

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
KENNEBEC JOURNAL PRINT
1919

SENATE

Thursday, March 20, 1919.

Senate called to order by the President.

Prayer by Rev. H. S. Dow of Gardiner.

Journal of previous session read and approved.

Mr. FOLSOM of Somerset: Mr. President, I move the suspension of the rules that I may make a motion out of order, and I do this in order to accommodate a member of the House.

The motion was agreed to.

Mr. FOLSOM: Mr. President, I move that we take from the table report of the committee on judiciary ought not to pass, on An Act to prevent the illegal assessment of taxes and the abatement thereof.

The motion was agreed to, and on further motion by the same senator the bill with accompanying papers was returned to the House.

Papers from the House disposed of in concurrence.

From the House: An Act to prohibit persons, firms and corporations not attorneys from the practice of law.

In the House this bill was indefinitely postponed.

On motion by Mr. Thombs of Penobscot, the Senate concurred with the House in the indefinite postponement of the bill.

From the House: S. D. 109, An Act to amend Section 38 of Chapter 16 of the Revised Statutes, relating to the duties of superintending school committees.

In the Senate this bill was passed to be engrossed. In the House, House Amendment A was adopted.

The Secretary read House Amendment A.

On motion by Mr. Walker of Somerset, the bill and amendment were tabled.

From the House: H. D. 378, Resolve, in favor of Andrew Egan.

This bill was recalled from the committee and amended by House Amendment A.

The Secretary read House Amendment A.

House Amendment A was then adopted and the bill as amended was passed to be engrossed.

Mr. DAVIES of Cumberland: Mr. President, I ask unanimous consent of the Senate to present an order out of order.

The motion was agreed to and the senator presented the following order, which was adopted;

Ordered that a message be sent to the House of Representatives proposing a joint convention in the Hall of the House at 11 o'clock this forenoon for the purpose of listening to an address by United States Senator Jones of Washington.

The Secretary conveyed the message and subsequently reported that he had discharged the duty with which he was charged.

Message from the House

A message was received from the House conveyed by its Clerk informing the Senate that the House concurred in the proposition for a joint convention to be held in the Hall of the House at 11 o'clock this forenoon for the purpose of listening to an address by United States Senator Jones of Washington.

The PRESIDENT: The Senate receives the message.

From the House: S. D. 130, An Act additional to Chapter 145 of the Revised Statutes, relating to the observation and care of persons in State hospitals.

In the Senate this bill was passed to be engrossed.

In the House it was recommitted to the committee on insane hospitals.

On motion by Mr. Lord of York, the Senate concurred with the House in recommitting this bill to the committee on insane hospitals.

House Bills in First Reading

H. D. 432: An Act to amend Chapter 18, Resolve 1917, relating to animal industry.

H. D. 407: Resolve appropriating money for the purpose of obtaining information in regard to wild lands for the purposes of taxation.

H. D. 403: An Act to amend Section 46 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the protection of certain fur-bearing animals.

H. D. 302: An Act repealing Chapter 181 of the Private and Special Laws of 1911, Chapter 135 of the Private and Special Laws of 1913, Chapters 156 and 178 of the Private and Special Laws of 1915, Chapter 75 of the Private and Special Laws of 1917, granting the county commissioners of the county of Cumberland the right to sell or lease property.

H. D. 194: An Act to amend the charter of the city of South Portland.

H. D. 166: Resolve proposing an amendment to Section 1 of Article 2 of the Constitution of the State of Maine, providing for the continuation of the right of suffrage to a person otherwise qualified to vote for governor, senators and representatives in this State, in the town or plantation where his residence for suffrage purposes has been established, for a period of three months after his removal therefrom to another town or plantation within this State.

H. D. 411: An Act to increase the salary of the deputy treasurer of State.

H. D. 380: An Act to amend Chapter 42 of the Private and Special Laws of 1866, relating to Martin's Point bridge.

Communications from the Executive and Heads of Departments

A communication was received from the office of the Secretary of State transmitting a list of the Acts and Resolves approved by the Governor.

On motion by Mr. Butler of Franklin, the communication was received, placed on file and sent down for concurrence.

To the Honorable Senate:

I have carefully examined Senate Document No. 125, to authorize the

construction of a weir in the tide waters of Roque Harbor in the town of Jonesport, and respectfully return the same herewith without my approval.

In Section 21 of Chapter 4 of the Revised Statutes provision is made for application to the municipal officers by any person intending to build or extend any wharf or fish weir or traps in tide waters within the limits of any city or town. Upon receiving such application, the municipal officers are required to give at least three days' public notice and, after hearing of all parties interested, if they decide that such erection or extension would not be an obstruction to navigation or any injury to the rights of others they are authorized to allow the same and require a bond in the sum of \$100.

