

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

ERRATA:

**The following errata are
inserted because one or more pages
in this session day have errors
noticed and corrected here.**

ERRATA.

- Page 39, for Long Monson Pond read Long Mousam Pond.
94, after the words "Probation Officers" omit the words "relating to State Detectives."
105, 302, 316 and 333, for State Prison read State pension.
118, 146, 165 and 170, for supplementary associations read supplementary assessments.
168, for Coolidge River read Cambridge River.
174, for \$50 read \$50,000.
182, for Oakland read Oakfield.
185, for Rines road read Kineo road.
219, for Mineral Spring Co. read Merrill Springer Co.
226, for investigation of vital statistics read registration of vital statistics.
243, for town of South Portland read town of Southport.
309, for town of Wales read town of Wells.
325, for foreigners read coroners.
343, for Bed Cambridge River read Dead Cambridge River.
360, for boys read buoys.
377, for Corners Knob read Conary's Nub.
377, 462, 496, for Prescott read Trescott.
379, for Pittsburg read Phippsburg.
462, 496, for Chronological read Pomological.
494, for Township E read Township 2.
510, 538, for Central Railroad Co. read Jonesport Central Railroad Co.
520, for Penobscot Electric Co. read Penobscot Bay Electric Co.
525, for Colcord read Concord.
544, 556, for town of Brewer read town of Bremen.
551, 587, for Monmouth Ridge Sanitary Association read Monmouth Ridge Cemetery Association.
646, for Androscoggin Valley Company read Androscoggin Valley Railroad Company.
648, for Central Fire Insurance Co. read Central Maine Fire Insurance Co.
654, 670, for Jimmy pond read Jimmy brook.
655, 671, for Straw's Island read Swan's Island.
667, for transmitted in Maine read transacted in Maine.
677, 698, for municipal court in town of Portland read municipal court in town of Farmington.
687, for Trusett read trustee.
700, for pension members of Building Commission read pension members of Fire Department.
788, for Howard read Howland.
835, for Chapter 138 of the Public Laws of 1905 read Chapter 138 of the Public Laws of 1895.
844, for bridges of municipal officers read duties of municipal officers.
928, for identifying animals read identifying criminals.
974, for Herbert A. Bradford read Herbert A. Lombard.
1022, for Stonington Trust Company read Stonington Water Company.
1064, for Biddeford read Portland.
1244, for Daniel's Pond read Donnell's Pond.
1275, for Acatus Lake read Nicaulous Lake.
1313, for establish read abolish.

HOUSE.

Tuesday, Feb. 23, 1909.

Prayer by Rev. Mr. Colby of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Petition of Reuben Keene and three others of Cooper for the transferable mileage bill.

Also: Petition of John S. Calkins and 16 others of West Lubec for same.

Also: Petition of J. P. Weston and five others of Silver Ridge plantation for same.

Also: Petition of Allen J. Brown and nine others of Smyrna Mills for same.

Also: Petition of Hector Dubey and 13 others of Allegash plantation for same.

Also: Petition of Eugene Hale and eight others of Medway for same.

Also: Petition of T. S. Heal and 26 others of Lagrange for same.

Also: Petition of John M. Brown and 24 others of Eagle Lake for same.

Also: Petition of W. B. Farnham and 11 others of Blanchard for same.

Also: Petition of John Wilcox and 13 others of Cary for same.

On motion of Mr. Hall of Caribou the House non-concurred with the Senate in its reference of the foregoing petitions to the committee on railroads and expresses, and ordered that they be placed on file in non-concurrence.

Senate Bills on First Reading.

An Act relating to special contracts between employers and employes.

An Act to amend Section 49 of Chapter 15 of the Revised Statutes relating to public schools. (Tabled pending second reading on motion of Mr. Hall of Caribou.)

