

# 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 Nicauous Lake.  
1313, for establish read abolish.

**HOUSE.**

Monday, March 15, 1909.

Prayer by Rev. Mr. Lawton of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills on First Reading.**

An Act to amend Chapter 192 of the Private and Special Laws of the State of Maine for the year 1907 relating to the Brunswick Electric Light and Power Co.

An Act authorizing the location of a dam built by Edward S. Marshall of York, under license of the municipal officers of said town.

An Act to incorporate the Bodwell Power Co.

An Act to amend the charter of the Island Ferry Co.

Resolve in favor of Henry H. Hastings, chairman.

An Act to incorporate the Barrows Falls Light and Power Co.

An Act relating to the Bodwell Water Power Co. of Old Town, Maine.

An Act in respect of foreign corporations.

An Act to amend Section 32 of Chapter 8 of the Revised Statutes as amended by Chapter 156 of the Public Laws of 1907, relating to excise tax on palace or other cars, for which extra compensation is charged for riding therein.

An Act to ratify, confirm and make valid the organization and incorporation of the Winslow Cemetery Association.

Resolve for the preservation of the archives of the State of Maine.

An Act to authorize the county commissioners of Cumberland county to create a sinking fund for the purpose of paying the bonded debt of said county.

An Act to authorize the construction and maintenance of a highway in the tide waters of York harbor, came from the Senate referred in that branch to the committee on legal affairs.

Mr. Chase of York moved that the bill and report lie on the table.

Mr. MARSHALL of Portland: Mr.

Speaker, I know that motion is not debatable, but this is a matter which has once been before the committee on ways and bridges and they reported back that it should go to the committee on legal affairs. That committee holds its last regular hearing tomorrow, and if this matter is to be heard it should go forward and not at this late day be laid on the table. I hope the motion will not prevail.

Mr. CHASE of York: I would like to inquire whether the gentleman expects the legal affairs committee to hear that without giving any notice on it.

Mr. MARSHALL: I cannot say. I presume the committee will give sufficient notice.

Mr. CHASE of York: Mr. Speaker, I propose now to state the circumstances of that bill from the beginning.

Mr. MARSHALL: Mr. Speaker, I rise to a point of order. I understand a motion to lay on the table is not debatable.

The SPEAKER: The Chair would so rule, but in view of the fact that the gentleman from Portland has made a statement to the House it would seem only fair that the gentleman from York should have an opportunity to make a statement.

Mr. CHASE of York: Mr. Speaker, I move that the House non-concur with the Senate and I withdraw my previous motion. I desire to call particular attention to the fact that that bill was introduced into the Senate the middle of February. It was referred to the committee on legal affairs. It came into the House and on my motion the House non-concurred with the Senate and it was referred to the committee on ways and bridges for the reason that the bill related entirely to a matter of constructing a way in the tide waters of York harbor. From the 16th of February up to the first of March it was held in that committee and it was advertised for a hearing on the first day of March. A hearing was to be had on the 4th of March—just three days. On the 4th of March they had a special town meeting, but nobody was able to come here and I went before the committee on ways and bridges and stated the facts and

the committee on ways and bridges, as I am informed, voted that it ought not to pass. At the intercession of one member of that committee, on behalf of the gentleman from Portland (Mr. Marshall) the committee finally or a part of them, when some were absent and some not voting, referred the matter to the committee on legal affairs. There is not one single legal principle involved in that bill. There is no reason why that should go to the committee on legal affairs except for the fact that two of the members of the legal affairs committee are pledged to vote in favor of its passage. The committee on ways and bridges postponed the consideration of it for one week, up to the 11th of March, when as I understand it the last vote was taken, and it was only last Saturday that the report was made in the Senate.

Now it seems to me that this bill has had a very singular course. It was introduced here under false colors, for the bill related to giving the town of York authority to build a way in the tide waters of York river. The title of the bill, which should have stated the substance of it, gave it as a bill authorizing the construction of a way in the tide waters of York river but leaving out the town of York. On the outside of the bill where the substance of the title should be stated, it stated that it was an act to authorize the construction and maintenance of a way in the tide waters of York county. The tide waters of York county reach from 50 to 60 miles. And the bill came very near getting by and going to the committee on legal affairs. I knew nothing about the bill and never heard of it until the night before. The people of the town of York knew nothing about the bill. They don't want it, they have turned down the proposition twice in town meeting and at the last special town meeting they voted unanimously that it ought not to pass, but still it comes up here in this crooked way to gratify one or two men in the town of York. That town has a valuation of about two million and three quarters and they are an intelligent and prosperous people. There is no reason why this Legislature should insist on giving that town an authority which it

does not want. This is a private and special act which the promoters wish to get through this Legislature in order that if the town refuses to lay out that way, as it has done, and refuses to build it, they can call on the York county commissioners and have them do it and then mulct the town in the sum of \$25,000 or \$30,000. I would like to know if this kind of thing is going through this Legislature. Why did they refer it to the committee on legal affairs? It is only for the purpose of getting it out of the hands of that honest committee and putting it in the hands of some committee where the thing is all arranged. I appeal to this House to treat the town of York fairly in this matter and not be misled into granting them an authority which they do not want and which they will not act upon themselves.