The Act under consideration provides for no bonds. The fact was brought out at the hearing before the committee that no application had been made to the municipal officers of the town of Jonesport. Furthermore the chairman of the board of selectment of the town of Jonesport has informed me by telephone that it is the unanimous opinion of the selectmen that the proposed weir would be an obstruction to navigation and would be an injury to the rights of others.

This opinion is confirmed by a careful examination of the official chart of Roque Harbor and by such other information as I am able to secure. The site of the proposed weir is in the middle of the entrance to a bowl-shaped harbor. The harbor frontage is now occupied by weir privileges whose value must be adversely affected by the establishment of a new weir at the proposed location.

These circumstances do not seem to me to justify a special act by the Legislature setting aside in this instance the provision of the general law.

Dated at the Executive Chamber, March 20, 1919.

(Signed) CARL E. MILLIKEN,
Governor.

Mr. AMES of Washington: Mr. President, in the absence of Senator Peacock of Washington, chairman of the committee on sea and shore fisheries, I move that the message with accompanying bill lie on the table.

The motion was agreed to.

Bills in First Reading

S. D. 230: An Act to amend Section 1 of Chapter 319 of the Public Laws of 1915, as amended by Chapter 304 of the Public Laws of 1917, entitled "An Act to provide for State and county aid in the construction of highway bridges."

S. D. 231: An Act to provide for the support of dependent soldiers' sailors and marines.

Report of Committees

Mr. Metcalf for the committee on inland fisheries and game, on petition of E. R. Fernald and 23 others of Bath, in favor of resident hunters registration law, reported same to be placed on file.

Mr. Gurney for the committee on legal affairs, reported ought not to pass, on An Act to amend Section 20 of Chapter 68 of the Revised Statutes, relating to granting of administration without bond.

The reports were accepted and sent down for concurrence.

Mr. Gannett for the committee on State lands and forest preservation, on An Act to amend Chapter 8 of the Revised Statutes, relating to the office of the forest commissioner, submitted the same in the new draft under the same title and that it ought to pass.

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

Final Report

The committee on legal affairs.

Passed to be Engrossed

H. D. 56: An Act to amend Section 37 of Chapter 55 of the Revised Statutes of Maine, compilation of 1916.

In the House, House Amendment A was adopted.

The secretary read House Amendment A, which was adopted in con-

currence and the bill as amended was passed to be engrossed.

H. D. 334: An Act to authorize Horace Cleland to erect and maintain a fish weir in tide waters in front of his land in the town of Perry.

H. D. 347: An Act to provide for the removal of electric wires and poles when necessary for the repair of streets or removal of buildings. (Tabled pending its passage to be engrossed on motion by Mr. Lord of York.)

H. D. 412: Resolve, for the maintenance and improvement of the State park in Augusta.

H. D. 413: An Act to amend Section 11, 25, and 26 of Chapter 41 of the Revised Statutes, relating to itinerant vendors.

H. D. 414: An Act to amend Chapter 289 of the Private and Special Laws of 1907, entitled An Act to incorporate the Livermore Falls Sewer District.

H. D. 415: An Act to amend Section 1 of Chapter 96 of the Revised Statutes relating to the recording of chattel mortgages.

H. D. 416: Resolve, in favor of the town of Livermore.

H. D. 417: Resolve, in aid of navigation on the Lower Lakes.

H. D. 433: An Act to amend Chapter 193 of the Private and Special Laws of 1917 entitled An Act to create the Auburn Sewerage District and transferring to it the sewer system of the city of Auburn.

H. D. 434: Resolve, in favor of the inhabitants of the town of Industry, Franklin county, Maine.

H. D. 435: An Act to amend Chapter 34 of the Private and Special Laws of 1915 relating to the Eastport municipal court.

S. D. 227: Resolve, appointing a committee to revise, collate, arrange and consolidate the collateral inheritance taxes and probate laws of the State of Maine.

S. D. 228: Resolve, in favor of Edward R. Parent, in payment of witness fees, counsel fees and disbursements made by him in the contested senatorial election case from Androscoggin county.

S. D. 229: Resolve, in favor of Dr. Henry L. Irish, in payment of witness fees, counsel fees and disbursements made by him in the contested senatorial election case from Androscoggin county.

Orders of the Day

On motion by Mr. Davies of Cumberland, it was

Ordered, that there be recalled from the committee on engrossed bills Senate Document 185 for the purpose of correcting an error.

The PRESIDENT: The Chair lays before the Senate, S. D. 175, Resolve in favor of the Bangor State hospital for purposes herein enumerated for the years 1919 and 1920, tabled by the senator from Kennebec, Senator Chick, the pending question is adoption of Senate Amendment A.

