

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

SENATE

Friday, March 16, 1917.

Senate called to order by the President.

Prayer by Rev. W. F. Livingston of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to extend the charter of the Washington County Light and Power Company. (Tabled on motion by Mr. Ames of Washington.)

House Bills in First Reading

H. D. 370. An Act to amend Section 43 of Chapter 52 of the Revised Statutes relating to the custody of securities owned by savings banks.

H. D. 371. An Act to amend Section 24 of Chapter 52 of the Revised Statutes, relating to deposits of married women and minors.

House 276. An Act to amend Section 1 Chapter 82 of the Private and Special Laws of 1891, relating to the supplying of the city of Auburn with pure water.

House 372. An Act to amend Section 24 of Chapter 52 of the Revised Statutes relating to the investment of deposits of savings banks.

On motion by Mr. Higgins of Penobscot, the rules were suspended and that Senator presented the following order:

Ordered, the House concurring, that when the Senate and House adjourn they adjourn to meet Tuesday, Mar. 20, at 9:30 o'clock in the morning.

Passed and sent down for concurrence.

Subsequently the President announced that the House had concurred in the passage of the order.

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

were referred to the following committees:

Placed on File

By Mr. Lord of York: Remonstrances of Fred W. Ricker and Six Others and of Eugene Roberts and Six Others, Against the Passage of An Act Relating to License Fees of Itinerant Vendors.

Agriculture

By Mr. Conant of Waldo: An Act to Amend Chapter Thirty-eight, Section Nine, of the Revised Statutes of Nineteen Hundred Sixteen Relating to Notice to Owners of Real Estate to Destroy Insects; Owner Neglecting, Towns Shall Destroy. (Ordered Printed.)

Appropriations and Financial Affairs

Mr. Higgins of Penobscot: Resolve Providing an Epidemic or Emergency Fund.

Legal Affairs

By Mr. Wood of Hancock: An Act to Amend Section 8 of Chapter 65 of the Revised Statutes Relative to Time for Hearing of Libels for Divorce. (Ordered printed.)

By Mr. Baxter of Sagadahoc: An Act additional to Chapter 26, Section 29, Revised Statutes, relating to the transfer of ownership of automobiles.

Bills in First Reading

S. D. 331: An Act to amend the charter of Coburn Classical Institute.

S. D. 332: An Act to Amend Section Twenty-four of Chapter Forty-Five of the Revised Statutes, Relating to Violation of the Lobster Law.

S. D. 333: An Act to Require Certain Vehicles to Carry Lights at Night and to Control the Glare of Headlights.

S. D. 334: An Act Authorizing the Appointment of the United Baptist Convention of Maine as Trustee and to Excuse Said Corporation from Furnishing Surety on Its Official Bond.

S. D. 335: An Act to Repeal the Act Incorporating the Town of Perkins.

S. D. 336: An Act to Ratify the Doings of the Town of Winthrop.

S. D. 337: An Act to Confirm and Make Clear Certain Powers of the

Bangor Railway and Electric Company.

S. D. 338. An Act regulating the appointment of the members of the police force of the city of Brewer.

S. D. 339. An Act to repeal Chapter 101 of the Private and Special Laws of 1911 relating to the Phillips Village Corporation.

Reports of Committees

Mr. Marshall from the committee on legal affairs, on An Act to repeal Section 27 of Chapter 51 of the Revised Statutes relating to returns of cashiers to the secretary of State, reported same ought to pass. (Read first time under suspension of the rules on motion by Mr. Marshall of Cumberland.)

Mr. Wood from the same committee, on An Act to amend Section 9 of Chapter 129 of the Revised Statutes, relating to trespasses on improved lands, how to be punished. (Senate No. 167), reported same ought to pass. (Read first time under suspension of the rules on motion by Mr. Wood of Hancock.)

The same senator from the same committee, on An Act to regulate the sale of milk in bottles or jars within the town of Eden, Hancock county, reported same ought to pass.

Mr. Wood from the same committee, on An Act to amend Section 9 of Chapter 62 of the Revised Statutes, in regard to the wearing of badges, (Senate No. 191), reported same ought to pass. (Read first time under suspension of the rules on motion by Mr. Wood of Hancock.)