An Act to amend Sections 17, 18, 19, 20, 26 and 30 of Chapter 39 of the Revised Statutes relating to the regulation and sale of commercial fertilizers, commercial feeding stuffs and agricultural seeds.

An Act to regulate fishing for black bass, white perch and smelts in the Belgrade lakes, so-called, in the counties of Kennebec and Somerset.

Resolve in favor of Freedom Academy.

Resolve in favor of aid in building a highway bridge across the East branch of the Penobscot river in the town of Medway. (Tabled pending first reading on motion of Mr. Rounds of Portland.)

Resolve in favor of Lewis Robbins of the town of Waldoboro.

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

Judiciary.

By Mr. Montgomery of Camden: Petition of W. E. Gorham and 98 others of Wiscasset for Woman's Suffrage.

By Mr. Emery of Sanford: Remonstrance of Charles F. Moulton and 43 others against An Act to create the office of medical examiner.

By Mr. Grant of Freeport: Remonstrance of Robert E. Randall and 53 others against An Act to change in the law relating to foreigners; of L. L. Dean and 48 others of Freeport against same.

By Mr. Pattangall of Waterville: Remonstrance of Frank Redington and 11 others against same.

By Mr. Quinn of Millinocket: Remonstrance of H. F. Bragdon and 56 others against An Act to create the office of medical examiner.

By Mr. Morse of Belfast: Remonstrance of Charles R. Coombs and 46 others against same.

By Mr. Patterson of Solon: Remonstrance of E. Kelley and 12 others of Fairfield against abolishing the office of coroner.

By Mr. Lord of Vassalboro: Remonstrance of A. F. Hussey and 43 others of Vassalboro against An Act to create the office of medical examiner and An Act to amend Chapter 140 of the Revised Statutes relating to the powers and duties of coroners.

Legal Affairs.

By Mr. Marshall of Portland: An Act to facilitate the identification of criminals; An Act to authorize the appointment of deputy sealers of weights and measures; An Act to provide for the appointment of a State sealer of weights and measures and to define his duties.

By Mr. Bigelow of Portland: Resolve to amend Article 22 of the Constitution relating to cities of 40,000 in-

habitants or more to increase the municipal indebtedness to 7½ per cent.

By Mr. Allen of Jonesboro: An Act to amend Section 113 of Chapter 15 of the Revised Statutes as amended by Chapter 11 of the Public Laws of 1905 relating to the members of trustees of State Normal Schools.

Inland Fisheries and Game.

By Mr. Smith of Andover: Remonstrance of Charles M. Newton and 60 others of Andover against the closing of C pond in Oxford county to all but fly fishing.

By Mr. Emery of Sanford: Remonstrance of C. A. Dyer of Sanford and 42 others against the proposed law to prohibit winter fishing in Long Mousam pond in Shapleigh and Acton.

Shore Fisheries.

By Mr. Bowley of Swans Island: Remonstrance of Fred Simmons and 100 others of St. George against lobster license law, so-called; remonstrance of S. T. Jameson and 102 others of Friendship against same and any change in present lobster laws.

Reports of Committees.

Mr. Bogue from the committee on mercantile affairs and insurance, which was instructed by an order of the Legislature to inquire into the expediency of An Act to amend Section 51 of Chapter 49 of the Revised Statutes of Maine, reported that the same be referred to the committee on legal affairs.

Mr. Beyer from same committee which was instructed by an order of the Legislature to inquire into the expediency of An Act to amend Section 129 of Chapter 49 of the Revised Statutes relating to casualty or accident insurance companies doing business on the assessment plan, reported that the same be referred to the committee on legal affairs.

The reports were accepted.

First Reading of Printed Bills and Resolves.

An Act to enlarge the rights of the Alfred Embroidery Co.

An Act to amend Section 2 of Chapter 188 of the Public Laws of 1907.

An Act to extend the charter of the Phillips Trust Co.

An Act to extend the charter of the Gardiner Trust Co.