On motion by Mr. Chick the bill and amendment was tabled and assigned for tomorrow morning.

The PRESIDENT: The Chair lays before the Senate, S. D. 193, Resolve providing for the care, support and medical treatment or surgical treatment of dependents in or by certain charitable and benevolent institutions and organizations not owned or controlled by the State, and for other purposes, tabled by the senator from Cumberland, Senator Grant, the pending question being its passage to be engrossed.

Mr. GRANT of Cumberland: Mr. President, I offer Senate Amendment A to S. D. 193, simply changing the wording.

The amendment was read by the secretary.

Senate Amendment A to S. D. 193.

To amend paragraph under title of "Maine General hospital, Portland," on page 6, by striking out the word "eight" in the first line, and the word "eight" in the third line, and inserting in place thereof the word "seven," so that said paragraph as amended shall read as follows:—

"Maine General hospital, Portland, \$7500 for the year 1919, and \$7500 for the year 1920."

Also insert after the paragraph "for Maine Institution for the blind,

Portland," the following words "for grading grounds."

"For Maine General hospital, Portland, \$1000 for the year 1919, and \$1000 for the year 1920, to be under the direction of the park commissioners of Portland and trustees of said hospital, to be expended for the improvement for the lot of land of said Maine General hospital next adjacent to Congress street."

The amendment was adopted and the resolve as amended was passed to be engrossed and sent down for concurrence.

The PRESIDENT: The Chair lays before the Senate S. D. 226, Resolve in favor of the town of Porter, tabled by the senator from Cumberland, Senator Grant, the pending question being passage to be engrossed as amended by Senate Amendment A.

Mr. GRANT: Mr. President, I yield to the senator from York, Senator Lord.

Mr. LORD: Mr. President, there is a still further amendment to be offered that is not ready, and I move that the bill be re-tabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate, S. D. 155, An Act to amend Sections 6, 10 and 33 of Revised Statutes, relating to primary elections and the filing of nomination papers by independent candidates.

This bill was tabled by the senator from Aroostook, Senator Thornton, and the pending question is its passage to be engrossed.

Mr. THORNTON: Mr. President, Section 2 of Senate Document 155, reads as follows: "Section 10 of Chapter 6 of the Revised Statutes is hereby amended by striking out the words 'fourteen days at least previous to the day of any primary election,' and inserting in the place thereof the word 'seasonably'; also by striking out a comma after the word 'directed' in the nineteenth line and by inserting in place thereof a period; also by striking out the last two lines of said section."

The principal change made by this section is changing the word "fourteen" to the word "seasonably." As the law is today the Secretary of State is required to send to the town clerks in the several towns and plantations the primary ballots to be posted fourteen days before the primary election.

I think the word "seasonably" is indefinite and uncertain, and I offer an amendment striking out the entire section two of this bill and leaving the law as it is at the present time.

Mr. DAVIES of Cumberland: Mr. President, I feel under obligation to the senator from Aroostook, Senator Thornton, for calling the attention of the Senate to the mistake in the bill which his amendment aims to correct.

The word "seasonably" should not have been in the bill. I think it will occur to all of us that the language is uncertain and indefinite. I think the amendment of Senator Thornton should be adopted.

The amendment was adopted and the bill as amended was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate report A, ought to pass, and report B, ought not to pass, from the committee on judiciary on Resolve to create a State insurance fund, S. D. 78, tabled by the senator from Penobscot, Senator Dearth, the pending question being the acceptance of either report.

On motion by Mr. Dearth the reports were retabled pending acceptance of either.

Mr. PRESIDENT: The Chair lays before the Senate Resolve in favor of Horace Purington Company for material furnished by them in the construction of the Women's Reformatory at Skowhegan, S. D. 163, tabled by the senator from York, Senator Deering, the pending question being the first reading of the bill.

Mr. DEERING: Mr. President, on the unassigned list is H. D. 418. I wish to amend it and if the Senate adopts the amendment I shall then

move to indefinitely postpone these resolves in favor of the Skowhegan Reformatory.

I move we take from the table H. D. 418, Resolve authorizing the Governor and Council to pay all outstanding bills for materials furnished and labor in the construction of Stevens Cottage at Skowhegan for the Reformatory for Women.

The motion was agreed to.

Mr. DEERING: I now offer Senate Amendment A to H. D. 418, and move its adoption.

