

# MAINE STATE LEGISLATURE

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# Legislative Record

OF THE

# Eightieth Legislature

OF THE

# State of Maine

1921

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## HOUSE

Tuesday, March 8, 1921.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Atkins of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

### Senate Bills In First Reading

Senate 96: An Act to confer additional rights and powers upon Penobscot Lumbering Association, a corporation incorporated by Special Act of the Legislature, approved April 5, 1854.

Senate 97: An Act to amend Section 18 of Chapter 130 of the Revised Statutes in relation to the disposal of fines imposed thereunder and personal property used for prizes in lotteries or devices of chance, and the procedure of punishment.

The following memorial and bills were received and upon recommendation of the committee on reference of bills were referred to the following committees:

Mr. MASON of Ellsworth: Mr. Spaker, and Gentlemen of the House: I request permission to introduce an Act under suspension of the rules. This Act does not carry or call for any appropriation of money. It is an Act to make valid the annual meeting of the city of Ellsworth of March, 1920. The point involved is that under a Special Act passed two years ago, fourteen days' notice of a town meeting was required. By an oversight, only seven days' notice of this particular town meeting was given. That applies to both political parties and they were both in the same situation. The city election was held under that seven days' notice. There is some apprehension that the taxes assessed by that city government may not be legal because of the lack of sufficient notice. As I understand it, this bill does not need to be referred to a committee, but may have its reading at this time. I have

attached the emergency clause to it because I desire it to be passed as soon as possible. I therefore move a suspension of the rules that I be allowed to introduce this bill at this time.

Mr. BRAGDON of Perham: Mr. Speaker, I regret that a measure like this had to be introduced so early in the session on account of the results that may come from adopting this precedent, but I think that every member of this House who has had experience with town affairs, and that takes in practically all of them, can see the force of the argument of the gentleman from Ellsworth (Mr. Mason) and I feel that it would be doing a wrong to his city to refuse his request at this time; so I will second his motion.

Thereupon, a viva voce vote being taken, the rules were suspended, and the bill received without reference to a committee, had its three several readings and was passed to be engrossed.

### Education

By Mr. Barwise of Bangor: Memorial to Congress urging favorable consideration of the principles embodied in the Smith-Towner bill.

(Tabled by Mr. Maher of Augusta, pending reference.)

### Legal Affairs

By Mr. Eastman of Fryeburg: Bill, An Act to enable towns to prevent drifts in roads.

### State Lands and Forest Preservation

By Mr. Viles of Augusta: Bill, An Act to establish game preserves or sanctuaries in the State of Maine.

(1000 copies ordered printed).

### Reports of Committees

Mr. Wilson from the Committee on Inland Fisheries and Game on Remonstrances of John M. Nutting and other residents of Franklin and Somerset Counties against shortening the present open season on deer in the eight northern counties, reported that the same be placed on file, as the subject matter in a new draft has been incorporated in a bill reported by this committee.

Same gentleman from same Com-

mittee reported same on Remonstrance of H. F. Wing and others against passage of a law shortening the present open season on deer in the eight northern counties and recommendation that the legal limit on deer be one to each person instead of two.

Same gentleman from same Committee reported same on Bill, An Act to amend Section 38 of Chapter 37 of the Public Laws of 1919 relating to a close season on deer in certain counties.

Same gentleman from same Committee reported same on Bill, An Act to amend Section 74 of Chapter 33 as amended by Chapter 219 of the Public Laws of 1917 and Chapter 196 of the Public Laws of 1919 advancing season for night hunting of raccoons.

Same gentleman from same Committee reported "Ought not to pass" on Bill, An Act to amend Section 50 of Chapter 33 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1917 and by Chapter 196 of the Public Laws of 1919, relating to the trapping of fur bearing animals.

Mr. Case from the Committee on Ways and Bridges reported the same on Bill, An Act additional to and amendatory of Chapter 25 of the Revised Statutes relating to State and State aid highways.

Reports were read and accepted and sent up for concurrence.