Mr. MARSHALL: Mr. Speaker, I hardly know whether I should answer the gentleman from York or not. He says it is apparently all arranged, that two members of that committee are pledged before-hand. I don't know to whom he refers—possibly one is myself. If that be so I say that it is absolutely not the fact. I have seen that bill just once, glanced at it casually. While I was not born in the town of York I have lived there a good many years and know its condition. I happen to know the position of the gentleman from York in regard to this measure and in regard to many other measures which interest the town of York. I happen to know that this road was laid out by the selectmen of the town of York and that the town of York refused in town meeting to build the way and that an appeal was taken to the county commissioners and against the strenuous objection of the gentleman from York, they ordered that way built. That is the status of the case. As any lawyer should know, no municipality and no individual can go into the tide waters of the United States until they have authority from the federal government. It is simply to get that authority, such as you grant in the case of every wharf and every pier and every other structure which goes into tide waters, that we come before the Legislature at this time. That is

the only interest I have. There are no crooked or devious ways in this matter. The bill was introduced by Senator Hamilton of York and referred to the committee in the regular course. The only trouble that has been made has been made by the gentleman from York.

Mr. ROBBINS of Fort Kent: Mr. Speaker, on behalf of the committee on ways and bridges I would say that we had a hearing on this matter and after an exhaustive hearing the committee unanimously voted that the bill ought not to pass. We were asked then by one member of the committee from Portland to have this referred to the committee on legal affairs, not raising the point that there was a legal question in it, and we refused to do so. For some reason, I don't know what, that report was not put in. It was held up by the chairman of the committee and at the last meeting it came back to us to our great surprise. And then the motion was carried, partly on account of many of us not being personally interested in the matter, but I may say that the sentiment of the committee was unanimous that the bill ought not to pass and we saw nothing that should carry it to the legal affairs committee.

Mr. ROUNDS of Portland: Mr. Speaker, I happen to be one of that committee on ways and bridges. I believe it was a unanimous report. I have voted in the minority on that bridge business about all the time. The most that voted on that bridge proposition anyway were five members; it was three and two, and two and three right along; and the rest sat there like dummies and never said a word. (Laughter.) That is what the consensus of opinion of the committee on ways and bridges has amounted to. Now this is a legal question. It is not a bridge question; there is no bridge about it. It is just going over a dyke that is in United States waters, and that dyke has already been built. Now all I said at the time was that I thought it was right that a legal committee of this Legislature should consider that question and know what was right, and I did ask the committee to vote with me and I did not see any

objection and I supposed it was a unanimous vote; when a man sat still and did not say anything I supposed he voted for it; therefore I supposed it was a unanimous vote. My position is that some of these legal gentlemen should decide some of these questions, and therefore I think the proper place for this bill is to go before the committee on legal affairs.

Mr. CHASE of York: Mr. Speaker, the place where they propose to build this bridge across tide waters is an old mill dam. Nobody had any right to build anything there. That was granted in old Colonial times for a grist mill and it has remained there since, and now they propose to build this across tide water. Every legal gentleman knows it is necessary to get an act of the Legislature to give anybody a right to build across there. These two or three men in York ask for this thing in order to be able to put up to the town the question of building a road which is going to cost \$25,000 or \$30,000. There is no legal proposition about it. It must be granted by an act of the Legislature. The position I take is that the town of York has not asked for it, does not want it and protests against it. This matter is perfectly plain. The fact is that they propose to run this thing through this Legislature and they have tried all kinds of schemes to get it through.

I say it would be an unfair proposition to give the town of York an authority which it does not want and protests against having, as unfair as it would be to give authority to the city of Portland or Augusta or Bangor or any other city that did not want it.

Mr. ROUNDS: Mr. Speaker: At the hearing it was demonstrated that the men who paid the taxes in the town of York are not the voters of the town. The people who pay the taxes go there in the summer and spend their money and the town of York wants to take that money and live on it through the winter and they don't want them to have the least thing there. It is so in every town on the seaboard; we find it in the town of Falmouth and all along the coast that way, that the back part of the town has the voters but the front part of the town pays the

taxes; and that is the same way there, and they would like a little way to get around on, and therefore I say that this ought to go, this legal question ought to go to the legal affairs committee.

The question being on the motion to non-concur with the Senate in accepting the report that the bill be referred to the committee on legal affairs, Mr. Chase of York called for a division.