Senate Amendment A to House Document 418

House Document No. 418, being a Resolve authorizing the Governor and Council to pay all outstanding bills for material and labor furnished in the construction of Stevens Cottage for the Reformatory for Women at Skowhegan, is hereby amended by striking out all of said resolve and inserting in place thereof the following:

Resolved, that the treasurer of State shall honor and pay any orders or assignments made by George H. Wilbur & Sons to any person, firm or corporation for the purpose of paying for any labor or materials furnished for the construction of the Women's Reformatory to the extent of the money now in the hands of the treasurer due and owing George H. Wilbur & Sons on account of such construction. And upon warrant of the Governor and Council, the treasurer of State shall pay from the State contingent fund the amount of the claim of any person, firm or corporation for labor or material furnished and used in the construction of the Women's Reformatory for which no order has been made and for which George H. Wilbur & Sons is liable but has failed to pay and by reason of bankruptcy or otherwise is unable to pay. And there is hereby appropriated from the State contingent fund a sufficient sum to meet the foregoing provisions.

The amendment was adopted and the resolve as amended was passed

to be engrossed and sent down for concurrence.

On further motion by the same senator, S. D. 163, H. D. 278, H. D. 299, H. D. 301, H. D. 303, all relating to labor and material furnished in the construction of the Women's Reformatory at Skowhegan, were indefinitely postponed.

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 Cumberland, Senator Grant, pending its passage to be engrossed.

Mr. GRANT: Mr. President, I wish to offer Senate Amendment A and move its adoption.

The secretary read the amendment as follows:

Senate Amendment A to H. D. 205.

Amend by striking out the word "five" in the fifth line and "five" in the sixth line, and insert in place thereof the word "three."

The motion was agreed to, Senate Amendment A was adopted, and the bill as amended was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate H. D. 277, Resolve making an appropriation to support the bureau of horticulture, tabled by the senator from Cumberland, Senator Grant, pending its passage to be engrossed.

Mr. GRANT: Mr. President, I move that this be returned to the committee on appropriations and financial affairs.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate, the report of committee on legal affairs "ought not to pass," on bill, An Act to incorporate the Western Branch of the Women's Board of Missions, tabled by the senator from Cumberland, Senator Davies, the pending question being the acceptance of the report.

On motion by Mr. Davies, tabled until tomorrow morning.

The PRESIDENT: The Chair lays before the Senate S. D. 207, An Act relative to diseases, infectious, contagious or dangerous to public health, tabled by the senator from York, Senator Deering, pending its second reading.

Mr. DEERING: Mr. President, I understand there are to be some amendments to this bill that are not yet prepared, and I therefore move that it lie on the table.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate, H. D. 294, An Act to amend section 37 of chapter 33 of the Revised Statutes, as amended by chapter 219 of the Public Laws of 1917, relating to the protection of moose, tabled by the senator from Piscataquis, Senator Metcalf, the pending question being the adoption of Senate Amendment A.

Mr. METCALF: Mr. President, I move the adoption of Senate Amendment A.

The motion was agreed to, and the bill as amended was passed to be engrossed.

Mr. DAVIES of Cumberland: Mr. President, I move to take from the table H. D. 5, An Act to amend sections 11 and 13 of chapter 6 of the Revised Statutes, relating to enrollment of voters for primary election.

The motion was agreed to.

Mr. DAVIES: Mr. President, my understanding is that in the House this bill was indefinitely postponed.

The PRESIDENT: You are correct.

Mr. DAVIES: I move that we concur with the House.

The motion was agreed to, and the bill was indefinitely postponed.

Mr. GRANT of Cumberland: Mr. President, I move we take from the table H. D. 164, 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.

The motion was agreed to, and on further motion by the same senator the Senate voted to insist and join a committee of conference.

The Chair appointed the senator from Cumberland, Senator Grant, the senator from Aroostook, Senator Thornton, and the senator from Franklin, Senator Butler, as such committee on the part of the Senate.

On motion by the senator from Kennebec, Senator Cobb, a recess was taken until five minutes of eleven.

After Recess

On motion by Mr. Gordon of York, it was

Ordered, that the acts of the Senate whereby a resolve entitled A resolve in favor of the history of York, was referred to the next legislature, be reconsidered and that the resolve be recommitted to the committee on library.

Mr. DAVIES of Cumberland: Mr. President, I move that we reconsider the vote whereby resolve in favor of Susan E. Dunphe was indefinitely postponed.

The motion was agreed to, and on further motion by the same senator the resolve was returned to the committee.

The PRESIDENT: The Chair desires to compliment the Senate on their work this morning by saying there are only two matters pending,—one the veto message which could not be acted upon on account of the absence of one of the senators, and one bill on the table. I am sure you are to be highly complimented on your splendid work of the morning.

We will now retire to the House of Representatives for the purpose of holding a joint convention.

The Senate thereupon retired to the Hall of the House.

(For proceedings in joint convention see House Report.)

Upon return of the Senate to its Chamber.

On motion by Mr. Clement of Waldo,
Adjourned.