Mr. Small from the Committee on Interior Waters on Bill, An Act to amend Section 4 of Chapter 167 of the Private and Special Laws of 1907 incorporating the Allagash Improvement Company reported the same in a new draft under same title and that it "Ought to pass."

Mr. Holley from the Committee on Appropriations and Financial Affairs on Bill, An Act to pay the interest on and to provide a sinking fund for the war bonds and bonus bonds issued by the State of Maine, reported same in a new draft under title of "An Act to provide a sinking fund for the war bonds and bonus bonds issued by the State of Maine," and that it "Ought to pass."

Reports were read and accepted and the bills ordered printed under the joint rules.

#### Passed to Be Engrossed

House 38: An Act to authorize the City of Lewiston to issue its bonds to the amount of \$100,000 to pay its bonds now outstanding and maturing in the year 1923.

House 39: An Act to authorize the City of Lewiston to issue its bonds to the amount of \$250,000 to pay its temporary loans consisting of notes now outstanding and maturing at various dates prior to January first, 1922.

House 228: An Act validating and making legal a meeting of the stockholders of the American Warp-Drawing Machine Company in amending and enlarging the purposes of the corporation.

House 229: An Act to authorize the Boston and Maine Railroad to acquire the property and franchise of, or to consolidate with, any of its subsidiaries not already acquired by or consolidated with it under and by virtue of Chapter 186, Private and Special Laws of 1915, and acts amending and extending the same.

House 230: An Act relating to the dipping of alewives and shad in Dennys River, in Edmunds and Dennysville, in the county of Washington.

House 231: An Act to amend Section 51 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, and by Chapters 196 and 249 of the Public Laws of 1919, relating to the placing of bear traps.

House 232: An Act to incorporate the Great Pond Railway Company.

House 233: An Act amending Section 55 of Chapter 52 of the Revised Statutes, relating to payments of deposits upon liquidation of Savings Banks.

House 234: An Act to incorporate the Ashland Electric Light and Power Company.

House 235: An Act to amend Section 1 of Chapter 215 of the Public Laws of 1917, increasing the bounty

on bears in Penobscot and Washington counties.

Mr. Crabtree of Island Falls presented House Amendment A as follows:

#### House Amendment A

Section one of House Document 235 is hereby amended by inserting the word "Aroostook" in the second line of said section, so that this section as amended shall read as follows: "Section 1. A bounty of fifteen dollars for each and every bear killed in Aroostook, Penobscot and Washington counties and five dollars for each and every bear killed in any other county shall be paid to the person killing the same. If the animal is killed in a town or plantation, the bounty shall be paid by the treasurer thereof; if the animal is killed in an unincorporated place, the bounty shall be paid by the treasurer of an adjoining town or plantation, if any, otherwise by the treasurer of the nearest town or plantation."

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

House 226: Resolve authorizing Michael Burns to bring a suit at law against the State of Maine.

(Tabled by Mr. Winter of Auburn, pending second reading.)

#### Passed to Be Enacted

An Act to authorize the American Realty Company to construct and maintain a dam across the St. John River in Township 9, Range 18, W. E. L. S., Somerset County, Maine, and to locate, erect and maintain piers and booms in said River above said dam.

An Act to amend Section 15 of Chapter 58, of the Revised Statutes, relating to street railroads.

An Act to amend Sub-paragraph (a) of Paragraph 2 of Section 59 of Chapter 16 of the Revised Statutes, as enacted and set forth by Section 7 of Chapter 188 of the Public Laws of 1917, relating to the duties of superintendents of schools.

An Act relating to protection of deer in the town of York, in the county of York.

An Act to amend Section 2 of Chapter 59 of the Public Laws of 1917, relating to warning signs at grade crossings.

An Act to amend Section 72 of Chapter 56 of the Revised Statutes, relating to the ringing of the engine bell or sounding of the whistle at grade crossings.

An Act to amend Section one of Chapter 61 of the Private and Special Laws of 1907, as amended by Chapter 210 of the Private and Special Laws of 1909, relating to the Lobster industry within 2 miles of the shore of Monhegan Island.