A division was had and 75 voted in the affirmative and 34 in the negative.

So the motion prevailed.

Resolve in favor of the Penobscot tribe of Indians, came from the Senate amended in that branch by Senate Amendment A, containing an emergency clause.

On motion of Mr. Lambert of Orono the vote was reconsidered whereby this resolve was passed to be engrossed, and on further motion by Mr. Lambert Senate Amendment A was adopted in concurrence.

Mr. Lambert then offered House Amendment A by striking out in Line 14 the words "fifty dollars" and inserting in place there of the words "one hundred dollars, salary of Lieutenant Governor of the tribe \$50."

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

Five remonstrances against a close time on lobsters on the coast of Maine, referred in the House to the committee on shore fisheries, came back from the Senate ordered placed on file.

On motion of Mr. Harmon of Stonington the House receded and concurred with the Senate in its action.

A petition in favor of the mandatory imprisonment of the liquor seller, a petition in favor of the Sturgis law, and a remonstrance against resubmission, which were referred in the House to the committee on temperance, came back from the Senate ordered placed on file.

On motion of Mr. Libby of Amity the House receded and concurred with the Senate in its action.

The following remonstrances were presented and referred:

### Judiciary.

By Mr. Clark of Hollis: Remonstrance of W. T. Dennett and 40 others against amendment of law relating to Biddeford police board; of W. D. Boisvert and 49 others; of Lewis Polakewich and 23 others; of Percy Davis and 24 others; of Joseph N. Cote and 30 others; of R. H. Ingersoll and 42 others; of Dr. E. D. O'Neil and 42 others; of William H. Bryant and 42 others; of George A. Anthoine and 40 others against same.

By Mr. Hanson of Lyman: Remonstrance of Dr. E. H. Fortin and 20 others; of Benjamin F. Cleaves and 25 others; of Edward J. Ryan and 15 others; of Edward H. Reny and 13 others; of Frank Martell and 30 others against same.

By Mr. Smith of Berwick: Of Thomas F. O'Sullivan and 18 others; of Walter H. Emerson and 25 others; of L. J. Renonf and 21 others; of Ernest Bourasa and nine others; of Fred L. Emmons and 11 others; of Wilbur H. Durgin and 32 others against same.

By Mr. Whitehouse of Dayton: Of Fred C. Staples and 7 others; of Joseph Langelin and 17 others; of Patrick M. Murphy and 47 others against same.

By Mr. Hannaford of Newfield: Of Elmer P. Staples and 42 others; of Anthony Dwyer and 50 others; of Ivory E. Davis and 30 others against same.

By Mr. Emery of Sanford: Of Samuel L. Wilson and 23 others; of Oliver Davis and nine others; of J. F. Goldthwaite and 11 others against same.

By Mr. Emery of Sanford: An Act to amend Chapter 522 of the Laws of 1897, establishing the Sanford municipal court. (Received under suspension of the rules.)

By Mr. Smith of Berwick: An Act authorizing trial justices to issue warrants for offences committed in Biddeford in the county of York.

### Mercantile Affairs and Insurance.

By Mr. Redlon of Portland: An Act relating to life insurance.

### Labor.

By Mr. Harrington of South Thomaston: An Act to amend Section 42 of Chap-



ter 40 of the Revised Statutes, relating to the duties of the commissioner of the bureau of industrial and labor statistics.

#### Reports of Committees.

Mr. Bigelow from the committee on inland fisheries and game reported "ought to pass" on Bill "An Act to provide for a bounty on bears in Washington county."

Same gentleman from same committee reported "ought to pass in new draft" on Resolve in favor of screening Spring River lake in Hancock county, under title of Resolve in favor of screening Spring River lake, situated partly in Washington county and partly in Hancock county.

Same gentleman from same committee reported "ought to pass in new draft" on Resolve in favor of screening Biscay pond, Lincoln county, under title of Resolve in favor of screening Biscay pond, so called, in the town of Damariscotta, in Lincoln county.

Same gentleman from same committee reported "ought to pass in new draft" on Resolve in favor of screening Toddy pond, in the town of Orland, Hancock county, under title of Resolve in favor of screening Toddy pond, in the town of Orland, in Hancock county.

Same gentleman from same committee reported "ought to pass in new draft" on Resolve providing for the screening of Worthy pond, in the town of Peru, in Oxford county, with statement of facts, under title of Resolve in favor of screening Worthy pond, so called, in the town of Peru, in Oxford county.

Same gentleman from same committee reported "ought to pass in new draft" on Resolve in favor of a screen at the outlet of Messalonskee lake, Kennebec county, under title of Resolve in favor of a screen at the outlet of Messalonskee lake or Snow pond, so called, in Kennebec county.

