

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

**HOUSE.**

Thursday, Jan. 28, 1909.

Prayer by Rev. Mr. Allen of Jonesboro.

Papers from the Senate disposed of in concurrence.

Bill, An Act relating to State detectives, came from the Senate referred in that branch to the committee on legal affairs.

On motion of Mr. Marshall of Portland the bill was tabled for printing pending reference to the committee in concurrence.

Bill, An Act to enlarge the powers and duties of the railroad commissioners and to regulate the fares and tolls of common carriers, came from the Senate, that branch non-concurring with the House in its reference of the bill to the judiciary committee, and referring it to the committee on railroads and expresses.

Mr. HERSEY of Houlton: Mr. Speaker, this bill was presented by myself and referred to the committee on judiciary. In the Senate it was laid on the table for printing; after that the Senate non-concurred with the House in its reference and referred it to the committee on railroads. I understand that was done, Mr. Speaker, because some of the railroad committee felt that the bill ought to go to them, and some expressed themselves to the effect that it was a slight to the committee to refer it to the committee on the judiciary. No such thing was intended by the author of the bill and no such thing is intended by anybody, as I understand it.

The bill, Mr. Speaker, takes in a great many questions of law, also of constitutional law. It establishes in its present form a court composed of the railroad commissioners. It prescribes their mode of procedure, their powers in summoning witnesses, in punishing for contempt, their authority to hold a court, to take evidence, to make reports—to hold a court with all its procedure—and it raises a great many questions of law; and it may be necessary for this bill to be reported in a new draft. It raises questions, it seems to me, that the railroad committee would be unable to settle, and

it should go to one of the judicial committees, either the legal affairs or the judiciary. It has been referred, we think, to the proper committee, the judiciary, and it should remain there; and I move that the House non-concur with the Senate and insist on its being left in the hands of the judiciary committee.

Mr. SPEAR of South Portland: Mr. Speaker, in relation to this bill which has been returned by the Senate in non-concurrence with the House, I have read it over carefully and I do not see any particular points of law or any points of constitutional law involved therein. It does deal wholly with additional duties and work of the board of railroad commissioners, similar to their work and jurisdiction over the maintenance of ways, tracks and so forth, and is wholly and entirely and properly under, or should be under, the jurisdiction of the railroad committee, who, if any committee, ought at least to be most in touch with the present requirements on the time of the railroad commissioners. The State has an attorney general to whom any committee of this Legislature can refer for instruction in regard to any law. The judiciary committee has matters within their scope enough to keep them busy. That this bill is wholly a matter for the railroad department and not a matter of law is evidenced by the action of the Senate in non-concurring with the House; and I move that the House recede and concur with the Senate in referring this bill to the committee on railroads and expresses.

Mr. TRIMBLE of Calais: Mr. Speaker, being a member of the railroad committee and having given this bill some slight attention, remembering also that this bill applies to the control and the interests of railroad companies in the State, and consequently being the kind of a measure that should be discussed, as all other railroad measures are, by the railroad committee, I must say that I feel the same as the gentleman from South Portland does, that this measure rightly belongs before the railroad committee.

Mr. BIGELOW of Portland: Mr.

Speaker, it seems to me that this bill is of such vital consequence not only to the State but to the railroads that it should be referred to a committee which can give it ample time for hearing. It seems to me that nearly all the important measures that have come before this Legislature have been referred to the judiciary committee. I fear that they may be so overburdened with work that they may not be able to give the proper time to this measure; and I hope it will be referred to the railroad committee where it seems to me it rightly belongs.

Mr. PIKE of Eastport: Mr. Speaker, I believe that this bill introduced by the gentleman from Houlton is a very important one, one which contains important matters of law and one which is most properly referred to the judiciary committee of this House. The fact itself that the railroad committee is here fighting to have it referred to themselves is evidence to my mind that it is a very important one, and if it is referred there you might as well bury it. I believe it should go to the judiciary committee and there have a proper hearing.

Mr. SPEAR of South Portland: Mr. Speaker, the gentleman from Eastport has seen fit to reflect upon the character and makeup of the railroad committee. He has seen fit to assume that that committee appointed by the President of the Senate and Speaker of the House is here to bury measures and not to consider them. I simply say to you, gentlemen, that the action of the railroad committee in asking a reference of this bill to them, has behind it the fact that they believe they properly have jurisdiction of the matter.

