of same.

Orders

Mr. Tuttle of Caribou presented the following order:

Ordered: The Senate concurring, that House Bill No. 46, An Act to authorize the town of Caribou to acquire property of the Caribou Water, Light and Power Company, and to construct and maintain for itself and for persons and corporations a system of water works in said town, be recalled from the committee on legal affairs for correction.

The order received a passage.

Reports of Committees.

Mr. Wilson from the committee on banks and banking reported "ought to pass" on bill, An Act relating to compensation of trustees of savings banks.

Mr. Hutchins from the committee on judiciary reported "ought to pass" on bill, An Act providing for State paper.

Mr. Ryder from the committee on federal relations on Resolve to provide for the appointment of a commission to perfect plans for the celebration of Maine's centennial and the 300th anniversary of the landing of the Pilgrims, reported that 500 copies of the same be printed, and that the resolve be recommitted to the committee.

Same gentleman from same committee on bill, An Act authorizing a Centennial Week in 1920, and cities and towns to raise and appropriate money for the observance thereof, reported that 500 copies of the same be printed, and that the bill be recommitted to the committee.

The reports were accepted and the several bills and resolves ordered printed under the joint rules.

Mr. Wilson from the committee on banks and banking reported "ought not to pass" on bill, An Act to allow savings banks to invest in certain state and municipal bonds.

Mr. Goldthwait from the committee on sea and shore fisheries on bill, An Act

to prevent the throwing or depositing of refuse or mill waste in the waters of Damariscotta bay or Damariscotta stream, in the county of Lincoln, reported "legislation thereon inexpedient."

The reports were accepted.

Orders of the Day.

On motion by Mr. Hartwell of Old Town, Resolve in regard to Penobscot Tribe of Indians was taken from the table and, on further motion by the same gentleman, was referred to the committee on Indian affairs.

On motion by Mr. Barnes of Houlton, House Doc. No. 28, bill An Act to amend Section 64 of Chapter 82 of the Revised

Statutes, 1903, relating to the service of writs by constables, was taken from the table, and on further motion by the same gentleman it was referred to the committee on judiciary.

On motion by Mr. Barnes of Houlton, bill An Act to incorporate the Van Buren Light and Power District was taken from the table, and on further motion by the same gentleman was recommitted to the committee on reference and 1000 copies ordered printed.

On motion by Mr. Leavitt of Livermore, Adjournd until 10 o'clock tomorrow morning.