An Act to amend Section 3, Chapter 48 of the Revised Statutes, relating to the powers of savings banks.

An Act to incorporate the Sandy Stream Dam & Improvement Co.

An Act to amend Section 1 of Chapter 164 of the Private and Special Laws of 1907, relating to fishing in the tributaries to China lake.

An Act to regulate fishing in the tributaries to Marshall pond, so-called, in Oxford county.

An Act to regulate ice fishing in Donnell pond, so-called, situated partly in Franklin and partly in Township No. 10, Hancock county.

An Act to regulate fishing in Dead Stream pond, Lower Cold Stream pond and Horseshoe pond, in Somerset county.

An Act to provide for ice fishing, as provided in the general law of the State, in South Branch, Carpenter, Littlefield and Fowler ponds, Piscataquis county, also to close Davis pond, Penobscot county, to all kinds of fishing.

An Act creating an open time on gray and black squirrels in York, Kennebec and Washington counties. (Tabled pending first reading on motion of Mr. Ferguson of Shapleigh.)

An Act to amend Section 13 of Chapter 32 of the Revised Statutes, as amended by Chapter 75 of the Public Laws of 1905, relating to the snaring of rabbits.

An Act to increase the salary of the judge of the superior court for Kennebec county.

Resolve for the creation of a fish hatchery and feeding station on Cold stream, the outlet of Cold Steam lake, in Enfield.

Passed to Be Engrossed.

An Act to provide for the payment of the premiums on bonds required of the treasurer of State and clerks in the State treasury department.

An Act relating to the issuance of mileage books by railroad corporations.

An Act in relation to the Gardiner municipal court of the city of Gardiner.

An Act to prohibit the use of auto-

mobiles in the towns of Eden, Mount Desert, Tremont and Southwest Harbor, on the Island of Mount Desert. (Tabled pending third reading on motion of Mr. Pike of Eastport and Thursday of this week assigned for the consideration).

An Act to extend the authority of the Rockland, South Thomaston and St. George Railway.

An Act to authorize the Kellogg Lumber Co. to erect and maintain piers and booms at the mouth of Moose river and in Long pond.

An Act to extend the charter of the Ossipee Valley Power Co. (Tabled pending third reading on motion of Mr. Rounds of Portland).

An Act to enable the town of Winter Harbor to purchase the property and franchise now or formerly of the Winter Harbor Gas & Light Co.

An Act to incorporate the Bar Harbor Gas Co.

An Act to amend Section 25 of Chapter 55 of the Revised Statutes, relating to necessary regulation of street railroads by municipal officers.

An Act to ratify and confirm the acts of the Wayne Library Association, at its meeting of August 27, 1908, and at all subsequent meetings.

An Act to provide for the restoration of the records of the court of probate for the county of Cumberland.

Resolve to correct certain entries in the books of the State treasurer.

Resolve authorizing the compilation and publication of the insurance laws of Maine.

Resolve in favor of the Old Town hospital.

Resolve in favor of the city of Auburn.

Resolve in favor of the Waldo County General hospital.

An Act relating to the welfare of school children.

An Act to amend Section 91 of Chapter 15 of the Revised Statutes relating to public schools.

An Act to amend Section 17 of Chapter 15 of the Revised Statutes relating to public schools.

An Act to amend Section 112 of Chapter 15 of the Revised Statutes relating to Normal schools and training schools.

An Act to amend Section 65 of Chapter 15 of the Revised Statutes relating to Free High schools.

Resolve for an appropriation for carrying on the work of the State Survey Commission.

Passed to Be Enacted.

The SPEAKER: The Chair will lay before the House An Act to appropriate moneys for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases.

This bill is now upon its passage to be enacted. The Constitution requires that if it pass it shall receive the votes of at least two-thirds of all the members elected to this House.

A division was had and 99 voted in the affirmative and one in the negative.

The SPEAKER: The bill lacks the necessary two-thirds in order to pass.