Same gentleman from same committee reported "ought to pass in new draft" on Resolve in favor of screening Estes lake, in Sanford and Alfred, in York county, under title of Resolve in favor of screening Estes lake, so called, situated partly in the town of Sanford and partly in the town of Alfred, in York county.

Same gentleman from same committee reported "ought to pass in new draft" on

Resolve in favor of a screen at the outlet of Taylor lake in Androscoggin county, with statement of facts, under title of Resolve in favor of screening Taylor lake in Androscoggin county.

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

Mr. Lane from the committee on inland fisheries and game on Petition of W. W. Edwards and others to open the lakes and ponds in Kennebec county to ice fishing one day in each week, reported Bill entitled "An Act to open the lakes and ponds in Kennebec county to ice fishing one day in each week."

The report was tabled, pending acceptance, on motion of Mr. Bigelow of Portland.

The report of the Portland and South Portland delegation, reporting legislation inexpedient on bill, An Act to amend the charter of the Portland Water District, which report was accepted by the House, came from the Senate recommitted to the Portland and South Portland delegation.

On motion of Mr. Marshall of Portland the vote was reconsidered whereby the House accepted the report, and on further motion by Mr. Marshall the House concurred with the Senate in its action.

#### First Reading of Printed Bills and Resolves.

An Act to make valid, the doings of the town of Bristol, in the county of Lincoln.

An Act to amend Chapter 249 of the Private and Special Acts of 1907.

An Act to amend Section 25 of Chapter 129 of the Revised Statutes, relating to the sale or use of cigarettes.

An Act for the encouragement, etc., of Shellfish Industry.

An Act to prohibit the taking of scallops in West Penobscot bay from April first to October first of each year.

An Act to regulate fishing in Bog brook, so-called, and Deer, or Bog pond, so-called, in the township of Lowelltown, in Franklin county.

An Act to amend Chapter 79 of the private and special laws of 1905, re-

lating to fishing in Great Brook and tributaries in Oxford county.

An Act to make valid the organization of the Rice Public Library of Kittery, Maine, organized under Chapter 57 of the Revised Statutes in the year 1903.

An Act to regulate fishing in Parker pond, so-called, and tributaries, in the towns of Mount Vernon, Vienna and Fayette, in Kennebec county, and in the town of Chesterville, in Franklin county.

An Act to provide for a close time on deer on Cross island and on Scotch island, in Washington county.

An Act to make valid the organization of the Monument or Memorial Association in Eliot, Maine, organized under Chapter 57 of the Revised Statutes, Nov. 9th, 1905.

An Act to amend Section 60 of Chapter 4 of the Revised Statutes relating to dangerous or vicious dogs.

An Act additional to Section forty-two and amendatory Statutes, relating to appropriations in aid of school superintendents.

An Act to amend Section 48 of Chapter 51 of the Revised Statutes, relating to the expenditures by the Railroad Commissioners.

An Act to regulate the taking of fish in certain waters in Somerset county and in northern part of Franklin county.

An Act to authorize George F. L'Abbee of Eagle Lake Plantation to maintain a dam in Wallagrass river.

An Act to regulate fishing in taylor pond, Auburn, Androscoggin county.

An Act authorizing the city of Bangor to levy assessments for street improvements. (Recommended to the committee on judiciary on motion of Mr. Strickland of Bangor.)

An Act to regulate fishing in Mousam Long pond, so called, in the towns of Shapleigh and Acton, York county.

An Act authorizing and empowering George F. L'Abbee, of Eagle Lake Plantation, county of Aroostook, to erect and maintain piers, piles and booms in the Fish river.

An Act to incorporate the town of Portage Lake.

An Act to amend Section 89 of Chapter 4 of the Revised Statutes, relating

to taking land for certain municipal purposes.

An Act to amend An Act entitled "An Act to incorporate the city of Gardiner."

An Act to authorize the Van Buren Water District to issue bonds.

An Act to amend Section 11 of Chapter 32 of the Revised Statutes relating to the taking of beaver.

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

An Act to extend the rights, powers and privileges of the Milo Water Co.

An Act to amend Section 15 of Chapter 4 of the Revised Statutes, relating to the election of road commissioner.

An Act to extend the time in which the Van Buren Sewerage Co. is authorized to organize and commence business.

An Act relating to the Richmond Electric Co.

An Act to amend the charter of the city of Westbrook.

An Act to create a recorder of the Westbrook municipal court.

An Act to amend the charter of the City of Belfast.

An Act to amend the charter of the Municipal Light and Power Company.

An Act to further amend Chapter three hundred fifty-two of the Private and Special Laws of nineteen hundred five, relating to Caribou Municipal Court.

An Act to amend Section 55 of Chapter 38 of the Revised Statutes, relating to Truset Process.

An Act to authorize the town of Van Buren to issue bonds.

An Act additional to Chapter 49 of the Revised Statutes, relating to securities with the treasurer of State by insurance companies.