Mr. Wood from the same committee, on An Act to establish the Mount Desert Bridge District for the purpose of acquiring, freeing and reconstructing the Mt. Desert toll bridge in the town of Trenton, in Hancock county, (Senate No. 182), reported same in a new draft, under the same title, and that it ought to pass.

Mr. Marshall from the same committee, on An Act to amend Chapter 67, Section 26 of Chapter 70, Section 44 of Chapter 68, Sections 9 and 10 of Chapter 72, Section 95 of Chapter 86 and Sections 14, 15, 20 and 21 of Chapter 92; and to repeal Sections 42 and 43 of Chapter 68 and Sections 16 and 21 of

Chapter 92, relating to notice of appointment of executors, administrators, guardians of adults and conservators; and to limitation of actions against the estates of deceased persons, (Senate No. 262), reported same ought to pass. (Read first time under suspension of the rules on motion by Mr. Marshall of Cumberland.)

The same senator from the same committee, on An Act to amend Section 15 of Chapter 136 of the Revised Statutes of Maine, 1916, relating to proceedings in court in criminal cases, (Senate 273), reported same ought to pass. (Read first time under suspension of the rules on motion by Mr. Walker of Somerset.)

The same senator from the same committee, on An Act to amend Section 4 of Chapter 64 of the Revised Statutes of 1916, relating to the recording of intentions of marriage (Senate 211), reported same ought to pass. (Read first time under suspension of the rules on motion by Mr. Marshall of Cumberland.)

Mr. Wood from the same committee, on resolve providing for card index for probate registry of Aroostook county, submitted same in a new draft under title of An Act to provide for card index for probate registry of Aroostook county, and that it ought to pass.

Mr. Marshall from the same committee, on An Act relating to bonds in the probate court, given by executors and administrators to obtain license to sell real estate, amending Section 3 of Chapter 76 of the Revised Statutes, (Senate No. 168), reported same ought to pass. (Read first time under suspension of the rules on motion by Mr. Wood of Hancock.)

Majority report of the committee on mercantile affairs and insurance, on 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 (Senate No. 103), that the same ought not to pass.

(Signed) Gillin, Grant, Wilson, Dutton,
Lewis, Bartlett, Morrison.

Minority report of the same committee on the same bill, that the same ought to pass.

(Signed) Tate, Emerson.

(On motion by Mr. Bartlett of Kennebec, the majority report of the committee was accepted.)

Mr. Butler from the committee on public utilities, An Act to require automatic signals at certain grade crossings not protected by gates or flagmen (Senate No. 222), submitting the same in a new draft under title of "An Act to require automatic signals, and the removal of obstructions at certain grade crossings not protected by gates or flagmen," and that it ought to pass.

Mr. Lord from the same committee on An Act relating to the Sanford and Cape Porpoise Railway Company, submitted the same in a new draft under the title of "An Act relating to the bondholders of Sanford and Cape Porpoise Railway Company and the Atlantic Shore Railway." and that it ought to pass.

The same Senator from the same committee on "An Act to amend Section 47, Chapter 55, Revised Statutes of 1916, relating to orders of the public utilities commission and their enforcement (Senate No. 292), reported same ought to pass. (Read first time under suspension of the rules on motion by Mr. Lord of York.

Mr. Holt from the same committee, on An Act amending Section 50 of Chapter 55 of the Revised Statutes, authorizing complaint by a public utility against itself, and empowering the public utilities commission to order refund (Senate No. 223), reported same ought to pass. (Read first time under suspension of the rules on motion by Mr. Holt of Cumberland.)

Mr. Wood from the committee on sea and shore fisheries, on An Act to amend Section 28 of Chapter 45 of the Revised Statutes, relating to violations of the lobster law (Senate No. 94), submitted same in a new draft under the same title, and that it ought to pass.

The reports were accepted and the several bills and resolves tabled for printing under the joint rules.

Mr. Wood from the committee on legal affairs, on An Act to regulate

public printing and binding, reported same ought not to pass.

