

# 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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## SENATE.

Wednesday, Jan. 31, 1917.

Senate called to order by the President.

Prayer by Rev. A. Francis Walch of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to amend Section 73 of Chapter 33 of the Revised Statutes of 1916, relating to Sunday hunting and fishing. (On motion by Mr. Hastings of Androscoggin, tabled for printing pending reference to the committee on inland fisheries and game, in concurrence.)

From the House: H. D. 18, 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.

In the Senate this bill was referred to the committee on interior waters and sent to the House for concurrence. The House referred the bill to the committee on judiciary, in nonconcurrence.

Mr. GILLIN of Penobscot: Mr. President, and Senators: I beg your indulgence for a few moments while I ask that the Senate insist upon its original action. I introduced this bill for the West Branch Driving and Reservoir Dam Company, at the request of its representatives. As to the history of it, gentlemen, I will give you a bird's eye view of it. In 1901 the entire Bangor interests, comprising every single mill upon the river, and every land owner in Penobscot County, was represented at that legislature by myself with other counsel.

We got together with the Great Northern Paper Company and had a commission appointed, the records of which appear here. That was a public commission appointed by the legislature of 1901, taking under advisement the water powers and all the rights of the different parties on those waters.

In 1903, to be brief, those same interests came to the legislature of Maine

and could not agree, and both parties submitted the great questions involved to the committee on interior waters. It is no exaggeration to say that the conflict was millions piled up against millions. In other words, the charter which you will find in 1903, every line of it was examined by myself and agreed to by council for the Great Northern Paper Company and the West Branch Driving and Reservoir Dam Company and the down river interests. And the great fight was made before the committee on interior waters.

Now, then, while I presented this measure by introducing it and putting it on its way, I believe that the place it should go to is back to the committee on interior waters, because there will be a hearing on this measure. We have a steering committee here—no, I will call it a committee for the assignment of measures, a disinterested committee, and they sent this measure to what I believed to be the proper committee to which it should go.

It may be, gentlemen, if it undertakes to take away any public rights which belong to individuals on that river or the mill owners, or the industries above or below, that I may oppose the ultimate passage of this bill. It is a matter to be taken under careful advisement.

Why take this bill from the committee on interior waters and send it to the judiciary committee? There are, so far as the legal part of the matter is concerned, there are lawyers upon the interior waters committee who stand equal to any lawyers in the State of Maine. With them you have men of practical experience who understand the situation, men who are graduates of the great university of nature. There is one distinguished gentleman in this Senate from Aroostook county, and from Houlton, where I was born, who knows all about this matter. I understand from the papers that they claim the West Branch Driving and Reservoir Dam Company had the right to take by the power of eminent domain. They did not have that right as generally understood. We agreed to the charter in the interests of the conflicting rights.

Chief Justice Wiswell, Beecher Put-

nam, and the distinguished gentleman Senator Burleigh from Houlton, were on the committee and they awarded us \$150,000 for the value of the property which the West Branch Driving and Reservoir Dam Company took.

From the inception of the conflict with those interests, down to this time, this great question between those great conflicting interests has always gone to the committee on interior waters, where I believe it ought to go. And where we placed it when our rights were in hazard, and we wanted them, we selected Mr. Burleigh for the practical experience he would give to the Chief Justice of the State, and Mr. Putnam, for I knew those services were invaluable.

Now, gentlemen, there is not any reason under heaven why you should take this measure away from the committee on interior waters and send it to the judiciary committee, of which I myself am a member. I may want to oppose this very measure in the interests of the clients I have represented, every mill owner, every land owner on the Penobscot, if there is anything in it in conflict with public rights on the great river that flows from one-tenth of the water-shed of the state to the sea. I don't want it before my committee. I do not think our committee, with all due deference to them, is any more competent to consider this bill than the two excellent lawyers upon the committee on interior waters. I refer to our distinguished Senator and lawyer, Senator Lord of York, and I refer to the distinguished gentleman who was placed upon this committee, its chairman on the part of the House, Brother Stubbs of Strong. I do not believe there are any two lawyers on the judiciary committee of which I am a member, who are superior in legal training or acumen to look after the legal part of this measure, better than Senator Lord and Representative Stubbs. We want disinterested, broad-minded, experienced men, who are in touch with the business interests of the State, who form the balance of the committee to pass on the questions involved.

I therefore make the motion that we insist upon the action of the disinter-

ested committee whom the House and Senate have appointed to look after these matters. I insist upon sending this back to the committee on interior waters, composed of gentlemen who know the interests of the land owner, the interests of the mill owner and the river rights of Maine.

I make the motion, Mr. President, that this bill be sent, as it originally was sent under the direction of our committee, to the committee on interior waters, in order that the rights of the parties may be tried out there in that presence.

The motion was agreed to, and the bill was referred to the committee on interior waters and sent down for concurrence.

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From the House: Resolve to provide for a survey by the commissioner of sea and shore fisheries, of areas suitable for the propagation of clams. (On motion by Mr. Peacock of Washington tabled for printing, pending reference to the committee on sea and shore fisheries in concurrence.)

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From the House: Report of the committee on sea and shore fisheries, ought to pass in new draft, on Resolve in favor of printing the biennial report of the Maine State Sea Food Commission.

On motion by Mr. Peacock of Washington, the resolve was recommitted to the same committee.

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

#### Education.

By Mr. Conant of Waldo: Resolve in favor of the trustees of Freedom Academy.