An Act to authorize the City of Portland to pay a pension to Henrietta M. Miller.

An Act to amend Chapter 134 of the Public Laws of 1919, relating to fishing in Kennebago Stream in the county of Franklin and in the county of Oxford.

An Act to validate the incorporation of Libby, McNeill & Libby and to amend its corporate purposes.

An Act to amend and extend Chapter 40 of the Private and Special Laws of 1911, entitled "An Act to authorize the improvement of Fall Brook in the towns of Bingham and Brighton."

An Act to amend An Act entitled "An Act to incorporate the Knox Woolen Company."

An Act to amend Sections 2, 7 and 13 of Chapter 180 of the Private and Special Laws of 1869, as amended by Sections 1, 2 and 3 of Chapter 5 of the Private and Special Laws of 1899, relating to annual meetings of Protestant Episcopal Churches of the Diocese of Maine.

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

An Act authorizing the Maine General hospital to increase number of directors to twenty-four.

An Act to amend Section 3 of Chapter 16 of the Revised Statutes, relating to schoolhouse lots acquired by condemnation.

An Act to amend Section 14 of Chapter 2 of the Revised Statutes, relating to notice of proceedings for relinquishment to the United States of the title to certain lands.

An Act to amend Chapter 349 of the Private and Special Laws of 1905, entitled "An Act relating to pensioning members of the Police Department of the city of Bangor."

An Act relating to the records of instruments affecting or conveying title to real estate in the county of Knox and now recorded in other counties.

An Act to authorize the construction of a weir in the tidewaters of what was formerly Muscle Ridge Plantation in the county of Knox.

An Act to amend Section 67 of Chapter 142 of the Revised Statutes, relating to inmates escaping from the Reformatory for Women.

An Act to authorize the construction of a weir in the tidewaters of Roque Harbor in the town of Jonesport.

An Act to amend Section 76 of Chapter 82 of the Revised Statutes, as amended by Chapter 280 of the Public Laws of 1917, and by Chapter 192 of the Public Laws of 1919, relative to price of Maine Reports.

An Act to amend Sections 3, 4, 12 and 13 of Chapter 145 of the Public Laws of 1917, relating to the removal of obstructions at grade crossings.

An Act requiring political advertisements to be signed.

An Act to amend Section 6 of Chapter 486 of the Private and Special Laws of 1885, as amended by Chapter 370 of the Private and Special Laws of 1909, relating to appointment of Chief of Police of the city of Portland.

An Act additional to Chapter 33 of the Revised Statutes, as amended, prohibiting hunting in certain territory in the town of Fairfield, in the county of Somerset.

An Act regulating the taking of clams in the town of Jonesboro in Washington County.

An Act to amend Section 14 of Chapter 16 of the Revised Statutes,

as amended by Chapter 62 of the Public Laws of 1917, relating to the provisions for heating, lighting, ventilating and hygienic conditions in new or reconstructed school buildings.

#### Finally Passed

Resolve appropriating money for the purchase of the history of Grand Lake Stream.

(Tabled by Mr. Holley of North Anson, pending final passage.)

Resolve authorizing the State Land Agent to sell lot number 93 in the town of St. Agatha in the county of Aroostook.

Resolve authorizing the State Land Agent to sell certain lots in the Public Lot in Dennistown Plantation in Somerset County.

Resolve authorizing the Land Agent to sell Public Lot 85 in Moro Plantation, Aroostook County.

#### Passed to Be Enacted

An Act to incorporate the Cumberland Center Water Company and to authorize that company to take over the properties of the Cumberland Water Company.

This being an emergency measure and a two-thirds majority of the members-elect being necessary, a division was had,

One hundred and five voting in favor and none against, the bill was passed to be enacted.

An Act to aid the town of Lisbon to supply the inhabitants of said town with pure water.

This being an emergency measure and a two-thirds majority of the members-elect being necessary, a division was had,

One hundred and six voting in favor and none against, the bill was passed to be enacted.

An Act to enable the city of Lewiston to sell water to the town of Lisbon.