Resolve, in favor of the town of Old Orchard, for receipt of State Treasurer for State tax, to be given said town on valuation of one hundred thousand dollars.

Resolve, in aid of navigation on Rangeley Lake, Mooselucmeguntic Lake and Cupsuptic Lake.

Resolve, in favor of Aroostook Central Institute.

Resolve, in favor of the town of Weston, Aroostook County.

Resolve, in favor of the town of Rome.

Resolve, in favor of the town of Millinocket.

Resolve, in favor of Robert Palm-er of Moro in the County of Aroos-took.

Resolve, in favor of the town of Eddington.

Resolve, in favor of the town of Marion.

Resolve, in favor of the town of South Berwick.

Resolve, in favor of Alexis D. Robbins, to reimburse him for expen-ses incurred in contested election in Fort Kent Class.

Resolve, in favor of Jere Rhoades.

Resolve, in aid of the navigation of the Lower Lakes.

Resolve, in favor of the town of Hodgdon, Aroostook County.

Resolve, in favor of the town of Belmont.

Resolve, in favor of the inhabi-tants of the town of Littleton, to re-imburse them for expenses incurred for support, medicine, medical attendance, and burial expenses of State pauper David J. Elliott.

#### Passed To Be Engrossed.

An Act to amend Paragraph twenty of Section one of Chapter one hundred and sixteen of the Revised Statutes of nineteen hundred and three as amended by Chapter one hundred and twenty of the Public Laws of nineteen hundred and five, relating to Sea and Shore Fisheries.

Mr. Allen of Jonesboro offered House Amendment A by striking out the title and inserting "An Act to in-crease the salary of the commissioner of sea and shore fisheries. (Amend-ment adopted).

An Act to amend the charter of the city of Auburn.

An Act relating to police court of the city of Belfast.

An Act to abolish the office of au-ditor of State printing.

An Act to amend Chapter one hun-dred and eighty-three of the Public Laws of nineteen hundred and seven,

relating to time of payment of members of the government.

An Act authorizing plantation of Monhegan to issue bonds to raise mon-ey to pay the cost of building a town landing.

An Act to incorporate the North-eastern Insurance Company.

An Act to consolidate and revise the laws relating to State printing and binding. (Tabled and assigned for to-morrow morning on motion of Mr. Pat-tangall of Waterville).

Resolve authorizing the land agent to make a deed for the purpose of curing defects in the title to Dog Fish island in the Penobscot bay.

Resolve in favor of a monument for the late Commodore Samuel Tucker at Bremen, Maine.

Resolve for the publication of a railroad map of Maine, came from the Senate passed to be engrossed under a suspension of the rules without ref-erence to a committee.

Mr. Marshall of Portland moved that the rules be suspended and that the resolve receive its two readings and be passed to be engrossed without ref-erence to a committee.

The motion was lost.

On motion of Mr. Moore of Saco the resolve was referred to the committee on railroads and expresses.

#### Passed To Be Enacted.

An Act relative to the appointment of school physicians.

An Act relating to pleading a dis-charge in bankruptcy.

An Act to amend the charter of the Bangor Railway & Electric Co.

An Act relating to the Waterville & Fairfield Railway & Light Co.

An Act to prohibit expectoration in certain public places and conveyances.

An Act to extend the charter of the Penobscot Bay Railroad Co.

An Act to authorize the Northern Telegraph Co. to increase its capital stock.

An Act to authorize the plantation of Portage Lake to erect, maintain and control a wharf in Portage Lake in the county of Aroostook.

An Act to extend the charter of the Winter Harbor & Eastern Railway Co.

An Act to amend Section 1 of Chap-

ter 356 of the Private and Special Laws of 1907 entitled "An Act to regulate the taking of white perch in Lake Sebasticook, in the town of Newport, county of Penobscot, and its tributaries."

An Act to incorporate the Maple Grove Electric Co.

An Act to extend and amend the charter of the Cornish Water, Light & Power Co.

An Act to prohibit the swelling of scallop meats by artificial means.

An Act to correct a clerical error in An Act approved Feb. 19, 1909, entitled "An Act to extend An Act entitled 'An Act to incorporate the Baker and Spencer Brook, Dam & Improvement Co.'"

An Act to amend Section 1 and Section 3 of Chapter 60 of the Revised Statutes relating to the duties of the commissioner of agriculture.

An Act to amend Sections 94, 96 and 97 of Chapter 15 of the Revised Statutes of 1903 providing for the schooling of children in unorganized townships.

An Act additional to Chapter 128 of the Revised Statutes relating to malicious mischiefs and trespasses.

An Act to change the name of Moose pond to Great Moose lake.

An Act to prohibit seining smelts in certain parts of Casco bay.

An Act to amend Section 43 of Chapter 32 of the Revised Statutes relating to Pleasant river in Washington county.