Mr. Rounds of Portland moved that the yeas and nays be ordered.

The motion was agreed to.

The SPEAKER: The yeas and nays have been ordered upon the passage of this bill to be enacted. As many as are in favor of the passage of the bill will, when their names are called, answer yea; those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Allen of Jonesboro, Allen of Richmond, Andrews, Bartlett of Stoneham, Beals, Bemis, Beyer, Bigelow, Bigney, Bisbee, Bogue, Bowley, Bragdon, Burleigh, Burse of Pittsfield, Buswell, Campbenn of Cherryfield, Campbell of Kingman Chase of Sebec, Chase of York, Colby, Cole, Coolidge, Couture, Cummings, Davies, Day, Doble, Donnell, Dorr, Dufour, Duncan, Edwards, Emery, Ferguson, Grant, Hamlin, Hannaford, Hanson, Harriman, Harrington, Harris, Hersey, Higgins, Hill, Hussey, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Libby, Lord, Ludgate, Mace, Marshall, Mercier, Merrifield, Merrill of Bluehill, Merrill of Durham, Miller, Millett, Montgomery, Moore, Morse, Moulton, Nelson, Nickerson, Orff, Patton, Patterson, Paul, Pelletier, Perry, Peters, Pinkham, Porter, Pressley, Reddon, Robbins, Rounds, Sanborn, Sawyer, Silsby, Sleeper, Smith of Andover, Smith of Berwick, Snow of Brunswick, Spear of South Portland, Stackpole, Stetson, Strickland, Thompson, Thurlough, Tibbetts, Trickey, Trimble, True, Varney, White of Columbia, Whitney, King of Auburn—104.

NAY:—Bearce of Eddington, Dunn, Pike, Quinn, Spear of Warren, Stover—6.

ABSENT:—Bartlett of Elliot, Blake, Blanchard, Bourassa, Bradford, Bussell, Charles, Clark, Conners, Cook, Cousins, Drake, Farnham, Fortier, Frost, Gilbert, Hall, Harmon, Havey, Hines, Holgkins of Damariscotta, Hodgkins of Temple, Holt, Hyde, Jones, Lombard, McLain, Packard, Pattangall, Putnam, Richardson, Ross, Smith of Biddeford, Snow of Scarboro, Stanley, Trafton, Weld, White of Wayne, Whitehouse, Wing of Kingfield—40.

So the bill was passed to be enacted.

Orders of the Day.

On motion of Mr. Spear of South Portland the House voted to request the return from the Senate An Act to amend Section 21 of Chapter 51 of the Revised Statutes relating to increase of stock of railroad corporations.

On motion of Mr. Rounds of Portland House Doc. No. 196, An Act to confer additional powers and privileges upon the People's Ferry Co. was taken from the table and on further motion by Mr. Rounds it was referred to the committee on judiciary.

On motion of Mr. Beyer of Portland House Doc. No. 219, An Act to establish an additional Normal school to be located at Machias in the county of Washington, was taken from the table.

The bill then received its third reading and was passed to be engrossed.

On motion of Mr. Marshall of Portland House Doc. No. 195, An Act to amend Chapter 146 of the Private and Special Laws of 1895 relating to the commissioner of public works for the city of Portland, was taken from the table, and on further motion by Mr. Marshall it was referred to the Portland delegation.

Mr. SMITH of Andover: Mr. Speaker: I have here a Resolve in aid of buoys and piers in Rangeley lake, Cupsuptic lake and Mooselucmeguntic lake. Owing to the sickness of the senator who had this matter in charge this Resolve has been delayed in getting here. The amount they ask for is the same which they have usually had in years gone by. I therefore ask unanimous consent to introduce this Resolve under suspension of the rules.

No objection was made and on further motion by Mr. Smith the Resolve

was referred to the committee on interior waters.

