

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
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SENATE

Wednesday, March 5, 1919.

The Senate was called to order by the President.

Prayer by Rev. Mr. Irving of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

House Bills on First Reading

H. D. 278: Resolve in favor of Hahnel Bros. & Co., for labor and material furnished by them in the construction of the Women's Reformatory at Skowhegan.

H. D. 299: Resolve appropriating money for the payment to Delano Mill Co., of Portland, for material furnished in the construction of Stevens Cottage at Skowhegan, for the Reformatory for Women.

H. D. 301: Resolve in favor of McQuillan and Pooler for material furnished by them in the construction of the Women's Reformatory at Skowhegan. (Tabled pending its first reading on motion by Mr. Deering of York.)

H. D. 303: Resolve in favor of the Blunt Hardware Co. for material furnished by them in the construction of the Women's Reformatory at Skowhegan. (Tabled pending its first reading on motion by Mr. Deering of York.)

Resolve in favor of Horace Purinton & Company for material furnished by them in the construction of the Women's Reformatory at Skowhegan. (Tabled pending its first reading on motion by Mr. Deering of York.)

H. D. 268: An Act to amend Chapter 358 of the Private and Special Laws of 1867 entitled "An Act to incorporate the Great Works Log Driving Company," as amended by Chapter 466 of the Private and Special Laws of 1868.

H. D. 270: An Act to incorporate the Chase Stream Improvement Company.

H. D. 275: Resolve in favor of navigation on the Lower Lakes.

In the House this resolve was re-committed to the committee on interior waters.

On motion by Mr. Thombs of Penobscot, the Senate voted to concur with the House in its recommitment of the resolve to the committee on interior waters.

H. D. 260: An Act to amend Section 36 of Chapter 51 of the Revised Statutes, relating to the manner of signing certificates of shares.

H. D. 271: An Act to amend Section 3 of Chapter 102 of the Public Laws of 1819, as amended by Section 1 of Chapter 152 of the Public Laws of 1823, relating to ministerial funds in the town of Bridgton.

H. D. 273: An Act to amend the charter of the city of Calais, with reference to the Calais municipal court.

H. D. 269: An Act to amend Section 1 of Chapter 62 of the Revised Statutes, relating to organization of corporations for literary, charitable, educational and other purposes.

H. D. 272: An Act to legalize and confirm the incorporation and doings of the Woman's Christian Temperance Union.

H. D. 276: An Act to incorporate the Industry Water Company.

H. D. 258: An Act to amend Chapter 401 of the Private and Special Laws of 1901, as amended by Chapter 351 of the Private and Special Laws of 1909 entitled "An Act for the protection of salmon, alewives and smelts in Pleasant river, Washington county."

A communication was received from the Secretary of State transmitting a list of the Public Acts approved by the Governor, and on motion the same was duly placed on file.

Reports of Committees

Mr. Gannett for the special joint commission appointed under joint resolve of the Legislature to appoint a committee to inquire into the advisability of purchasing the residence of the late James G. Blaine or

some other suitable property for an Executive mansion, submitting Resolve entitled Resolve authorizing and empowering the Governor and Council to acquire by purchase the residence of the late James G. Blaine and such other property contiguous or adjacent thereto to be used in connection therewith as said Governor and Council may determine, for an Executive mansion.

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

Mr. Ames for the committee on State lands and forest preservation on bill, An Act to amend Section 1 of Chapter 8 of the Revised Statutes, relative to the tenure of office of the land agent, (Senate No. 101), that the same ought to pass.

The report was accepted.

The rules were then suspended, the bill received its first reading and was assigned for tomorrow morning for its second reading.

Passed to Be Engrossed

H. D. 70: An Act to establish the Northern Cumberland municipal court.

H. D. 84: Resolve authorizing the land agent to sell certain lots in Madawaska, Aroostook county.

H. D. 85: Resolve authorizing the State land agent to sell certain lots in the town of Fort Kent, in Aroostook county.

H. D. 240: Resolve making appropriation to assist, encourage and develop the poultry industry in Maine.

H. D. 241: Resolve appropriating money for the protection of plants, trees and shrubs from the ravages of dangerous insects and diseases.