Mr. Marshall from the same committee, on An Act to provide for the payment to Bustin's Island Village Corporation of a proportion of the money received from taxation by the town of Freeport from the territory embraced within the limits of said Bustin's Island corporation (Senate No. 114), reported same ought not to pass.

The same Senator from the same committee on An Act to provide a police board of the city of Waterville (House No. 324), reported same ought not to pass.

Mr. Wood from the same committee, on An Act to authorize voters absent from the city, town and plantation in which they are qualified to vote, to vote therein by having their ballot delivered by mail to the city, town or plantation, clerk, on election day, and to regulate such manner of voting (Senate No. 11), reported same ought not to pass as an amendment to the constitution is deemed necessary.

Mr. Ricker from the committee on library, on Resolve providing for the purchase and distribution of Lawrence's Digest of Maine Reports; and Resolve in favor of the purchase of Maine State Year Books for the years 1917 and 1918; reported that all necessary volumes as may be specified in these two resolves will be furnished by the Governor and Council on order of the librarian, and that no special resolve is required.

Mr. Ricker from the same committee, on Resolve providing for the purchase of 100 copies of a New History of Norway, Maine; Resolve appropriating money for and authorizing the purchase of a History of Pemaquid; Resolve in favor of the purchase of 200 copies of the History of the Town of York; Resolve relating to publication of 'Maine in the Northeastern Boundary Controversy; Resolve relating to Documentary History of Maine, reported that while any historical work relating to the State of Maine is of the greatest value, providing it has been duly edited, so as to meet the requirements of the State Library Commission, under present conditions, we be-

Heve the volumes specified in these several resolves are not absolutely necessary at this time, and ask leave to report that legislation thereon is inexpedient.

Mr. Butler from the committee on public utilities, on An Act to prohibit the Bar Harbor and Union River Power Co. from charging discriminatory rates in the sale of electric current (Senate No. 174), reported same ought not to pass.

The same senator from the same committee, on An Act to provide for the removal of obstructions at and near grade crossings (Senate No. 221), reported same ought not to pass, as the subject matter is covered by another bill.

The reports were accepted and sent down for concurrence.

Mr. GILLIN of Penobscot: Mr. President and senators, I would like to have the rules suspended and be allowed to introduce a joint resolution at this time.

The motion was agreed to.

Mr. GILLIN: Mr. President and brother senators, I think it may not be amiss in the presentation of this resolution to speak for a few minutes to the purpose for which it is offered. Our form of government is without a single precedent in all the annals of the past. You can find no suggestion of such a creation in the compiled volumes of history. The idea of a government becoming permanent and lasting, whose sole appointed king was the people's voice and destiny their unrestricted will, was beyond the research of scholars and the comprehension of statesmen. It was to them a visionary idea, impracticable, and unwarranted.

And yet our government was not the work of a day or of a year. It was made possible by the struggles and the sacrifices of noble, liberty-loving men, who first off-cast their moorings from the habitable past and ventured chartless on the sea of a stormy and engendering liberty. Our declaration of rights and constitution of unity was ridiculed and scoffed at by the scholars and the

statesmen of Europe. One hundred and forty-two years ago, the founders of this great government proclaimed to the world what seemed then this foolhardy declaration, that God intended all men to be free and equal—all men without restriction, without qualification, without limit, and under the shadow of that broad declaration this grand nation has been built up of free men and liberty-loving men.

While our government had no exact precedent on which to shape its models, it at least had a chart by which to start the ship of state, in the once mighty little republic of Greece, around whose shattered urn there still clusters the flowers of its giant intellect, whose matchless intelligence has climbed to the very topmost rounds in the ladder of art, and has gilded the very mountain peaks of the world today. In the early days of the Greek republic, Anacharsis came to Greece to study it. When he had heard its orators argue and had seen its people vote, he was asked what he thought of the great republic, and he said: 'I think wise men argue cases and fools decide them.' It was the timidity of a scholar's judgment. And yet we sit in this Senate today to know that we have borrowed 100 idioms of our speech from that same Greece, copied all our art, and largely shaped our institutions on its models. It is a thing of the past, destroyed by forces from within, not from without, because its people departed from law and order. The founders of this great government placed the supreme court of the Nation as the guardian of the liberties and rights of the people, and anything that would suppress that power will be destructive to the civil liberty of all the people of this great nation. Today, my fellow senators this grand institution of ours, erected by the founders of this great body of men, is "a strange apparition of government" carved from the ocean and the wilderness, its majesty kindling and growing amid the storms of winters and of wars, until at last the gloom is broken, its beauty disclosed in the sunshine, with its heroic workers resting at its base, while startled kings and emperors gaze and marvel that from this rude handful