On motion of Mr. Andrews of Augusta House Doc. No. 247, An Act to provide for recording recognizance in registry of deeds, was taken from the table and on further motion by Mr. Andrews it was referred to the committee on judiciary.

On motion of Mr. Burleigh of Augusta House Doc. No. 142, An Act authorizing the Governor to issue his proclamation to prevent the use of firearms in the forest in dry season, was taken from the table.

The bill was then passed to be enacted.

On motion of Mr. Moulton of Cumberland House Doc. No. 115, An Act relating to the transportation of animals by common carrier, was taken from the table and on further motion by Mr. Moulton it was referred to the committee on agriculture.

On motion of Mr. Rounds of Portland, Senate Doc. No. 183, Resolve in favor of aid in building a highway bridge across East Branch of the Penobscot river in the town of Medway, was taken from the table.

The Resolve then received its first reading and was assigned for tomorrow morning.

On motion of Mr. Chase of York House Doc. No. 223, An Act to divide the town of York and establish the town of Yorktown was taken from the table and on further motion by Mr. Chase it was referred to the committee on towns in concurrence.

On motion of Mr. Allen of Richmond the rules were suspended and he introduced, out of order, remonstrance of J. A. Roberts and 125 others against the passage of An Act to create the office of medical examiner and the Act to amend Chapter 140 of the Revised Statutes relating to the powers and duties of coroners and on further motion by Mr. Allen the remonstrance was referred to the committee on judiciary.

Uniform Poll Tax.

On motion of Mr. Whitney of Gorham An Act to establish a uniform poll tax, was taken from the table.

Mr. WHITNEY: Mr. Speaker, that bill was tabled by me and it seemed to me that it was wrong in principle and would work injustice. Some of these towns have a very light rate of taxation; some much higher. It does not seem to me just right to place a town having a tax of only 10 mills on a dollar in the same class with one paying 20 or 30. Further than that, what particularly works injustice in many cases is in the case of these towns where they have a separate village corporation, where they would have to pay not only the town tax but a poll tax in the village corporation that might be anywhere from one to three dollars additional. For that reason I would move that the bill be indefinitely postponed.

Mr. BIGELOW of Portland: Mr. Speaker, I hope that the gentlemen of the House realize that they are now considering a souvenir of a \$25,000 tax commission. As far as I have been able to observe, this is the only one of the many measures introduced in this Legislature which have gone to the committee on taxation with the purpose of fixing a uniform and equitable system of taxation which has emerged from that committee with a favorable report. The principle of taxation I do not desire to discuss. I have no doubt that later in the session we shall have plenty of discussion on that subject; but upon this particular bill it seems to me that the principle involved in it is radically wrong. This is the only direct tax which is imposed by the State. This is a tax which must be paid, whether or no, by the rich man and by the poor man. It has been suggested in debate upon this matter which has taken place in the upper branch of this Legislature that the idea of many of the towns where the poll tax is fixed at three dollars was that that represented a tax of two mills upon the value of the franchise. Think of it, gentlemen! They attempt to fix a monetary value upon an American citizen. They claim that the franchise value being \$150, it is no more than right that the man who has no other property should pay a tax upon that valuation.

Gentlemen, this uniform tax meas-

ure works an injustice to the poor man. After all, when we want to equalize taxation it is seen at once that it is the poor man who pays the taxes. Put the rate at anything you please. It is he who pays the house rent; and any real estate owner or property owner knows that he himself does not pay the tax which is assessed by this State or by the municipalities of this State but that the tax is paid by the poor man. This bill also violates another principle which it seems to me is wrong. It interferes with the right of local self government. For years the municipalities of this State have been fixing the rate of taxation to suit their own needs; and, gentlemen, it seems to me that the Legislature is taking upon itself an unwarranted authority when it proceeds to state what these municipalities shall fix as a tax rate. In addition to that, Mr. Speaker, it seems to me that the members of this House when they vote upon this measure should consider that to increase the tax rate, as it will be increased in 85 towns of this State, one dollar, means something to the man who is trying to keep his family together and to support them and send his children to school and give them a proper education. It was said in the Senate that if this amount seemed to be too great the man who was oppressed by it might appeal to the municipal officers and have it rebated. But, gentlemen, there are many poor men in this State, self respecting men, who are making an effort to educate their children and to give to their families those advantages which other people enjoy, who would feel humiliated if they were obliged to go to the municipal officers and ask to have this tax rebated; and many of them would not do it. The amount seems small, I know, the increase seems small, and it is only right and just that any man who enjoys the value of a franchise should pay something for it; but the statutes now fix it at anything between one dollar and three dollars.