H. D. 242: Resolve making appropriation for New England Fruit Show to be held in the year 1919.

H. D. 245: Resolve providing for aid in the payment of premiums awarded by the Eastern Maine State Fair.

H. D. 250: An Act to authorize the town of Southport to rebuild and maintain a bridge across Nelson's Mill pond, so-called.

H. D. 251: An Act additional to Chapter 136 of the Private and Special Laws of 1915, entitled "An Act

to incorporate the Northport Village Corporation."

H. D. 252: An Act to amend Chapter 10 of the Revised Statutes to provide for actual notice of sale for taxes of land in places not incorporated.

H. D. 253: Resolve in aid of navigation on Lewy, Long and Big lakes.

H. D. 254: Resolve providing teacher's pension for Adelia J. Webber.

H. D. 256: An Act to amend Section 110 of Chapter 16 of the Revised Statutes as amended by Chapter 60 of the Public Laws of 1917 relating to teachers' associations.

S. D. 134: An Act to authorize the commissioner of agriculture to group the various bureaus and lines of work in the department of agriculture into divisions.

S. D. 135: Resolve in favor of the Sagadahoc Agricultural and Horticultural Society. (Tabled pending its second reading on motion by Mr. Babb of Cumberland.)

S. D. 136: Resolve in favor of Morrison Libby.

S. D. 137: Resolve to reimburse the People's Ferry Company of Bath. (Tabled pending its second reading on motion by Mr. Grant of Cumberland.)

S. D. 138: Resolve in favor of Harry S. Coombs for preparing sketches and estimates and attendance before legislative hearings, making changes in said sketches and other expenses for the board of trustees for the Maine State School for Girls.

S. D. 139: An Act to amend Section 57 of Chapter 33 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1917, relating to the protection of wild birds.

S. D. 140: Resolve appropriating money to aid in screening lakes and ponds. (Tabled pending its second reading on motion by Mr. Grant of Cumberland.)

S. D. 141: Resolve in favor of the National Conference of Commissioners of Uniform State Laws and of the commissioners from Maine for the promotion of uniformity of legislation in the United States.

S. D. 142. An Act to authorize the appointment of the Deering High school commission in the city of Portland, Maine.

S. D. 143. An Act to amend Chapter 195 of the Public Laws of 1917 creating the board of prison commissioners.

S. D. 144. An Act to amend Section 10 of Chapter 137 of the Revised Statutes as amended by Chapter 203 of the Public Laws of 1917; also to amend Section 19 of said Chapter 137, relating to the appointment of probation officers.

S. D. 145. An Act to incorporate the Island Falls Water District.

S. D. 146. An Act to amend Section 1 of Chapter 145 of the Public Laws of Maine for the year A. D. 1917.

Orders of the Day

Mr. FOLSOM of Somerset: Mr. President, I move that we take from the table S. D. 16, An Act granting to women the right to vote for presidential electors.

The motion was agreed to.

Mr. FOLSOM: I now move that it be retabled and assigned for special consideration on Friday, and in explanation of that motion I will say that the senator from Washington, Senator Ames, who offered this amendment, has been called away by reason of death in his family, and wished action deferred until his return.

The motion was agreed to.

On motion by Mr. Walker of Somerset, H. D. 145, An Act to amend Chapter 372 of the Private and Special Laws of 1905, entitled "An Act for the protection of clams in parts of the county of Sagadahoc" was taken from the table. The senator from Somerset then yielded the floor to the senator from Sagadahoc, Senator Baxter.

On motion by Mr. Baxter of Sagadahoc, Senate voted to concur with the House in the adoption of House amendment A, and on further motion by the same senator, the bill as amended was passed to be engrossed.

On motion by Mr. Grant of Cumberland, H. D. 91, An Act amending Chapter 301 of the Public Laws of 1917, an act additional to Chapter 19 of the Revised Statutes, relating to public health, was taken from the table.

Mr. GRANT: Mr. President, I now

move that this be recommitted to the committee on public health. It is not in accordance with the budget and it is not clear what it is intended for.

The motion was agreed to.

On motion by Mr. Grant of Cumberland, H. D. 192, An Act amendatory and additional to Chapter 197 of the Public Laws of 1917 relating to State department of health, was taken from the table, and on further motion by the same senator it was recommitted to the committee on public health.