An Act to prohibit the throwing of sawdust and other mill waste into Kimball brook, Shin brook and Sebocis river tributaries in the east branch of the Penobscot river, also Fish stream, a tributary to the Mattawamkeag river.

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

An Act to amend Chapter 43 of the Public Laws of 1907 entitled "An Act for the protection of children."

An Act to extend the charter of the Searsport Trust Company.

An Act to regulate the taking of fish from Lower Kezar pond, in Fryeburg, Oxford county, Maine.

An Act to authorize and empower Leone R. Cook and others, trustees, to convey certain interests in real estate

to the inhabitants of the town of Yarmouth.

An Act to regulate fishing in Belgrade stream in Kennebec county.

An Act to amend Chapter 260 of the Private and Special Laws of 1887 relating to the powers of the Dover and Foxcroft village fire company, the name of which was changed to Dover and Foxcroft Water District, by Chapter 11, Section 1, of Private and Special Laws of 1903.

An Act to regulate ice fishing in Pattie's pond in Winslow, in Kennebec county.

An Act to shorten the time of possession required for bringing suits to quiet title to real estate.

An Act to extend the charter of the Bluehill Trust and Banking Company.

An Act creating a close time on muskrats in certain tributaries to Lake Sebasticook from May 1 to March 15 of the following year.

An Act to authorize and ratify the appointment of Portland City hall building commission.

An Act to prohibit ice fishing in Ware pond in Lee in Penobscot county.

An Act to amend Section 1 of Chapter 61 of the Special Laws of 1907 relating to the lobster industry within two miles of the shore of Monhegan Island.

An Act to regulate fishing in a portion of Sandy River stream, Franklin county.

An Act to authorize and empower the Guilford Manufacturing Company to erect and maintain piers and booms in the Piscataquis river.

An Act to extend the charter of the Kezar Falls Water Company.

An Act to regulate fishing in Molridgewock pond and stream, also the inlet to said Molridgewock pond, Oxford county.

An Act to render valid the doings of the Monmouth Ridge Cemetery Association.

An Act additional to and amendatory of Chapter 29 of the Private and Special Laws of 1887 entitled "An Act to incorporate the Kennebec Light and Heat Co."

An Act relating to the taxation of street railroads.

An Act providing for the better protection of the people of the State of Maine from the disease known as tuberculosis.

An Act relating to the taxation of steam railroads.

An Act to incorporate the Hiram Water, Light and Power Co.

An Act to incorporate the Fore River Shore Line.

An Act to incorporate the "R and T. Cement Railroad."

An Act relating to the Carrabasset Dam Co.

An Act to incorporate the Wood Stream Improvement Co.

An Act to authorize the town of Thorndike to remove bodies from abandoned cemeteries.

An Act to regulate fishing in the tributaries of Worthley pond in Peru, in the county of Oxford.

An Act amending and additional to Chapter 81 of the Revised Statutes relating to marriage and the registration of vital statistics.

An Act to amend Section 85 of Chapter 15 of the Revised Statutes relating to the payment of teachers' services.

An Act to amend Section 13. Paragraph 2, of Chapter 9 of the Revised Statutes relating to the taxation of personal property.

An Act additional to Chapter 144 of the Revised Statutes providing for the recovery of money improperly paid by the State for the support of insane paupers.

An Act to authorize the city of Portland to retire and pension members of its fire department.

An Act to regulate fishing in Little Big Wood pond, Somerset county.

An Act authorizing the payment of an annuity by the city of Portland to John Cousens.

An Act to amend Section 115 of Chapter 15 of the Revised Statutes relating to appropriations for a Normal school.

An Act for the protection of deer in Cumberland county.

An Act to incorporate the trustees of an academy under the name of Nasson Institute.

An Act to extend the time in which the Maine Title Guarantee Company is authorized to commence business.

An Act to amend Section 28 of Chapter 15 of the Revised Statutes, relating to the duties of the municipal officers of towns.

An Act to amend Chapter 32 of the Revised Statutes, relating to inland fisheries and game and to correct certain clerical errors therein.

An Act to amend Section 89 of Chapter 184 of the Public Laws of 1907, relating to the compensation of selectmen.

An Act to amend Section 2 of Chapter 159 of the Public Laws of 1905, relating to the compensation of certain State officers.

An Act to amend Section 3 of Chapter 129 of the Revised Statutes as amended by Chapter 40 of the Public Laws of 1905, regulating the sale of milk and cream. (Tabled on motion of Mr. Rounds of Portland.)

An Act conditionally repealing Chapter 92 of the Public Laws of 1905, relating to the better enforcement of the laws against the manufacture and sale of intoxicating liquors. (Tabled on motion of Mr. Burleigh of Augusta.)

An Act relative to school buildings.