cast upon a bleak and unknown shore should have come the embodied genius of human government, the perfected model of human liberty. God bless the handiwork of those immortal workers and prosper the fortunes of their living sons.

The shadow of war is now over this grand republic thus magnificently built. Things are doing within this great government of ours that call for the attention of the wisest and the best men within the precincts of your State and of your nation. Order is God's first law. Obedience to law is the essence of the Nation's being. There is a union of one hundred millions of people, all of whom must obey the mandate of justice and of law in order that the Nation may live and be the beacon light of the toiling millions of men throughout the nations of the earth.

I wish to read this resolution, hoping that it will receive your unanimous endorsement, that it may pass through the House of Representatives, and that every state that has a Senate and a Legislature in session throughout the Nation may put the like resolution through, to steady and balance that which is going on within the precincts of this great nation.

Therefore, Mr. President and senators, Be it

Resolved, that we, the members of the Senate and House of Representatives of the 78th Legislature of the State of Maine, condemn any action by any portion of the citizens of this Nation, which may bring about a railroad strike and thereby injure the interests of the whole people, at this time when the shadow of war is hanging over this grand republic, and we earnestly invoke the patriotic manhood of the entire Nation to protest against it.

I offer this as a joint resolution to you, Mr. President, in the hopes that it may have a passage through the Senate and through the House. (Applause.)

The PRESIDENT: You have heard the joint resolution read, and is it the pleasure of the Senate that we pass this joint resolution and send it to the House for concurrence?

The resolution was passed and sent down for concurrence.

Passed to Be Engrossed

H. D. 215. An Act to amend Section 157 of Chapter 53 of the Revised Statutes and providing for the payment of premiums on official bonds of county officials by the county. (Pending adoption of House Amendment A, in concurrence, tabled by Mr. Deering of York.)

H. D. 217. An Act to amend Section 24 of Chapter 5 of the Revised Statutes of 1916, relating to the challenging of the right of a person to vote.

H. D. 218. An Act to amend Section 19 of Chapter 5 of the Revised Statutes, relating to the sessions of the boards of registration in cities with over 35,000 inhabitants.

H. D. 235. An Act to amend Section 14 of Chapter 58 of the Revised Statutes relating to the extension of charters of street railroads.

H. D. 279. An Act authorizing the town of Bucksport to secure a supply of water.

H. D. 290. An Act to authorize Oxford Electric Company to extend its lines to and within the town of Hebron, and to purchase the equipment and franchises of trustees of Hebron Academy. (Pending passage to be engrossed tabled by Mr. Stanley of Oxford.)

H. D. 301. An Act to amend Section 25 of Chapter 30 of the Revised Statutes, providing for the election of inspectors of buildings.

H. D. 355. Resolve reimbursing Samuel N. Packard for the loss of two cattle.

Mr. CONANT of Waldo: Mr. President, I move that this resolve be indefinitely postponed. In explanation I will say that I am asked to do this by the Governor, as it will not meet with his approval.

Mr. DEERING of YORK: Mr. President, I move that the resolve lie on the table pending second reading.

The motion was agreed to.

H. D. 454. An Act to provide for a county law library at Rumford in the county of Oxford.

H. D. 478. Resolve appropriating money for necessary repairs on the State Armory at Portland.

H. D. 479. Resolve making an appropriation for the purchase of steel lockers for National Guard Armories.

H. D. 499. An Act to amend Paragraph 10 of Section 51 of Chapter 82 of the Revised Statutes, relating to trial terms supreme judicial court in the county of Oxford.