It has been said that one reason for a uniform tax rate is that some city or town has a poll tax of three dollars and the town adjacent to it has a poll tax of two dollars, and that when it

comes to a levy of the assessment the man moves from the three dollar town into the two dollar town in order to escape the payment of the extra dollar. I want to say that in my opinion that town is fortunate and is to be congratulated which loses a citizen who moves from it into another town in order to save the payment of one dollar.

I hope the motion to indefinitely postpone this bill will prevail.

Mr. ROUNDS of Portland: Mr. Speaker, I come from a place where two years ago the poll tax was \$3. In the wisdom of the city government of that place it was changed to \$2; and I want to say right here that when it was changed the tax was reduced from \$25 down to \$21.60, and it has been reduced down to \$20 on a thousand. Now there are many poor people in Portland. We have lots of that kind of people who would not go to the assessors and ask to have their tax reduced, but on the other hand they go on and try to pay it, pay a little at a time, and they have hard work to get the \$2 paid, and if they don't pay it the constable comes round and they find that they get their tax to such a large amount that they cannot pay; and our city sinking fund today is mostly made up of uncollected poll taxes and we haven't got a cent of sinking fund but old tax bills; and I hope the motion of the gentleman from Gorham will prevail.

The question being on the motion to indefinitely postpone the bill, it was agreed to.

On motion of Mr. Harrington of South Thomaston the rules were suspended and he introduced, out of order, remonstrance of D. W. Glidden and 75 others of Vinalhaven against An Act to create the office of medical examiner and An Act to amend Chapter 140 of the Revised Statutes relating to the powers and duties of coroners, and on further motion by Mr. Harrington it was referred to the committee on judiciary.

On motion of Mr. Silsbee of Aurora the rules were suspended and he introduced, out of order, remonstrance of Frank W. Bowden and others of Castine against any material change relative to the powers and duties of coroners, and on further motion by Mr. Silsbee it was referred to the committee on judiciary.

On motion of Mr. Bigelow of Portland, House Doc. No. 184, An Act to provide antitoxin by the local boards of health for diphtheria and other contagious diseases, was taken from the table.

Mr. Cook of Unity offered House Amendment A by adding Sections 3 and 4, and on motion of Mr. Wing of Auburn the bill and amendment were tabled, pending the adoption of the amendment, and the amendment ordered printed.

On motion of Mr. Bigelow of Portland House Doc. No. 93, An Act to amend Section 1 of Chapter 38 of the Private and Special Laws of 1907 relating to fishing in Songo river, so-called, in the county of Cumberland, was taken from the table.

On motion of Mr. Kavanough of Portland the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. Kavanough offered House Amendment A by adding the following "It shall be lawful to fish as provided in the general law for fishing in Crooked river from its junction with the Songo river up as far as what is known as Crooked river bridge."

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

On motion of Mr. Pike of Eastport House Doc. No. 154, An Act to amend Sections 13 and 124 of Chapter 15 of the Revised Statutes as amended by Chapter 111 of the Public Laws of 1907 relating to the mill fund and school tax, was taken from the table, and on further motion by Mr. Pike it was referred to the committee on taxation.

On motion of Mr. Trimble of Calais, adjourned.