The SPEAKER: The gentleman from Houlton moved that the House insist on its action. Subsequently the gentleman from South Portland moved that

the House recede and concur. The motion to recede and concur has precedence over the motion to insist and should be put to the House first. Is the House ready for the question?

The question being on the motion to recede and concur with the Senate in its reference of the bill to the committee on railroads and expresses,

The motion was agreed to.

Bill, An Act defining the liability of employers in cases of injury to servants and employes, came from the Senate, that branch non-concurring with the House in its reference of the bill to the committee on labor, and referring it to the committee on judiciary.

On motion of Mr. Davies of Yarmouth the House receded and concurred with the Senate in its reference.

The following petitions, bills, etc., were presented and referred:

#### Judiciary.

By Mr. Conners of Bangor: Remonstrance of W. P. Lowell and 22 others of Bangor against An Act to prohibit the use of automobiles in the towns of Eden, Mt. Desert, Tremont and Southwest Harbor.

By Mr. Havey of Sullivan: Remonstrance of Charles H. Allen and 11 others of Sullivan against same.

By Mr. Sawyer of Dexter: Remonstrance of Norman H. Fay and Winthrop L. Fay against same.

By Mr. Stetson of Hartford: Remonstrance of F. Q. Abbott and 59 others of Dixfield against same.

By Mr. Emery of Sanford: An Act to enlarge the rights of the Alfred Embroidery Company; also An Act to extend the charter of the Ossipee Valley Power Company.

By Mr. Joy of Eden: An Act to incorporate the Bar Harbor Gas Company.

By Mr. Havey of Sullivan: An Act to enable the town of Winter Harbor to purchase the property and franchise of the Winter Harbor Gas & Light Company.

By Mr. Kelley of Boothbay: An Act creating East Boothbay and vicinity in the town of Boothbay into a voting district.

#### Legal Affairs.

By Mr. Cook of Unity: Petition of H. F. Wing and 40 others of Thorndike for authority to remove bodies from abandoned cemeteries in said town.

By Mr. Bowley of Swans Island: Petition of John L. R. Freeman and 109 others in favor of Act relating to Universal Electric Light & Power Company.

By Mr. Allen of Jonesboro: An Act to make valid certain acts and doings of the town of Whitneyville, with accompanying statement; also An Act to make valid certain acts and doings of the town of Whitneyville.

By Mr. Buswell of Stetson: An Act to amend the law relating to political caucuses in the city of Bangor.

By Mr. Cook of Unity: An Act to authorize the town of Thorndike to remove bodies from abandoned cemeteries.

By Mr. Pattangall of Waterville: An Act to abolish the office of auditor of State printing.

By Mr. Smith of Berwick: An Act to amend Chapter 42 of the Public Laws of 1907 entitled "An Act to prevent desertion and non-support of families."

By Mr. Hall of Caribou: An Act to further amend Chapter 352 of the Laws of 1905 relating to Caribou Municipal Court.

#### Appropriations and Financial Affairs.

By Mr. Smith of Andover: Petition of F. E. Leslie of Andover and 18 others for Resolve in favor of Maine State Sanatorium Association.

By Mr. Hussey of Windsor: Petition of Dr. G. H. Wilson of Albion and 29 others for same.

By Mr. Bogue of East Machias: Petition of John A. Pope of East Machias and 48 others for same.

#### Education.

By Mr. Merrill of Durham: An Act to amend Section 30 of Chapter 15 of the Revised Statutes relating to superintending school committees.

#### Railroads and Expresses.

By Mr. Montgomery of Camden: Pe-

tition of Henry L. Hanson and 58 railroad men of Lewiston in favor of An Act to encourage the building of railroads in northern Maine.

By Mr. Dunn of Brewer: Petition of D. C. Farrington and 121 others of Brewer for same.

By Mr. Bisbee of Rumford: Petition of F. A. Parsons of Rumford Falls and 69 other railroad men for same.

By Mr. Hall of Caribou: Petition of J. A. Haskell and 50 other railroad men of Presque Isle, Caribou, Bridgewater and Houlton, for same; also petition of Walter E. Elder of Houlton and 69 other railroad men for same.

By Mr. Pattangall of Waterville: Petition of C. B. Dickerson and 429 other railroad men of Waterville for same.

By Mr. Hall of Caribou: Petition of J. M. Young, N. P. Lund, J. J. Cameron, S. Day and 120 others of Caribou, Limestone and Van Buren for same.