Mr. LORD of York: Mr. President, at the request of Senator Stanley I move to take from the table, An Act to amend Section 1 of Chapter 10 of the Revised Statutes, to provide for a uniform poll tax.

The motion was agreed to, and on further motion by the same senator the Senate voted to accept the report of the committee.

The PRESIDENT: The Chair lays before the Senate, specially assigned for today, S. D. 29, majority report (ought not to pass), and minority report (ought to pass), on bill, An Act to supplement Chapter 29 of the Revised Statutes and to provide for the care of persons requiring full support or more than temporary relief, tabled by the senator from Cumberland, Senator Davies. The pending question is the acceptance of either report.

Mr. DAVIES of Cumberland: Mr. President, I think that the senator from York, Senator Deering, has several amendments which he desires to offer to this bill; I am not quite sure what his views are but my impression is from what he said to me that he is going to move to have the reports and the bill recommitted.

Mr. DEERING of York: Mr. President, this is a bill which has been in the Legislature in previous sessions and will be, when passed, State-wide in its operation, and no person can tell, without having had the experience that we have all had both for and against this particular proposition, what a great amount of study and effort has been put upon this particular method of legislation in order to harmonize all the differ-

ent interests which will be affected by the passage of this act. But at the present time it seems to me that with the amendments that have been proposed by the proponents of the bill to those who have antagonized it, that another hearing before the judiciary and the incorporation of those amendments into a redraft, will probably bring forth a unanimous report from the judiciary committee in favor of the bill, and therefore I move that the bill be recommitted to the judiciary committee for that purpose.

The motion was agreed to.

The President: The Chair lays before the Senate S. D. 94, joint resolution relative to League of Nations, tabled by the Senator from York, Senator Deering.

Mr. DEERING: Mr. President, I move that this resolution be referred to the committee on judiciary.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate, H. D. 146, An Act regulating the taking of clams in the town of Swan's Island, tabled by the senator from Washington, Senator Peacock.

On motion by Mr. Peacock, the bill was given its second reading, and passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate H. D. 38, An Act to amend Section 29 of Chapter 18 of the Revised Statutes relating to the State board of dental examiners, tabled by the senator from Cumberland, Senator Davies.

Mr. DAVIES: Mr. President, I move that it pass to be engrossed.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate, S. D. 64, An Act to amend Section 36 of Chapter 36 of the Revised Statutes, relating to hearings in case of violation of the apple packing law, tabled by the senator from York, Senator Deering.

Mr. DEERING: Mr. President, this is a proposed amendment to the apple packing law which provides that when any one violates the law, the hearing in regard to that violation may be held at any place in the State. The way the

law is at the present time it reads that when the hearing relates to the packing of apples it shall be held in the county where the inspection was held. Now it seems to me, without devoting a great deal of time to the agricultural laws, that the agricultural department has usurped the prerogatives of the municipal courts. I have known of examinations of various kinds of foods which were found not to comply with pure food laws of the State, and immediately on finding that they did not comply, the secretary of agriculture has summoned people to come to Augusta to have a hearing. For instance, I know of a man who had a lot of clams that were inspected down in York county and were found to contain too much water, and the commissioner of agriculture notify that man to appear in Augusta and show cause why he should not be subjected to a penalty.

Now the laws of the State provide that when any violation of the statute is made, that the municipal courts in that district have jurisdiction over that particular offence. And it seems to me that the laws that the commissioner of agriculture has made in regard to these particular offences are not such as could be enforced at all because they are taking away from the provisions of the law the very thing that they seek to enforce by bringing it before the commissioner of agriculture. Now it is not my purpose at this time, because it is not before the Senate, to discuss those laws at length, but on this particular statutes which is proposed it seems to me a further violation of the laws as written when it says that the hearing may be held in any particular place at any particular time. Now if a person in Aroostook county was violating the apple packing law, the commissioner of agriculture could have that man come down to Kennebec county to have a hearing upon it. The way it is now, the hearing if so held—and I should maintain if I was defending the man that such hearing could not—the penalty for such hearing could not be enforced. The way the law is now the hearing can be in the place where the inspection is made, in Aroostook county. And as it is with all the counties, wherever inspection is made and a violation is found of the apple packing

law, the violator can be summoned to any place that the commissioner of agriculture names, and it seems to me that it is quite a violation of our laws, our penal laws, to require a person violating a law in one county to go outside of that jurisdiction and have a hearing and be punished in some other jurisdiction. And I therefore move in view of these facts that this bill be indefinitely postponed.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 203, An Act to amend Section 37 of Chapter 18 of the Revised Statutes relating to penalty for practicing dentistry without certificate, tabled by the senator from Androscoggin, Senator Parent.