#### Inland Fisheries and Game.

By Mr. Butler of Franklin: Petition of Chas. M. Hobbs and others for An Act to regulate fishing in Walton's Mill Pond, in town of Farmington.

#### Interior Waters.

By Mr. Boynton of Lincoln: An Act changing the name of McCurdy Pond to Hilton Lake.

By Mr. Butler of Franklin: Resolve appropriating money to aid navigation on Rangeley Lake, Mooselookmeguntic Lake and Cupsuptic Lake

#### Judiciary.

By Mr. Deering of York: An Act enlarging the powers of judges of probate. (Ordered printed.)

By Mr. Fulton of Aroostook: Resolve in favor of equal suffrage for women by the members of Mountain Grange No. 331, P. of H., of Blaine, Maine.

#### Legal Affairs.

By Mr. Gordon of York: An Act to amend chapter three hundred and sixty-nine of Private and Special Laws of Nineteen Hundred and Nine, authorizing the Construction of a bridge across Ogunquit river in the town of Wells. (Ordered printed.)

By Mr. Deering of York: An Act to amend Section 34 of Chapter 68 of the Revised Statutes of 1916, relating to special administrator. (Ordered printed.)

#### Public Utilities.

By Mr. Butler of Knox: An Act to extend the charter of the Rockland, South Thomaston and St. George railway.

#### Taxation.

By Mr. Hastings of Androscoggin: Resolve appropriating money for the purpose of obtaining information in regard to wild lands for the purposes of taxation.

By Mr. Swift of Kennebec: An Act to amend Section 1 of Chapter 11, Revised Statutes of Maine, relating to the collection of taxes, and the commitment of poll taxes in incorporated places. (Ordered printed.)

#### Ways and Bridges.

By Mr. Baxter of Sagadahoc: Resolve appropriating money to aid in repairing and improving the State aid road in the town of Phippsburg, leading from Winnegance Bridge to Small Point, commonly known as the Middle road.

By the same Senator: Bill, An Act to repeal chapter twenty-nine of the Private and Special Laws of Eighteen Hundred and Forty-two and chapter

twenty-six of the Private and Special laws of Eighteen Hundred and Sixty-one, relating to Bull Rock Bridge, on the New Meadows river. (Ordered printed.)

By Mr. Boynton of Lincoln: Resolve in favor of the towns of Alna and New Castle. (Ordered printed.)

On motion by Mr. Hastings of Androscoggin, it was

Ordered, the House concurring, that 1500 additional copies of the Senate and House Registers be printed for the use of this legislature.

Sent down for concurrence.

On motion by Mr. Peacock of Washington, it was

Ordered, that 1,000 copies of the First Biennial Report of the Maine State Sea Food Protective Commission be printed.

Mr. Baxter of Sagadahoc, presented the following order:

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.

On motion by Mr. Davies of Cumberland, the order was referred to the committee on public buildings.

The PRESIDENT: The Chair will announce that Senate Document No. 5, An Act concerning industrial banks, which was originally referred to the committee on legal affairs, has been returned from that committee by the concurrent vote of the Senate and House and is now before the Senate for action.

On motion by Mr. Baxter of Sagadahoc, the bill was recommitted to the committee on legal affairs and was sent down for concurrence.

An Act to amend Chapter 65 of the Private and Special laws of 1899, entitled "An Act to incorporate the Bath Trust Company" (S. D. 33).

On motion by Mr. Davies of Cumberland this bill was tabled pending second reading.

**Passed to Be Engrossed**

S. D. 34. An Act amending the Charter of the United Electric Securities Company.

S. D. 49. An Act to incorporate the Old Folks' Home in Bath.

**Orders of the Day**

On motion by Mr. Chick of Kennebec S. D. 54. An Act providing for the registration of resident hunters and fishermen was taken from the table, and on further motion by the same Senator was referred to the committee on inland fisheries and game in concurrence.

On motion by Mr. Marshall of Cumberland, An Act relating to the salary of the recorder of the municipal court of the city of Portland, was taken from the table, and on further motion by the same Senator was referred to the committee on salaries and fees.

On motion by the same Senator, An Act relating to the salary of the judge of the municipal court of the city of Portland, was taken from the table, and on further motion by the same Senator was referred to the committee on salaries and fees and sent down for concurrence.

Mr. DAVIES of Cumberland: Mr. President, I move that we take from the table Senate Document No. 6, the Tracy Bill, so-called.

The PRESIDENT: According to the calendar this bill was assigned for

Thursday, but the Chair will entertain a motion to take it from the table at this time.

Mr. DAVIES: Mr. President, I was acting upon a suggestion made by the secretary of the Senate. It was my impression that the bill was assigned for today, but I will leave it until tomorrow morning.

The PRESIDENT: The Chair will state to the chairmen of the various committees that in order to prevent confusion and to simplify matters, that when they make their reports from their committees on any bills amending the Revised Statutes, or any Public Law passed prior to the Revised Statutes of 1916, that they amend a certain section or chapter of the Revised Statutes of 1916.

Of course many bills have come in here to amend section so and so of the Public Laws of 1905 as amended by the laws of 1907 or 1909, and it would simplify the records and also the work of the clerk of the engrossing committee, the committee on bills in second reading, if when they report from the committee they would refer to the prior chapter or section or article in the Revised Statutes of 1916. Has the Chair made himself plain?

On motion by Mr. Walker of Somerset,  
Adjourned.