

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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SENATE

Monday, March 31, 1919.

Senate called to order by the President.

Prayer by Rev. William R. Wood of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: H. D. 440, An Act to amend Sections 20, 21 and 27 of Chapter 49 of the Revised Statutes, as amended by Chapter 146 of the Public Laws of 1917, relating to the employment of children.

In the House read twice under suspension of the rules and passed to be engrossed.

In the Senate read twice under suspension of the rules and passed to be engrossed in concurrence.

From the House: H. D. 441, An Act to amend Chapter 350 of the Public Laws of 1917, relating to the employment of women and minors.

In the House read twice under suspension of the rules and passed to be engrossed.

In the Senate under suspension of the rules read twice and passed to be engrossed in concurrence.

(At this time the President called the senator from Somerset, Senator Walker, to the Chair.)

Messages and Documents 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 signed by the Governor.

Read and placed on file.

Orders

On motion by Mr. Grant of Cumberland, it was

Ordered, that Resolve for indexing the documents filed by the Legislature of Maine since 1820, now in the office of the secretary of State, be recalled from the Governor for the purpose of making amendments thereto.

On motion by Mr. Peacock of Washington, it was

Ordered, that 1000 copies of Resolve for the repair and construction of roads, and Resolve for the repair and construction of roads and bridges, be printed for the use of the Legislature from the engrossed copies of said resolves which are now in the hands of the secretary of State.

On motion by Mr. Lord of York, it was

Ordered, the House concurring, that Rule No. 1 of the joint rules of the Legislature relating to the joint standing committees be amended by striking out the words "on railroads and expresses" and "on telegraphs and telephones," and by adding to said rules in proper alphabetical order the words "on Public Utilities."

(The order was tabled.)

Bills in First Reading

(Under suspension of the rules these bills were read twice and passed to be engrossed.)

S. D. 284: An Act to authorize the director of sea and shore fisheries to employ necessary clerks.

S. D. 285: Resolve in favor of the bank commissioner for administration and enforcement of Sections 11 to 23, inclusive, of Chapter 40 of the Revised Statutes.

S. D. 286: An Act relating to appropriations for the department of labor and industry.

S. D. 287: An Act to amend Section 11 of Chapter 117 of the Revised Statutes relating to the salaries of stenographers of Cumberland and Kennebec superior courts, as amended by Chapter 249 of the Public Laws of 1917.

S. D. 288: An Act to increase the salaries of certain county officers and amount of money allowed for clerk hire in certain county offices.

S. D. 290: Resolve repealing Chapter 109 of the resolves of 1917, relating to the list of automobile registrations.

S. D. 291: An Act to provide part-time and evening school classes for persons between the ages of 14 and 18 years employed in industrial establishments who have not completed the elementary school.

S. D. 292: An Act to amend Section 31 of Chapter 58 of the Revised Statutes of 1916, relating to the regulations as to the use of streets by street railroads.

S. D. 293: Resolve amending Article IX of the constitution as amended by Article XXXV of the constitution, increasing the State debt limit.

S. D. 294: An Act to amend Section 7 of Chapter 303 of the Public Laws of 1917, changing the conditions under which loans may be granted by the farm lands loan commissioner.

Mr. LORD of York: Mr. President, I move that we reconsider the vote whereby we passed to be engrossed S. D. 288, An Act to increase the salaries of certain county officers and amount of money allowed for clerk hire in certain county offices.

The motion was agreed to, and on further motion by the same senator the bill was tabled for the purpose of correcting an error.

Orders of the Day

Mr. GRANT of Cumberland: Mr. President, I want to inquire about Senate Document 169. I have an amendment to offer. I move we reconsider the vote whereby this resolve was passed to be enacted.

The motion was agreed to, and on further motion by the same senator the vote was reconsidered whereby this resolve was passed to be engrossed.

The same senator then offered Senate Amendment A to Senate Document No. 169, as follows:

Amend Senate Document No. 169 by inserting after the word "dollars" in the first line the words "from the legislation contingent fund."

On motion by the same senator the amendment was adopted and the bill as amended was passed to be engrossed and sent down for concurrence.

