

# 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.**

Tuesday, February 6, 1917.

Senate called to order by the President.

Prayer by Rev. James E. Cochrane of Hallowell.

Mr. DAVIES of Cumberland: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator will state his point of order.

Mr. DAVIES: Mr. President, I regret that I am compelled to inform the Senate that the secretary of this body is ill and unable to attend to his duties.

The PRESIDENT: The point of order is well taken.

Mr. DAVIES: I therefore move that we proceed to the election of a secretary pro-tempore.

The motion was agreed to.

Mr. DAVIES: Mr. President, I move that the Senator from Aroostook, Senator Burleigh, cast the ballot of the Senate for Mr. L. Ernest Thornton for the position of secretary pro-tempore.

The motion was agreed to and the Senator cast the ballot of the Senate as directed.

The President then declared L. Ernest Thornton elected secretary pro-tempore.

Mr. DEERING of York: Mr. President, I move that the secretary pro-tempore of the Senate cast the vote of the Senate for Percy Crane as assistant secretary of the Senate pro-tempore.

The motion was agreed to and the secretary pro-tempore having cast the vote of the Senate, as directed, the President announced the election of Percy Crane as assistant secretary pro-tempore.

Mr. DEERING of York: Mr. President, I desire to offer a joint resolution.

The PRESIDENT: The Senator will please read the resolution.

Mr. DEERING: "Joint resolution in favor of supporting the President of the United States.

"Resolved that the State of Maine, by its Legislature, send to Woodrow Wilson, President of the United States, an expression of its sincere and hearty approval of his recent act in severing diplomatic relations with Germany; and in this crisis and all the difficulties which may follow in consequence thereof, it pledges its unswerving allegiance to the administration at Washington, and, as a token thereof, it offers the support of its moral and material resources in whatever way they may be deemed best calculated to serve.

"Be it further resolved that a copy of this resolution be sent to the President of the United States by the Governor of the State of Maine by telegram."

Mr. DEERING: Mr. President, I move that the resolution have a passage.

The motion was agreed to.

Sent down for concurrence.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to incorporate the Grindstone Boom Company.

In the House this bill was referred to the committee on interior waters and sent to the Senate for concurrence.

On motion by Mr. Higgins of Penobscot, tabled for printing pending reference in concurrence.

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

**Judiciary.**

By Mr. Hastings of Androscoggin: An Act to amend Section 21 of Chapter 83 of the Revised Statutes of Maine, relating to the authority of county commissioners to procure temporary loans. (Ordered printed.)

By Mr. Davies of Cumberland: An Act authorizing the appointment of the United Baptist Convention of Maine as executor, trustee or assignee, and to excuse said corporation from furnishing surety on its official bonds.

By Mr. Gillin of Penobscot: An Act to make uniform the law of bills of lading. (Ordered printed.)

By the same Senator: An Act to make uniform the law of warehouse receipts. (Ordered printed.)

Mr. GILLIN of Penobscot: Mr. President and Senators: I have been asked to say a word in explanation of these two measures, and why they should be referred to the judiciary committee.

The request has been made through the President of the members on the uniformity of laws throughout the United States. I will not occupy your attention but for a moment, and I make the explanation that I now make for fear that I may not be here two years hence when more of these laws are going through.

There are 144 men appointed by the governors of each state, including our own, I acting as one member appointed by Governor Haines, to put uniform laws like these through the different legislatures of the states.

These two laws that are going through here now are on statute in about 31 states of the Union, as we understand.

Now in a word the purpose and object of them is this: that a lawyer in Maine can tell you the law in New York, California, in Oregon or any other state. We have not put many of these laws into our State, as yet, on account of being under the common law practice. This goes to the judiciary committee and I think it will be found that they correspond with our form of practice here. Not only are they of the greatest benefit to the practicing lawyer, but they are of the greatest value to every merchant that does business. I will illustrate. There has been another bill introduced relative to checks, which has been referred to your judiciary committee, which I understand will receive their approbation. Now a man from California

passes a check upon gentlemen here doing business, or upon any hotel in the State of Maine, and he has no funds in his home bank in California, and he leaves and goes back, and any merchant asks an attorney, and he says "that is the law of California," and he tells him what to do in a moment.

I hope when these measures come up that you gentlemen will examine them and be in favor of them. A gentleman in the House will also make an explanation there.

I wish also to state to the Senate that there is a law being framed to be passed by the different states of the Union making uniform the laws pertaining to industrial disputes, and there is a law now framed and which we hope to pass through the Congress of the United States at the next session of Congress.

I have the honor to be a member from the State of Maine on that committee appointed by President Taft when president of the American Bar Association.