On motion by Mr. Parent the bill was given its first reading.

The PRESIDENT: The Chair lays before the Senate H. D. 161, Resolve in favor of the town of Eagle Lake to reimburse said town for a part of the excessive expenses incurred in the influenza and smallpox epidemics, tabled by the senator from Aroostook, Senator Thornton.

Mr. THORNTON: Mr. President, I wish to state that I am in favor of the passage of this resolve but that it was laid upon the table at the request of the representative from Eagle Lake, and I have not as yet determined just the reason, and I will therefore move that it be retabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate, and the Chair desires to call the attention of the Senate to this particular item on account of a misprint by the printer. The calendar shows the report of the committee on legal affairs reporting ought not to pass, and the word not should be left out of the committee's report, and it should read ought to pass, on bill, An Act to abolish the common council of the city of Lewiston, tabled, pending the acceptance of the report, by the senator from Androscoggin, Senator Googin.

Mr. Googin then moved that the report of the committee be accepted.

The motion was agreed to.

The bill was then tabled for printing under the joint rules.

The PRESIDENT: The Chair lays before the Senate H. D. 205, Resolve appropriating money for the care and maintenance of Fort William Henry in the town of Bristol, tabled by the senator from Somerset, Senator Walker.

On motion by Mr. Walker the bill was retabled.

The PRESIDENT: The Chair lays before the Senate H. D. 212, An Act to amend Section 64 of Chapter 33 of the Revised Statutes, as amended by Chapter 213 of the Public Laws of 1917, relating to the use of automobiles in hunting wild birds and wild animals, tabled, pending its second reading, on motion by the senator from Aroostook, Senator Tuttle.

Mr. Tuttle moved that the bill be retabled and specially assigned for tomorrow.

Mr. DAVIES of Cumberland: Mr. President, before that motion is put, may I say to Senator Tuttle through the Chair that I have an amendment which I desire to offer to this bill, and I would ask him if he would have any objection to having the matter specially assigned for Friday of this week?

The PRESIDENT: The senator from Aroostook, Senator Tuttle, bears the question of the senator from Cumberland.

Mr. TUTTLE: I have no objection.

So the bill was tabled and specially assigned for Friday of this week.

The PRESIDENT: The Chair lays before the Senate S. D. 121, Resolve in favor of the University of Maine for maintenance, tabled pending its second reading on motion by the senator from Hancock, Senator Ricker.

Mr. RICKER: Mr. President, it is with some little reluctance that I feel called upon to make any remarks about this bill, but there has been considerable criticism come to me and I think perhaps it would be better for a member of the committee to make some explanation in justice to the University of Maine as well as to the members of this Legislature, and in the remarks which I make I shall endeavor to be very brief.

In the year 1862 the College of Agriculture was established by the government in this and other states by grants of land, and called the College of Agriculture and Mechanic Arts. Later, in 1897, it was renamed the University of Maine. In 1867 the State appropriated the sum of \$20,000; in 1870 it was \$22,000; in 1878 it was \$7000; and in 1897 it was \$20,000 for each of 10 years. That is the first time there was a statement made for a series of years, beginning in 1897.

Now during the period from 1879 to 1893, the University received the sum of \$133,000; from 1893 to 1901, the sum of \$160,000; from 1902 to 1910, the sum of \$560,000; since 1910 the State has appropriated for various things the sum of \$1,460,733.

The question came up to me as one of the committee, why should we give the University of Maine \$18,000? In the year 1913, if I am correct, I think our committee gave the University the sum of \$100,000 a year; in 1915, \$115,000; in 1917, \$127,500. This year they ask us for \$200,000, and we have reported a resolve in favor of the institution for the sum of \$180,000.