By Mr. Connors of Bangor: Petition of John L. Parker, shoe manufacturer, F. O. Young, hotel proprietor, W. L. Jeffords, machinist, John P. Frawley, druggist, Eugene Danforth, lumber, P. J. Greene, cigarmaker, John P. Carter, contractor, A. A. Simpson, plumber, E. M. Brown, gas fitter, W. M. Thompson, foundryman, W. H. Salley, merchant, and 673 business and laboring men of Bangor for same.

By Mr. Kavanough of Portland: Petition of George W. Babb of Portland and 836 other railroad men of Portland for same.

By Mr. True of Portland: Petition of W. H. Burrill of Fryeburg and 29 other railroad men of Brownfield, Baldwin, Hiram and Sebago Lake for same.

By Mr. Trimble of Calais: Petition of C. H. Barstow and 129 other railroad men of Calais, Eastport, Machias and Washington county towns, for same.

By Mr. Snow of Brunswick: Petition of George A. Priest and 165 railroad men of Brunswick for same.

By Mr. Ludgate of Sherman: Petition of Abram Dougherty and 61 other railroad men of Patten, Sherman and vicinity for same.

By Mr. Robbins of Fort Kent: Petition of S. A. Crummett of Fort Kent and 86 other railroad men for same.

By Mr. Dunn of Brewer: Petition of 40 people of Brewer and Bangor favoring railroad rebate.

By Mr. Pelletier of Van Buren: Remonstrance of A. W. Brown and 67 others against the proposed rebate of taxes for the Bangor & Aroostook Railroad.

By Mr. Miller of Lincolnville: Remonstrance of E. B. Elwell and 30 others against same.

#### **Banks and Banking.**

By Mr. Havey of Sullivan: An Act to extend the charter of the Winter Harbor Trust Company.

#### **Agriculture.**

By Mr. Moulton of Cumberland: An Act in addition to Chapter 19 of the Revised Statutes relating to contagious diseases among cattle. (Tabled for printing pending reference to the committee on motion of Mr. Moulton).

#### **Interior Waters.**

By Mr. Burleigh of Augusta: An Act to authorize the Kellogg Lumber Company to erect and maintain piers and booms at the mouth of Moose river and in Long Pond.

By Mr. Bigney of Greenville: Resolve in favor of an appropriation for a breakwater in Moosehead Lake.

#### **State Lands and State Roads.**

By Mr. Peters of Ellsworth: Resolve authorizing the State land agent to convey Conary's Nub, East Bluehill.

#### **Ways and Bridges.**

By Mr. Smith of Andover: Petition of L. E. Barnes and 23 others in favor of the Donigan bridge bill; also petition of J. A. French and 16 others for same.

By Mr. Burse of Pittsfield: Petition of the selectmen of Pittsfield and 61 others for same.

By Mr. Allen of Jonesboro: Petition of Charles C. Whitney of Jonesboro and 23 others for same.

By Mr. Dorr of Dresden: Petition of Lester Woodward and 60 others of Dresden for same.

By Mr. Stover of Brunswick: Remonstrance of Joseph A. Stover and 25 others of Harpswell against bridge from Cundy's Harbor and Hen Island to

Harpswell; also remonstrance of E. E. Smith and 26 others against same; also remonstrance of Charles K. Durgon and nine others against same; also remonstrance of Walter S. Totman and 16 others against same.

By Mr. Quinn of Millinocket: Resolve in favor of the town of Millinocket for road from Millinocket to Millinocket lake.

#### **Inland Fisheries and Game.**

By Mr. Colby of Bingham: Petition of George Flanders and 18 others of Mayfield praying that Mayfield and Kingsbury ponds be opened to ice fishing.

By Mr. Bowley of Swan's Island: Petition of Willis A. Stanley and 52 others of Swan's Island for An Act regulating open season on deer on Swan's Island.

By Mr. Merrifield of Rockland: Petition of Fred R. Spear, M. S. Bird, W. O. Fuller, R. I. Thompson, Charles H. Barry and 325 others of Rockland for a fish hatchery to be established in Knox county.

By Mr. Bemis of Harmony: Petition of C. C. McLaughlin and 14 others of Harmony and vicinity asking that Brown brook and Perry pond and its tributaries be closed to all kinds of fishing for a term of five years.

By Mr. Smith of Andover: Petition of E. H. Lane of Upton and 20 others asking for regulations upon fishing Moidridgewock pond and stream in Upton.