This being an emergency measure and a two-thirds majority of the members-elect being necessary, a division was had,

One hundred and eleven voting in

favor and none against, the bill was passed to be enacted.

#### Orders of the Day

The SPEAKER: The first matter upon the calendar under the heading of "tabled and today assigned" is, Senate Doc. No. 31, Bill An Act for the improvement of sanitary conditions in schools, tabled pending its passage to be engrossed, on motion by the gentleman from Portland, Mr. Dodge.

On motion by Mr. Dodge, the bill was taken from the table, and on further motion by the same gentleman, the bill was passed to be engrossed.

The SPEAKER: The next matter upon the calendar for today is Report of Committee on Public Utilities on Bill, An Act relating to exemption of mutual telephone companies, tabled pending the acceptance of the report of the committee, on motion by the gentleman from Hampden, Mr. Kimball.

Mr. KIMBALL: Mr. Speaker and gentlemen, I simply wish to say that this bill was presented for the purpose of remedying evils which existed between the Public Utilities Commission and our Mutual telephone companies. Prior to 1913, there were a number of Mutual telephone companies doing business in this State, and running along very smoothly, no trouble whatever, and since 1913 these companies have been subject to the rules laid down by the Public Utilities Commission. Conditions have reached such a point that last year we petitioned for a hearing, and such a hearing was assigned on January 20, 1920. Our request for help was refused because it was considered to be a discrimination, according to their rules, and since that time, I may say that the Public Utilities Commission have experienced a change of heart, and they have conceded to us all that we asked for last year; therefore, Mr. Speaker and gentlemen, I move that the report of the committee be accepted.

The SPEAKER: The pending question before the House is the accept-

ance of the report of the committee, reporting "ought not to pass." The motion of the gentleman from Hampden, Mr. Kimball, is that the report be accepted.

A viva voce vote being taken,  
The motion was agreed to.

The SPEAKER: The next matter on the calendar for consideration today is House Doc. No. 61, Bill An Act relating to poll tax, tabled pending concurrent action. In the Senate, this bill was indefinitely postponed in non-concurrence, comes to the House, and on March 4th was tabled pending concurrent action on motion by the gentleman from Washburn, Mr. Story.

Mr. Story of Washburn moved that the House insist upon its former action and that a committee of conference be appointed.

The motion was agreed to.

The Speaker thereupon appointed as such committee of conference Messrs. Story of Washburn, Granville of Parsonsfield and Smith of Skowhegan.

The SPEAKER: The Chair will suggest that there might be some matters upon the calendar under the heading of "tabled and unassigned" which might be disposed of at this time.

On motion by Mr. Cole of Elliot, report of the Committee on Public Utilities on Bill, An Act authorizing the proprietors of Portsmouth Bridge to sell its property, etc., was taken from the table.

The pending question being the acceptance of the report of the committee, reporting "ought to pass."

On further motion by Mr. Cole, the report was accepted.

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

The SPEAKER: The Chair will at this time take from the table, report of committee on pensions on resolve in favor of Olive A. Ham, tabled yesterday by the Speaker because of the absence of the proponent of the measure, the gentleman from Hamp-

den, Mr. Kimball. The report of the committee was "ought not to pass."

On motion by Mr. Kimball of Hampden, the report was accepted.

The SPEAKER: In regard to Bill, An Act to amend Section 5 of Chapter 117 of the Revised Statutes, as amended by Chapter 170 of the Public Laws of 1917, relating to salaries of justices of the Supreme Judicial Court, which was indefinitely postponed in the House on March 1st, 1921, and sent to the Senate for concurrence, the action of the Senate on the second day of March was to insist upon its former action and the

appointing of a committee of conference in that branch consisting of Senators Farrington of Kennebec, Thombs of Lincoln and Allen of York.

The House has voted to join a committee of conference, and the Chair at this time will appoint as such committee of conference on the part of the House, Messrs. Bragdon of Perham, Roberts of Lyman and Snipe of Bath.

On motion of Mr. Belmore of Princeton,

Adjourned until tomorrow morning at 10 o'clock.