

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

**HOUSE.**

Saturday, March 20, 1909.

Prayer by Rev. Mr. McKinney of Gardiner.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills on First Reading.**

An Act to amend Section 56 of Chapter 15 of the Revised Statutes relating to the conveyance of pupils in secondary schools.

Resolve for the publication of the Railroad Map of Maine.

An Act to amend Section 42 of Chapter 15 of the Revised Statutes, as amended by Chapter 101 of the Public Laws of 1907, relating to payment of superintendents of towns comprising school unions.

An Act to incorporate the Penobscot Bay Water Co.

An Act to amend Chapter 15 of the Revised Statutes relative to education.

An Act to amend Chapter 40 of the Revised Statutes and Chapter 46 of the Public Laws of 1907 relating to the employment of minors in manufacturing and mechanical establishments in this State. (Read a third time and passed to be engrossed under suspension of the rules on motion of Mr. Beals of Auburn.

An Act to prohibit the taking of scallops in West Penobscot bay from April 1 to Oct. 1 of each year, came from the Senate amended by Senate Amendment A.

On motion of Mr. Bowley of Swans Island the vote was reconsidered whereby this bill was passed to be engrossed, Senate Amendment A was adopted in concurrence, and the bill was then passed to be engrossed as amended in concurrence.

Resolve in favor of Robert Palmer of Moreau in the county of Aroostook, came from the Senate indefinitely postponed.

On motion of Mr. Hersey of Houlton the resolve was tabled pending concurrent action with the Senate.

An Act establishing rules and regulations for Portland harbor, came from

the Senate amended by Senate Amendment A.

On motion of Mr. Rounds of Portland this bill was tabled pending concurrent action with the Senate.

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

**Judiciary.**

By Mr. Marshall of Portland: Petition of J. A. Wagner and 23 others of Portland in favor of the bill relating to employer's liability.

**Appropriations and Financial Affairs.**  
By Mr. Hall of Caribou: Resolve in favor of the clerk, stenographer and messenger of the legal affairs committee.

By Mr. Cousins of Standish: Resolve in favor of W. S. Bemis, secretary of the committee on agriculture.

**Placed on File.**

By Mr. Dunn of Brewer: Petition of the Woodsmen and Sawmill Union, No. 16 of Millinocket, in favor of the Dunn bill, recalled, in relation to the election of judges by direct vote of the people; of same in favor of an act in favor the law student who is also a laboring man.

By Mr. Thurlow of Cutler: Petition of W. F. Page of East Machias and 31 others in favor of the passage of the Dunn bill.

**Reports of Committees.**

Mr. Peters from the committee on the judiciary reported "ought not to pass" on Bill "An Act to amend Section 2 of Chapter 113 of the Revised Statutes, relating to the liability of minors on contracts made during minority."

Mr. Andrews from same committee on Bill "An Act to amend Section 27 of Chapter 138, Revised Statutes, relating to proceedings in court in criminal cases," reported "ought not to pass" as subject matter is covered by another bill.

Same gentleman from same committee reported "ought not to pass" on Bill "An Act to provide for recording recognizances in the registry of deeds."

Mr. Wing from same committee reported same on Resolve for the appointment of a commission to serve

without pay to investigate the judicial system of the State.

Same gentleman from same committee on Bill "An Act to create the office of State commissioner of publicity and to define its duties," reported "ought not to pass" the subject matter having been covered by another bill.

Mr. Montgomery from same committee reported "ought not to pass" on Bill "An Act amendatory of and additional to Chapter 81 of the Revised Statutes, relating to the terms and appointments of clerk of courts of Kennebec, Cumberland and Penobscot counties."

Same gentleman from same committee reported same on Bill, "An Act to amend Section 72 of Chapter 23, Revised Statutes relating to the compensation of road commissioners."

Mr. Davies from same committee reported same on Bill "An Act to amend an act entitled 'An Act authorizing the city of Bangor to construct a bridge over Kenduskeag stream near the European and North American Railroad bridge.'"