An Act to regulate the length of trout which may be taken in certain ponds in Oxford county.

An Act to amend Section 10 of Chapter 57 of the Revised Statutes relating to the establishment and support of free public libraries.

#### Finally Passed.

Resolve in favor of Lee Normal Academy.

Resolve in favor of D. H. Lambert, secretary of the committee on Indian affairs.

Resolve in favor of a monument marker on the battle ground of Cedar Mountain, Virginia.

Resolve to provide for repairs of road leading from Roach River to the Grant farm.

Resolve in favor of Wilton Academy.

Resolve in favor of Lincoln Academy.

Resolve in favor of the town of Caribou.

Resolve in favor of the town of Williamsburg.

Resolve in favor of the plantation of New Canada, Aroostook county.

Resolve in favor of the town of Roxbury for \$123.75 to be paid to the town

of Roxbury on account of permanent road constructed in the year 1908.

Resolve in favor of the town of Abbot, for \$140 to be paid to the town of Abbot on account of State road constructed in the year 1907.

Resolve in favor of Eugene A. Holmes, county attorney for Aroostook county.

Resolve in favor of the Maine Insane hospital for kitchen, bakery and dining room.

Resolve in favor of the Eastern Maine Insane hospital for fireproof building.

Resolve in favor of the enlargement of the State House or the erection of a suitable State office building adjacent thereto.

The SPEAKER: The Chair will lay before the House a resolve providing for an amendment to the constitution empowering the Governor to remove sheriffs.

Mr. BURLEIGH of Augusta: Mr. Speaker, I move that the Resolve be laid on the table.

Mr. PATTANGALL of Waterville: Mr. Speaker, I would ask the gentleman if he would assign a time for its consideration.

Mr. BURLEIGH: I have no particular time in mind, Mr. Speaker.

Mr. PATTANGALL: Mr. Speaker, it seems only fair in a matter of this importance that a time should be assigned because there are sessions when there are but few present, and I take it that every man in the House desires to vote upon that measure either one way or the other. If the gentleman has no preference I would suggest Thursday of this week.

The question being on the motion to lay the resolve on the table, a division was called for.

A division being had, 83 voted in the affirmative and 39 in the negative.

So the motion prevailed.

Mr. PATTANGALL: Mr. Speaker, the motion of the gentleman from Augusta was an eminently proper one, but it does seem to me while I realize that the majority party have votes enough to do anything they like, that it is a very singular proceeding that a resolve of this importance should be tabled without assignment so that it

may be brought up at the pleasure of the gentleman from Augusta even though the House might at the time be thinly attended. I know that he personally would be courteous about the matter and fair about it, but I certainly fail to understand why what has never been refused yet in my experience here should be refused now, that a date should be assigned for an important measure. I don't know enough about the rules to know whether a motion to assign a date would be in order from a member other than the one who tables a bill. It has always been our custom to leave that in the hands of the one who tables a measure, and I can only request again as a matter of courtesy that the gentleman should signify some date for the consideration of this resolve. Amending a State constitution or even proposing an amendment is hardly a matter of boy's play or ordinary small politics; it is a matter of some importance.

Mr. SPEAR of South Portland: Mr. Speaker, I move to reconsider the vote whereby the resolve was laid on the table.

Mr. BEYER of Portland: Mr. Speaker, I move that the doors be closed.

Mr. PATTANGALL: Is the gentleman afraid that he will go out? (Laughter and applause).

Mr. ROUNDS of Portland: I don't think he is afraid of going out but I think that the gentleman from Waterville will go out as he has done before. (Laughter).

Mr. PATTANGALL: The gentleman from Waterville is unexpectedly present today and he intends to stay through the session. (Laughter and applause).

Mr. SPEAR of South Portland: Mr. Speaker: I ask for unanimous consent to withdraw my motion.

Mr. PATTANGALL: Mr. Speaker: I rise to a parliamentary inquiry. Is it a proper motion for a gentleman who did not table a bill to move for a special assignment?

The SPEAKER: The Chair understands that this particular resolve has been tabled. It cannot come up for

consideration until it has been taken from the table.

Mr. PATTANGALL: A motion to assign a day for a hearing will not then be in order?

The SPEAKER: The Chair understands not. The Chair understands that this bill is on the table by vote of the House.

Mr. PATTANGALL: If the gentleman from Augusta moves to assign it for a day certain, would that motion be in order?

The SPEAKER: The Chair understands that a motion to table carries the bill on to the table indefinitely as to time, that the House may take it from the table whenever the House deems it advisable. It has been the custom of the House to table and assign, but the Chair understands that the proper motion should be to postpone consideration to a certain date.

Mr. PATTANGALL: When the motion at the present time would not be in order?