By Mr. Bigney of Greenville: Petition of John F. Sprague and 22 others in favor of an increased appropriation for the propagation of fish.

By Mr. Pattangall of Waterville: An Act relating to the disposal of money received from non-resident hunters' licenses; also An Act relating to the fines for infraction of the fish and game laws.

By Mr. Smith of Andover: Petition of E. H. Lane of Upton and 20 others asking for regulations upon fishing Sea pond, Dead Cambridge river and tributaries in Oxford county; also petition of W. H. Hart and nine others, citizens of Oxford county, asking for change in the law on fishing in the Megalloway river and tributaries.

### Shore Fisheries.

By Mr. Bowley of Swan's Island: An Act to prohibit seining smelts in certain parts of Casco bay. (Tabled for printing pending reference to the committee on motion of Mr. Davies of Yarmouth).

### Counties.

By Mr. Harmon of Stonington: Petition of C. H. S. Webb and 231 others of the town of Stonington, Hancock county, asking to be set off from Hancock county and annexed to and made a part of Knox county; also An Act to annex the town of Stonington to the county of Knox.

### Indian Affairs.

By Mr. Mercier of Princeton: Resolve making appropriation for the Passamaquoddy tribe of Indians.

By Mr. Lambert of Orono: Resolve in favor of Charles D. Mitchell, representative of Penobscot tribe of Indians.

### Claims.

By Mr. Bowley of Swan's Island: Resolve in favor of the town of Tremont in Hancock county.

By Mr. Bisbee of Rumford: Resolve in favor of the town of Rumford.

By Mr. Hall of Caribou: Resolve in favor of the town of Caribou.

### Salaries and Fees.

By Mr. Hodgdon of Temple: Petition of A. L. Fenderson and nine others in relation to salary of judge of municipal court of Stonington.

By Mr. Perry of Fort Fairfield: An Act fixing the salary of the judge of probate of Aroostook county.

By Mr. Hodgkins of Temple: An Act to amend Section 11 of Chapter 93 of the Acts and Resolves of 1878 relative to the establishment of a municipal court in the town of Farmington.

By Mr. Cole of Kenduskeag: An Act to amend Chapter 174 of the Public Laws of 1905 regarding compensation of sheriffs.

By Mr. Burse of Pittsfield: An Act in relation to the compensation of the county commissioners for the county of Somerset.

By Mr. Libby of Amity: An Act to amend and correct a clerical error in Chapter 84 of the Public Laws of 1905

relating to the compensation of the clerk to the commissioners of inland fisheries and game.

By Mr. Blanchard of Wilton: An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905 as amended by Chapter 177 of the Public Laws of 1907 relating to the compensation of the register of deeds.

By Mr. Wing of Kingfield: An Act to amend Section 1 of Chapter 151 of the Public Laws of 1905 as amended by Chapter 11 of the Public Laws of 1907 relating to the compensation of registers of probate.

By Mr. Harris of Salem: An Act to amend Section 1 of Chapter 119 of the Public Laws of 1905 relating to the compensation of county attorneys.

### Portland Delegation.

By Mr. Marshall of Portland: An Act to authorize the city of Portland to acquire property and to issue its bonds and notes for municipal purposes. (Tabled for printing pending reference to the delegation on motion of Mr. Rounds of Portland.)

### Orders.

Mr. Pattangall of Waterville presented the following order:

Ordered, That the justices of the supreme judicial court are hereby required to give to the House of Representatives, according to the provisions of the Constitution in this behalf, their opinion on the following question, to wit: Has the Legislature the legal power under the Constitution of the State of Maine to enact the following bill now pending:

"An Act to encourage and aid the building of a railroad through the undeveloped portion of northern Maine.

"Be it enacted by the people of the State of Maine, as follows:

"Section 1. Provided the Bangor and Aroostook Railroad Company shall, in good faith, on or before January 1, 1911, commence to build a line of railroad which shall begin at its present main line in the vicinity of West Sebols and shall finally extend in a general northerly direction to the St. John river, as the same may be legally laid out, and shall commence to build a railroad into or through the towns of Washburn and Perham; thereupon when said railroad company shall commence to build such

railroads, said railroad company is hereby authorized to enter into an agreement with the State of Maine, for the transportation, over the lines of railroad which it is now operating, and over any railroad which it may build, of troops and munitions of war in times of war, insurrection or civil commotion, free of charge other than as herein provided, until January 1, 1821, and to receive therefor from said State annually for the term of said contract an amount which shall equal 95 per cent. of the taxes collected in the corresponding year by said State upon the lines of railroad which it is now operating and upon any other lines of road which it may build, and upon its real and personal property, including its stock and franchise.