The PRESIDENT: In the House, House Amendment A was adopted.

Mr. DAVIES of Cumberland: Mr. President, I think the amendment as offered is in accordance with an agreement made between the parties who propose and oppose the bill, and I hope the Senate will concur in the adoption of the amendment.

(House Amendment A adopted in concurrence.)

H. D. 517. An Act amending Chapter 121 of the Private and Special Laws of 1915, establishing a closed time on lobsters in Machias Bay and adjacent waters in the county of Washington.

H. D. 518. An Act to amend Section 74 of Chapter 45 of the Revised Statutes, relating to fishing for smelts in West Bay and West Bay Stream.

H. D. 521. An Act authorizing the American Realty Company to erect and maintain piers and booms in the Saint John River, in Saint John and Saint Francis Plantations.

H. D. 531. An Act to provide for street lights on Old Town Indian Island No. 1.

H. D. 532. An Act to provide a common on Old Town Indian Island No. 1.

H. D. 533. An Act providing for the relief of members of the Passamaquoddy Tribe of Indians found destitute beyond Tribal Reservations.

H. D. 534. Resolve appropriating money for the repair of Teachers' Old Home, so called on Old Town Indian Island No. 1.

The PRESIDENT: In the house this resolve was amended by the adoption of House Amendment A.

Mr. DAVIES of Cumberland: Mr. President I ask for the reading of the

original resolve. If it is very long, the substance of it.

Mr. HIGGINS of Penobscot: Mr. President, I move that the bill be tabled pending adoption of the amendment in concurrence.

The motion was agreed to.

S. D. 128. An Act to amend Chapter 150 of the Private and Special Laws of 1903, relative to alumni trustees of Colby College.

S. D. 133. An Act to amend Section 1 of Chapter 199 of the Private and Special Laws of 1899, regulating caucuses in the city of Biddeford.

S. D. 145. An Act to repeal Chapter 373 of the Private and Special Laws of the year 1893, entitled "An Act to regulate the survey of lumber in the county of Penobscot."

S. D. 161. An Act to amend Section 7 of Chapter 102 of the Revised Statutes, relating to bastard children and their maintenance.

S. D. 162. An Act to amend Section 4 of Chapter 62 of the Revised Statutes, relating to corporations without capital stock.

S. D. 165. An Act relating to the probate of foreign wills.

S. D. 186. An Act to amend Section 59 of Chapter 4 of the Revised Statutes relating to appropriations by cities and towns, their meetings, officers, powers and duties.

S. D. 229. An Act additional and amendatory to Chapter 139 of the Revised Statutes relating to insane inmates of the reformatory for women.

S. D. 308. An Act to amend Chapter 422 of the Private and Special Laws of 1903, increasing the salary of the recorder of the municipal court of the city of Biddeford.

S. D. 309. An Act amending Sections 3 and 20 of Chapter 144, Section 39 of Chapter 117, Section 117 of Chapter 137 of the Revised Statutes, making additional provisions pertaining to the inmates of state juvenile institutions, and increasing the salary of the superintendent of the state school for boys.

S. D. 310. Resolve in favor of the per diem and expenses for the years 1917 and 1918.

S. D. 311. Resolve in favor of the State juvenile institutions for maintenance and other purposes for the years 1917 and 1918.

S. D. 312. Resolve in favor of the State Schools for Girls for furnishings and equipment for the new central building for the year 1918. (Pending passage to be engrossed, tabled by Mr. Higgins of Penobscot.)

S. D. 313. An Act to amend Section 38 of Chapter 117, Revised Statutes of 1916, increasing the salary of judge of probate of county of York.

S. D. 314. An Act amending Section 14 of Chapter 56 of the Revised Statutes, relating to the construction of the extensions of railroads.

S. D. 315. An Act to incorporate the Dirigo Water Co.

S. D. 316. An Act to extend the charter of the Harmony Water Co.

S. D. 317. An Act to amend Chapter 218 of the Private and Special Laws of 1911, entitled "An Act to supply the town of North Haven with pure water.