I thank the Senate for allowing me to make this explanation at this time.

#### Legal Affairs.

By Mr. Holt of Cumberland: An Act to extend the charter of the World Stand Insurance Company.

#### Mercantile Affairs and Insurance.

By Mr. Holt of Cumberland: An Act to amend Section 10 of Chapter 50 of the Revised Statutes of 1916, relating to compensation for personal injuries to employees. (Ordered printed.)

By Mr. Fulton of Aroostook: An Act to amend Chapter 295 of the Public Laws of 1915, relative to compensation to employees for personal injuries received in the course of their employment, and to the prevention of such injuries, by allowing the injured party to select his own physician, and the hospital to which he shall be carried. (Ordered printed.)

By Mr. Gillen of Penobscot: An Act relating to reserves of fire and marine companies.

#### Taxation.

By Mr. Lord of York: An Act to amend Section 26 and Section 37 of

Chapter 9 of the Revised Statutes of 1916, relating to State taxation of railroads, telephone and telegraph companies. (Ordered printed.)

#### Bills in First Reading.

S. D. 97. An Act to amend Section 72, Chapter 52 of the Revised Statutes, relating to increase of capital stock of trust companies.

S. D. 96. An Act relating to duplicate books of deposit in case of loss of original.

#### Reports of Committees.

Mr. Grant from the committee on appropriations and financial affairs, on An Act in relation to annual or biennial reports of State charitable and correctional institutions, reported that 500 copies be printed and the same committed back to the same committee.

The same Senator from the same committee, on An Act to regulate payments of appropriations for the care, treatment, support and education of persons in charitable or benevolent institutions not wholly owned or controlled by the State, reported that 500 copies be printed and the same committed back to the same committee.

The same Senator from the same committee, on An Act to amend Chapter 147, Revised Statutes, relating to the State board of charities and corrections, reported that 500 copies of the same be printed and the same be committed back to the same committee.

The reports were accepted.

#### Passed to Be Engrossed.

S. D. 70. An Act to amend the charter of the Fryeburg Water Company.

S. D. 81. An Act to amend Section 5 of Chapter 83 of the Revised Statutes, relating to the term of the county commissioners court in Washington county.

#### Orders of the Day.

On motion by Mr. Lord of York, Senate 83, An Act to amend Paragraph 4 of Section 19 of Chapter 33 of the Revised Statutes, relating to fishing in certain waters in Cumberland county, was taken from the table, and on further motion by the same Senator was

referred to the committee on inland fisheries and game.

On motion by Mr. Grant of Cumberland, An Act to establish a county insurance agent for the county of Cumberland was taken from the table, and on further motion by the same Senator was referred to the committee on legal affairs.

On motion by Mr. Chick of Kennebec, S. D. 87, Resolve in favor of Monmouth Academy for repairing and remodeling its main building was taken from the table, and on further motion by the same Senator was referred to the committee on education.

Mr. GILLIN of Penobscot: Mr. President, I move that Senate Bill, No. 80, An Act to amend Section 1, Chapter 85, Revised Statutes of 1916, relating to the bonds of sheriffs, be recalled from the committee on bills in the second reading and recommitted to the committee on judiciary. There is an error in the bill that must be corrected.

The PRESIDENT: Under the ruling of the Chair the Senator will prepare a written order to that effect.

While that is being done the Chair will state that under the order passed by both branches of the Legislature, in regard to the time for receiving private and special legislation, that the date was fixed for February 9, which would be Friday, and as we will probably adjourn Friday, until Tuesday, the presiding officers can see no objection to receiving bills concerning private and special legislation up to Monday afternoon at 4 o'clock, because, if put in on Friday, they will not be acted on until Monday at 4 o'clock and they can be put in at any time up to Monday at 4 o'clock and will be received.

The President will say in explanation of the ruling in regard to recalling papers, that the papers are not in the hands of the Senate, they are not before the President, but of course are in the possession of the various committees, and a motion in regard to papers which are not in the possession of the Senate is not in order. You

can present an order in relation to bills, acts or resolves in possession of a committee. Until the papers are actually in the possession of the Senate itself there is nothing upon which to base a motion.

If the Chair understands parliamentary law there are two ways in which papers may be brought back from a committee, either by order of both branches, or the committee can report the same back themselves to this body.

Mr. Gillin presented the following order: Ordered, the House concurring,

that an act to amend Section 1, Chapter 85 of the Revised Statutes of 1916, relating to the bonds of sheriffs, be recalled from the committee on bills in second reading, and recommitted to the committee on judiciary.

The order embodying two motions, the same were passed separately, and the order was then sent down for concurrence.

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On motion by Mr. Bartlett of Kennebec,  
Adjourned.