"Whenever before January 1, 1911, the building of said lines of railroad shall in good faith be commenced, thereupon said railroad company may execute such a contract and present it to the treasurer of said State, and it shall be the duty of said treasurer to execute said contract in behalf of said State, and thereafter said treasurer shall pay over to said corporation each year during the term of said contract the amount provided in this Act."

On motion of Mr. Pattangall the order was tabled for printing and Wednesday of next week was assigned for its consideration.

#### Reports of Committees.

Mr. Burleigh from the committee on the judiciary, to which was referred bill, An Act to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems and providing penalties for the violation thereof, reported that the bill be referred to the committee on legal affairs.

Mr. Emery from the committee on appropriations and financial affairs, to which was referred resolve in favor of the town of Lyman, reported that the resolve be referred to the Governor and Council.

Mr. Kelley from the committee on shore fisheries, to which was referred bill, An Act to amend Section 17 of Chapter 41 of the Revised Statutes of 1903 as amended by Chapter 49 of the Public Laws of 1907, relating to sea and shore fisheries, report-

ed that the same be printed and recommitted.

Mr. Kelley from the same committee, to which was referred bill, An Act to amend Section 1 of Chapter 41 of the Revised Statutes of 1903, relating to sea and shore fisheries, reported that the same be printed and recommitted.

Mr. Kelley from the same committee, to which was referred bill, An Act for the better protection of lobsters, reported that the same be printed and recommitted.

Mr. KELLEY of Boothbay: Mr. Speaker, this Act is a matter of great importance to the fishing industry along the coast, and the members of the committee as well as other members living along the coast wish extra copies to send to their constituents, and I move that 500 extra copies be printed of that Act.

The motion was agreed to.

Mr. Clark from the committee on interior waters, to which was referred bill, An Act to incorporate the Penobscot River Power Company, reported that the same be printed and recommitted.

Mr. Smith from the committee on legal affairs reported "ought to pass" on bill, An Act to authorize the Artesian Water Company to issue bonds.

Mr. Coolidge from the committee on banks and banking reported in a new draft bill, An Act to extend the charter of the Merchants Trust Company, and that it ought to pass.

On motion of Mr. Wing of Auburn the report of the committee was laid on the table.

Mr. Kavanough from the committee on appropriations and financial affairs reported "ought to pass" on resolve in favor of St. Elizabeth's Roman Catholic Asylum of Portland.

Mr. Kavanough from the same committee reported same on resolve in favor of the Holy Innocents Home for Infants in the city of Portland.

Mr. Kavanough from the same committee reported in a new draft resolve in favor of the Maine Institution for the Blind, and that it ought to pass.

The reports were accepted and the bills and resolves ordered printed under joint rules.

### First Reading of Printed Bills and Resolves.

Resolve in favor of the Bar Harbor Medical and Surgical Hospitals located at Bar Harbor, Maine.

Resolve authorizing a temporary loan for the year 1909.

Resolve authorizing a temporary loan for the year 1910.

Resolve in favor of the Bath City Hospital.

### Passed to Be Engrossed.

An Act relating to the Portland Society of Arts.

### Orders of the Day.

On motion of Mr. Burleigh of Augusta, bill, An Act providing for the better protection of the people of the State of Maine from the disease known as tuberculosis, was taken from the table, and on further motion of Mr. Burleigh it was referred to the committee on the judiciary.

On motion of Mr. Pattangall of Water-

ville, bill, An Act relating to the taxation of railroads, was taken from the table, and on further motion by Mr. Pattangall it was referred to the committee on taxation.

On motion of Mr. Pattangall, bill, An Act relating to the taxation of street railroads, was taken from the table, and on further motion by Mr. Pattangall it was referred to the committee on taxation.

On motion of Mr. Pattangall, bill, An Act to establish a State highway fund and to provide for distributing the same, was taken from the table, and on further motion by Mr. Pattangall it was referred to the committee on taxation.

On motion of Mr. Pattangall, bill, An Act relating to the common school fund and the means of providing for and distributing the same, was taken from the table, and on further motion by Mr. Pattangall it was referred to the committee on taxation.

On motion of Mr. Rounds of Portland, Adjourned, to meet tomorrow morning at 9 o'clock.