On motion by Mr. Lord of York, Report of the committee on legal affairs, ought to pass, on An Act relating to the term of service of the city treasurer and collector of the city of Portland, was taken from the table.

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

Today Assigned

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 464, Majority report ought to pass, and minority report ought not to pass, from committee on public health on bill, An Act to amend Sections 40, 41, 42, 43, 47, 48 of Chapter 16 of the Revised Statutes, relating to medical inspection of school children, tabled by the senator from Aroostook, Senator Thornton, the pending question being adoption of Senate Amendment A to majority report, ought to pass.

Mr. THORNTON: Mr. President, in the absence of the chairman of the committee I move that it lie upon the table until morning.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate An Act to authorize the attorney general to appoint a tax attorney and to prescribe his powers and duties, tabled by the senator from Penobscot Senator Thombs, the pending question being printing under joint rules.

On motion by Mr. Thombs, tabled until morning.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 319, An Act relating to inspection and recount of ballots cast at primary elections, tabled by the senator from Aroostook, Senator Thornton pending second reading.

On motion by Mr. Thornton the bill was given its second reading and the same senator then offered an amendment, which the secretary read, as follows:

Senate Amendment A to House Document No. 319.

An Act relating to inspection and recount of ballots at Primary Elections.

Amend said Act by striking out in the second line thereof the words "other interested person," and inserting in place thereof the words "his

agent"; also by inserting after the word "respect" in the seventh line the following sentence:

"Such inspection shall be permitted only after written notice by said clerk to the town or ward officers who signed the returns of said election and to the other contesting candidates, sufficient to enable them to be present in person or by agent at said inspection."

So that the first seven lines of said act as amended shall read as follows:

"The clerk of each city, town or plantation shall permit any candidate or his agent to inspect the ballots cast at any primary election after the same have been returned to him, under such reasonable regulations or restrictions consistent with the right of inspection as will secure every ballot from loss, injury or change in any respect. Such inspection shall be permitted only after written notice by said clerk to the town or ward officers who signed the returns of said election and to the other contesting candidates, sufficient to enable them to be present in person or by agent at said inspection."

Also amend said act by striking out in line ten the word "fourteen" and substituting the word "ten."

Also amend the title of said act so that the same shall read as follows: "An Act additional to Section 15 of Chapter 6 of the Revised Statutes, relating to inspection and recount of ballots cast at Primary Elections."

Senate Amendment A was adopted on motion by Mr. Thornton, and the bill was passed to be engrossed as amended.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 482, An Act to amend Section 3 and Section 12 of Chapter 36 of the Revised Statutes, relating to marking packages of agricultural seeds, tabled by the senator from Cumberland, Senator Gurney, pending first reading.

On motion by Mr. Gurney, the bill was given its first reading, and on further motion by the same senator it was tabled.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 451, An Act to exempt certain public bonds from taxation, tabled by the senator from Penobscot, Senator Dearth, pending assignment of time for second reading.

Mr. BAXTER of Sagadahoc: Mr. President, in the absence of Senator Dearth, I move this lie on the table.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the Senate S. D. 185, An Act to amend Section 16, Chapter 3, of the Revised Statutes, to provide for inventory of exempt live stock, etc., tabled by the senator from Cumberland, Senator Davies, pending reconsideration of passage to be engrossed and adoption of Senate amendment A.

On motion by Mr. Davies, the Senate reconsidered its vote whereby this bill was passed to be engrossed, and on further motion by the same senator the Senate adopted Senate amendment A, and the bill as amended was passed to be engrossed.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 465, majority report ought not to pass, and minority report ought to pass in new draft, on An Act to grant a new charter to the city of Waterville, tabled by the senator from Cumberland, Senator Davies, pending acceptance of either report.

On motion by Mr. Davies tabled until tomorrow.

Mr. DAVIES: I might say in explanation of this that I notice that all the senators are not here this afternoon and I think perhaps a matter of that kind I should like to present when there is a full attendance.

The PRESIDENT pro tem: The Chair lays before the Senate H. D. 418, Resolve authorizing the Governor and Council to pay all outstanding bills for material furnished and labor on the construction of Steven's cottage at Skowhegan for the Reformatory for Women, tabled by the

senator from Cumberland, Senator Davies, pending adoption of House amendment A to Senate amendment A.