Now there seems to be some question on the auditing of their accounts, and we find that after Mr. Hatch came in, the accounts were audited for a year or two and then the practice was discontinued, and since that time no real audit has been made of these accounts. In talking with the State auditor I find that there is a plan now between him and the officials of the University to have the accounts of the University audited, although this institution does not come under the same provisions as other institutions in the State. However, to be brief, I should like to read just a short item from page 221 of the 105th Maine Report. This is in connection with a suit brought by the town of Orono against one of the chapter houses, the chapter house claiming that they should not pay a tax because they were on State property; and this decision says, "A separate and distinct corporation was established, and the separation between the college and

the State thus created by the charter has always been observed and maintained;" it also says in this decision that this is not like the normal schools which are maintained by the State, and it is also different from the academies.

During our hearings, not only during this session, but in previous years, the statement has been made to our committee and to others that this institution was the property of the State of Maine and as such must be maintained by the State of Maine. I think that is a mistake that has caused some little trouble in one way and another, and I just wanted in these few words to bring to the attention of the members of this Legislature the fact that our appropriation being increased to \$180,000 was simply because the University of Maine needed that \$180,000. They have a deficit already outside of that of \$135,000 which we did not seem to feel as though we had any right to give, but we did increase their maintenance to this sum of \$180,000, and I have no doubt with the co-operation of the State auditor that this money will be well spent.

I move that the resolve receive its second reading.

Mr. DEERING of York: Mr. President, I would like to ask through the Chair, a question of the Senator from Hancock, as to when the deficit of the University of Maine was contracted or created?

The PRESIDENT: The Senator from Hancock hears the inquiry of the Senator from York.

Mr. RICKER: Mr. President, I will say that at the budget hearing the question was asked of President Alew by myself as to when this deficit occurred, and he stated that it had accrued within the last two years, in consequence of the fact that Government troops had been stationed there. Also I was given to understand, if I might be allowed to say, that the United States owes the University of Maine the sum of \$40,000 for damage and other matters, and I understood President Alew to

states that there is something like \$25,000 still to be paid.

The PRESIDENT: Does that answer the inquiry of the Senator from York?

Mr. DEERING: Mr. President, I would like to ask a further question of the Senator from Hancock through the Chair, if anything was said by the officials of the University of Maine in regard to reimbursement to them by the Government of the deficit that was created by taking care of United States troops?

The PRESIDENT: The Senator from Hancock hears the inquiry.

Mr. RICKER: Mr. President, if I understand the question correctly, the Government auditor for the University of Maine is not always the same man and they have asked the different men who came along if this money would be paid, and some of them said it would be paid in full and some in part, and President Aley seems to feel sure that they will get the \$40,000. Does that answer the question?

Mr. WALKER of Somerset: Mr. President, I think in justice to the University of Maine it should be stated that much of the deficit was occasioned on account of the high price of all kinds of material, a matter with which every one is familiar.

Mr. RICKER: Mr. President, I move that the resolve receive its second reading at the present time.

The motion was agreed to, and the resolve received its second reading and was passed to be engrossed.

The PRESIDENT: The Chair would state that the communication from the secretary of State transmitting the report of the joint bridge commission regarding the interstate bridge between Portsmouth and Kit-

ttery is still in the hands of the printer, and it is expected to be ready for consideration here tomorrow.

The PRESIDENT: The Chair lays before the Senate H. D. 80, bill, An Act to amend Sections 16 and 17 of Chapter 12 of the Revised Statutes, relating to registries of deeds, tabled pending the acceptance of the report, by the senator from Cumberland, Senator Davies.

On motion by Mr. Davies, the bill and report were again tabled and specially assigned for Friday next.

The PRESIDENT: The Chair lays before the Senate H. D. 74, bill, An Act to protect the lobsters within three miles of Matinicus and Cric-haven plantations, tabled by the senator from Cumberland, Senator Davies, pending the acceptance of the report.

On motion by Mr. Davies, the report was accepted.

On motion by Mr. Peacock of Washington, the vote was reconsidered whereby the report of the committee was accepted, and on further motion by the same senator the bill was recommitted to the committee on sea and shore fisheries.

The PRESIDENT: The Chair lays before the Senate H. D. 231, Resolve making appropriation for Maine Seed Improvement Association, tabled pending its second reading by the senator from Cumberland, Senator Grant.

On motion by Mr. Grant, the resolve was retabled.

On motion by Mr. Clement, of Waldo,
Adjourned.