The SPEAKER: The Chair understands that the motion would not be in order as applied to this resolve unless this resolve was under consideration, and the Chair would rule that this resolve at the present time is not under consideration. It has been disposed of by the House in placing it on the table.

Mr. Moore of Saco: Mr. Speaker, the gentleman from Augusta moved to table the resolve. Now a gentleman who voted in favor of that motion has moved to reconsider the motion by which the resolve was tabled. Is not that the pending question?

The SPEAKER: The Chair understands that the gentleman from South Portland has withdrawn his motion.

Mr. MOORE: He asked unanimous consent.

The SPEAKER: The Chair understands that a motion can be withdrawn at any time at the request of the mover before it is put to the House by the Chair, without unanimous consent.

Mr. PATTANGALL: Mr. Speaker, I rise to a parliamentary inquiry. Would an order be in order for the consideration of this resolve at any future time, an order adopted by the House?

The SPEAKER: The Chair under-

stands that this matter is on the table. The House may take it from the table at any time after some intervening business. The Chair understands that this is entirely in the hands of the House; that any member may move to take it from the table at any time under orders of the day.

#### Orders of the Day.

On motion of Mr. Rounds of Portland An Act to amend Chapter 8 of the Revised Statutes relating to the board of State assessors was taken from the table.

The bill was then passed to be enacted.

On motion of Mr. Grant of Freeport the vote was reconsidered whereby the House concurred with the Senate in its reference to the committee on mercantile affairs and insurance of bill, An Act relating to the circulation of false stories affecting banks, and also An Act relating to mercantile and bank credits, and on further motion by Mr. Grant they were referred to the committee on judiciary.

On motion of Mr. Sanborn of Dover the rules were suspended and he presented out of order An Act to authorize Stanley E. Seabury to erect a storage dam on Mill stream in Parkman. (Referred to the committee on interior waters.)

Mr. PATTANGALL of Waterville: Mr. Speaker, I move to take from the table the resolve providing for an amendment to the constitution empowering the Governor to remove sheriffs; and I make that motion for the purpose of assigning a hearing on the resolve tomorrow.

Mr. BURLEIGH of Augusta: Mr. Speaker, I would suggest to the gentleman from Waterville that if he would defer his motion until tomorrow the parties interested might confer and agree upon some date that would be mutually agreeable.

Mr. PATTANGALL: I have been treated with such distinguished courtesy up to date in the matter that I think I will take a vote on my motion. (Applause.)

The question being, shall the resolve be taken from the table?

Mr. SPEAR of South Portland: Mr.

Speaker, I move to lay the motion of the gentleman from Waterville on the table.

A division was called for.

Mr. PATTANGALL: Mr. Speaker, on that motion I ask for the yeas and nays. (Applause.)

Mr. WING of Auburn: Mr. Speaker, I move to adjourn.

Mr. MARSHALL of Portland: Mr. Speaker, I call for the yeas and nays on the motion.

The motion was agreed to.

The SPEAKER: The question is on the motion to adjourn. As many as are in favor of the motion, when their names are called, will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Allen of Richmond, Andrews, Bartlett of Eliot, Bartlett of Stoneham, Beyer, Bigelow, Bigney, Bisee, Blake, Blanchard, Bradford, Bragdon, Burleigh, Burse of Pittsfield, Buswell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Clark, Cole, Cousins, Cumings, Donnell, Dorr, Dufour, Emery, Ferguson.

Gilbert, Grant, Hall, Hamlin, Hannaford, Harriman, Harris, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Hyde, Jones, Jordan, Joy, Kavanough, Kelley, Lane, Libby, Lombard, Lord, Marshall, Merrill of Bluehill, Millett, Morse, Nelson, Patterson, Paul, Peters, Porter, Pressley, Redlon, Rounds, Silsby, Smith of Andover, Smith of Berwick, Snow of Scarboro, Spear of South Portland, Stackpole, Stanley, Tibbetts, Trafton, Trickey, Trimble, True, Varney, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—82.

NAY:—Allen of Jonesboro, Bearce of Eddington, Bogue, Bourassa, Chase of York, Colby, Conners, Coolidge, Couture, Day, Doble, Duncan, Dunn, Edwards, Farnham, Fortier, Frost, Harrington, Hines, Lambert, Mace, McLain, Merrifield, Merrill of Durham, Miller, Montgomery, Moore, Orff, Packard, Pattangall, Patten, Pelletier, Pike, Pinkham, Putnam, Quinn, Robbins, Ross, Sanborn, Sawyer, Sleeper, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stover, Strickland, Thompson, Thurlough, Weld—49.

ABSENT:—Beals, Bemis, Bowley, Cook, Davies, Drake, Hanson, Harmon, Havey, Hodgkins of Damariscotta, Ludgate, Mercier, Moulton, Nickerson, Perry, Richardson, Stetson, White of Columbia, White of Wayne—19.

So the motion prevailed.