S. D. 318. An Act to extend the charter of the Brewer Water Co.

S. D. 320. An Act to extend the charter of the World Standard Insurance Co.

S. D. 321. An Act to amend Section 27 of Chapter 52 of the Revised Statutes, relating to the investment of deposits of savings banks.

S. D. 322. An Act additional to Chapter 52 of the Revised Statutes of 1916, relating to limitation of actions to recover money paid on forged signatures.

S. D. 323. An Act to amend Section 1 of Chapter 52 of the Revised Statutes, relating to the office of bank examiner. (Tabled pending passage to be engrossed on motion by Mr. Bartlett of Kennebec.)

S. D. 326. An Act to amend Section 34 of Chapter 145 of the Revised Statutes, relating to temporary leave of absence of patients from insane hospitals.

S. D. 327. An Act to refund a certain bond issued in favor of the trustees of the Maine insane hospital.

S. D. 328. Resolve in favor of the

General Knox Chapter of the Daughters of the American Revolution of Thomaston, Maine, and the Knox Academy of Arts and Sciences. (Tabled pending passage to be engrossed on motion by Mr. Ricker of Hancock, and by agreement with Senator Butler of Knox, assigned for next Wednesday.

Mr. RICKER of Hancock: Mr. President, I was handed an act to be referred to the committee on sea and shore fisheries, which should have come in before. I move that the rules be suspended and the bill received at this time.

The PRESIDENT: Is it a public act?

Mr. RICKER: It is, Mr. President.

Mr. DEERING of York: Mr. President, I understand that the subject matter of that act has been before the committee on sea and shore fisheries, and that one of the gentlemen in the House of Representatives was to see to the drawing of the bill, and wished me to hand it to Senator Peacock for his presentation this morning. Senator Peacock being gone I handed it to Senator Ames, he handed it to Senator Wood, and he handed it to Senator Ricker, and it now comes to the Senate in that form. I believe there is no objection to it at all.

The rules were suspended and the bill was received, An Act amending Section 18 of Chapter 45 of the Revised Statutes of 1916 relating to the regulation of the lobster industry.

On further motion by the same senator the bill was ordered printed and referred to the committee on sea and shore fisheries.

Mr. DAVIES of Cumberland: Mr. President, I wish to offer a public act, entitled An Act prohibiting the carrying of dangerous or deadly weapons without a license.

The act is suggested by the police captain of Portland.

I move that the rules be suspended and the bill received, ordered printed and referred to the committee on judiciary.

The motion was agreed to.

House Bills in First Reading

H. D. 520. An Act to amend Section 76 of Chapter 45 of the Revised Statutes relating to the taking of smelts.

Passed to Be Enacted

An Act to amend Section 117 of Chapter 16 of the Revised Statutes, relating to the employment of agents for schools in unorganized townships.

An Act to authorize the county commissioners of Hancock county to complete the records in the registry of deeds in said county.

An Act to extend and amend the charter of the Eastern Maine Railroad.

Finally Passed

Resolve, reimbursing the town of Chester for expenses on account of a State pauper.

Resolve, reimbursing the town of Wilton for money expended for the support of certain State paupers.

Resolves, reimbursing the city of Auburn for money expended for the support of certain State paupers.

Resolve proposing an amendment to the constitution of the State relative to the tenure of office of sheriffs.

This resolve carrying an emergency

clause required a two-thirds vote of all senators elected. A rising vote was had and 23 senators voting in the affirmative and two in the negative the resolve was finally passed.

Orders of the Day

Mr. MARSHALL of Cumberland: Mr. President, yesterday the Senate adopted the committee's report, ought not to pass, on House bill 286, An Act to amend the charter of the Portland Water District.

If that bill is in the possession of the Senate I move reconsideration of our vote whereby we accepted the report of the committee.

The motion was agreed to, and on further motion by the same senator the bill was recommitted to the committee on public utilities.

The PRESIDENT: The Chair will announce that the joint resolution introduced by the senator from Penobscot, Senator Gillin, was concurred in by the House.

On motion by Mr. Burleigh of Aroostook.

Adjourned until Tuesday, March 20, at 9.30 o'clock.