Mr. DAVIES: I now yield to the senator from York, Senator Deering.

On motion by Mr. Deering, the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. DEERING: Mr. President, I move we concur with the House in the adoption of House amendment A to Senate Amendment A.

The motion was agreed to.

Mr. GURNEY of Cumberland: May I ask the Senator from York just what the purport of that amendment is?

Mr. DEERING: I do not think. Mr. President, I could give the exact wording of it, but the idea is this: Senate amendment A gave the governor and council authority to pay the outstanding debts for labor and material furnished to the Woman's Reformatory, and I think this amendment A is something like this, to repay money expended for labor and materials, because some parties bought some of the material there and paid for it themselves and couldn't collect for it. It can be read if the Senator desires.

Mr. GURNEY: I thank the Senator.

The PRESIDENT pro tem: The Chair lays before the Senate report of committee on judiciary, ought to pass in new draft, on bill, An Act to amend Section 87 of Chapter 2 of the Revised Statutes, relating to the state auditor, tabled by the senator from Cumberland, Senator Davies, pending acceptance of report.

On motion by Mr. Davies, the report was accepted, and the bill tabled for printing under the joint rules.

The PRESIDENT pro tem: The Chair lays before the Senate S. D. 166, An Act to amend Chapter 26 of the Revised Statutes, as amended by the Public Laws of 1917, relating to the registration and operation of motor vehicles, tabled by the senator from Hancock, Senator Ricker, pend-

ing adoption of House amendment A.

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

The PRESIDENT pro tem: The Chair lays before the Senate S. D. 188, 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 being recede and concur in indefinite postponement.

Mr. DAVIES: Mr. President, I desire to yield to the senator from York. I tabled the bill for him.

Mr. DEERING: Mr. President, I do not think that we are now in a position to take any action upon this particular matter. The House indefinitely postponed this bill. It came back into the senate and the senate insisted and asked for a committee of conference and the committee of conference was appointed. It then went into the House and they adhered. It seems to me that the bill is dead already. I may be wrong in my construction of parliamentary rules, but that is my impression.

The PRESIDENT pro tem: The Chair lays before the senate, joint order to appoint a special committee in relation to the establishment of the State University of Maine, tabled by the senator from York, Senator Deering, pending passage of order.

Mr. DEERING: Mr. President, inasmuch as our esteemed president pro tem is also chairman of the committee on education, and when that order is disposed of I want to have him in a different position from what he now occupies, I move that lie upon the table until tomorrow.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the senate, An Act to amend Section 21, Chapter 83, Revised Statutes, as amended by Chapter 56 of the Public Laws of 1917, relative to temporary loans by the county commissioners, pending passage to be enacted.

Mr. FOLSOM of Somerset: Mr. President, I move the bill be tabled. The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the senate S. D. 34, majority report, ought not to pass, and minority report, ought to pass, from committee on legal affairs on bill, An Act to repeal so much of the Revised Statutes and acts amendatory thereof as relate to the granting of lobster licenses, tabled by the senator from Washington, Senator Peacock, pending acceptance of either report.

Mr. PEACOCK: Mr. President, I think this bill has been covered by another bill, and the members of the committee signing the majority report have voted in the House to accept the majority report, which is ought not to pass. I therefore move we accept the majority report.

The motion was agreed to.

The PRESIDENT pro tem: The Chair lays before the senate S. D. 210, majority report, ought to pass, and minority report, ought not to pass, from committee on sea and shore fisheries on bill, An Act additional to Chapter 45 of the Revised Statutes relating to sea and shore fisheries and prohibiting the transportation of lobsters beyond the limits of the state except by common carrier, until a permit for said purpose is issued by the commission of sea and shore fisheries, tabled by the senator from Washington, Senator Peacock, pending acceptance of either report.

Mr. PEACOCK: Mr. President, in all the discussions that I have heard in reference to lobster legislation, one point that we all have agreed on is that the law has not been enforced. And the greater part of the trouble of non-enforcement is brought about by the out of the state lobster smacks which can come within our state borders and purchase our illegal length lobsters. This bill is to establish a clearing-house whereby out of the state smacks will be compelled to report at Kittery just before leaving our state borders. This also will ap-

ply to other methods of transportation outside of common carriers, and I believe it is the best piece of legislation suggested for the enforcement of the lobster law. I therefor move the acceptance of the majority report.

The motion was agreed to and the bill received its first reading, and under suspension of the rules was given its second reading and passed to be engrossed.

Orders of the Day

Mr. THORNTON of Aroostook: Mr. President, commercial fertilizer has become almost a necessity in the business of agriculture and certain farmers who have been purchasing fertilizer during the years 1917 and 1918 have had an apprehension on account of the high price and on account of contracts which the fertilizer companies made whereby persons wishing to buy fertilizer would sign the contract in December, perhaps, and the company would reserve for themselves the right to accept or reject the contract, and would not accept or reject it until May following, and there seeming to be a gentlemen's agreement between the different companies that if a farmer made this contract with one company doing business in the state that he could not buy from another company in the state having once signed his contract,—a number of the farmers thought that perhaps there was some monopoly or unfair dealing in the business, and there has been circulated through the state during the past winter the following petition:

"Whereas commercial fertilizer is an article that enters into general use by all persons engaged in agriculture, and whereas an apprehension exists that certain firms, corporations and other persons engaged in the business, trade or sale of commercial fertilizer within this state, have not only fraudulently sold misbranded and worthless fertilizers on the market of the state, but said corporations and persons have entered into a combination of firms or associations with the purpose to control and direct the business of the whole number of firms engaged in said business, contrary to public policy,

Therefore we, the undersigned voters and citizens of the state of Maine, respectfully ask that a committee of the Senate and the House of Representatives be authorized and empowered to investigate the methods of doing business by the persons and corporations engaged in the manufacture and trade of commercial fertilizers.

The farmers of the different counties have circulated and signed petitions of that kind and have forwarded here about 20 different petitions; but on account of the fact that we have at this session of the Legislature passed an act relating to misbranded fertilizer so that there will be better protection along that line, and in view of the fact that it is late in the session, and also of the fact that the general market price of fertilizer has lowered somewhat in the last month, I ask suspension of the rules that I may introduce these petitions at the present time, and that they be referred to the attorney general, that the subject matter may be taken up with the attorney general and the county attorneys, if the parties have sufficient evidence, or any evidence showing a monopoly under the state law, that they may have their relief through the proper channels of the court.

The request was granted and the senator introduced the following order and moved its passage.

STATE OF MAINE

In Senate March 28, 1919.

Ordered, the House concurring, that the several petitions filed herewith be referred to the attorney general, and that he is hereby directed to cooperate with the county attorneys of

the several counties, and to make careful investigation of the subject matter mentioned in said petitions.

The motion was agreed to and the order received a passage.

On request of Senator Thornton, the secretary read the list of petitions, as follows:

Petitions by E. Carroll Bean of Hudson, Me., and 13 others; Harry H. Watson of Patten, Me., and 29 others; W. J. Wiley of East Corinth, Me., and 25 others; M. L. Brackett of Newport, Me., and 28 others; Harry A. Graves of Etna, Me., and 41 others; S. W. Collins of Blaine, Me., and 40 others; Irvin P. Sprague of Princeton, Me., and 21 others; W. H. Howard of Fryeburg, Me., and 26 others; E. G. Packard of Parkman, Me., and 7 others; Otto A. Badger of Phillips, Me., and 22 others; W. G. Roberts of Alfred, Me., and 14 others; George W. McRae of Machias, Me., and 14 others; F. L. Leavitt of Island Falls, Me., and 13 others; E. E. Additon of Leeds, Me., and 10 others; Hilmer Peterson of Stockholm, Me., and 13 others; James D. Ross of Littleton, Me., and 36 others; W. F. Tasker of Stetson, Me., and 20 others; F. W. Sylvester of Ashland, Me., and 18 others; Arthur Willey of Limestone, Me., and 26 others; F. A. Leavitt of Livermore Falls, Me., and 37 others, asking for investigation for the methods of doing business by the corporations and persons engaged in the manufacture and trade of commercial fertilizers.

On motion by Mr. Babb of Cumberland,

Adjourned until tomorrow morning at 10 o'clock.