Same gentleman from same committee reported same on Bill "An Act to incorporate the Skowhegan Water District."

Mr. Burleigh from same committee reported same on Bill "An Act to amend Section 1 of Chapter 7 of the Public Laws of 1907, relating to lumbering operations."

Same gentleman from same committee reported same on Bill, "An Act providing for the service of bills in equity."

Mr. Clark from the committee on interior waters reported "ought not to pass" on Bill, "An Act to authorize Stanley E. Seabury to erect storage dams on Mill stream in Parkman."

Same gentleman from same committee reported same on resolve authorizing the land agent to sell certain lands in Township 3, Range 4, accompanied by bill "An Act to incorporate the Somerset Power Co. and to authorize it to construct, maintain and acquire a dam at or near Long Falls in Somerset county for the purpose of utilizing and storing water and generating and furnishing power for manu-

facturing, electric and railway purposes."

Mr. Conners from same committee on Bill, "An Act to amend Section 15 of Chapter 54 of the Revised Statutes relating to expenses of the inspector of boilers, engines, etc., of steamboats upon inland waters," reported that the same be referred to the committee on salaries and fees.

Mr. Hodgkins from the committee on shore fisheries reported "ought not to pass" on Bill, "An Act to amend Section 44 of Chapter 41 of the Revised Statutes, relating to the taking of smelts."

Mr. Pressley from same committee reported same on Bill "An Act to prohibit seining smelts in Harraseeket river in the town of Freeport."

Mr. Kelley from same committee on 30th Report of the Commissioner of Sea and Shore Fisheries, reported that the same be placed on file.

Mr. Spear from the committee on claims reported "ought not to pass" on resolve in favor of the Maine Eposition Commission.

Mr. Miller from the committee on pensions reported "ought not to pass" on resolve in favor of Annie G. Frost of Berwick, Maine, widow of Henry H. Frost of Co. F, 31st Me. Vols. Inf.

Same gentleman from same committee reported same on resolve in favor of Annette Grant of Hermon for pension.

Mr. Allen from the committee on temperance on that part of the Governor's Message relating to temperance, reported that the same be placed on file.

Mr. Colby from the committee on taxation reported "ought not to pass" on Bill "An Act to amend Section 42 of Chapter 9 of the Revised Statutes, as amended by Section 2 of Chapter 69 of the Public Laws of 1905, relating to advertisement of State and county tax list."

The reports were accepted.

Mr. Allen from the committee on temperance reported "ought not to pass" on Bill "An Act to amend Section 5 and repeal Section 9 of Chapter 92 of the Public Laws of 1905, providing for the better enforcement of the

laws against the manufacture and sale of intoxicating liquors."

The report was tabled, pending acceptance on motion of Mr. Havey of Sullivan.

Mr. Montgomery from the committee on the judiciary reported "ought to pass in new draft under same title" on Bill, "An Act to create a new charter for the city of Rockland."

Mr. Wing from same committee reported "ought to pass" on Bill, "An Act to incorporate the Stratton Water Co."

Same gentleman from same committee reported "ought to pass in new draft under same title" on Bill "An Act to incorporate the North Jay Electric Co."

Mr. Bartlett from the committee on interior waters on petition of J. D. Ring and 8 others of Cambridge praying that a law be enacted prohibiting the throwing of sawdust and other mill waste into Ferguson stream in Cambridge and Wellington, reported Bill entitled "An Act to prohibit the throwing of sawdust and other mill waste into Ferguson stream, in the town of Wellington in the county of Piscataquis and the town of Cambridge in the county of Somerset."

Mr. Colby from same committee reported "ought to pass" on resolve in favor of navigation on Lewey, Long and Big lakes.

Mr. Bowley from the committee on shore fisheries reported "ought to pass" on Bill "An Act to amend Section 44 of Chapter 41 of the Revised Statutes relating to the taking of smelts."

Mr. Colby from the committee on forest preservation and water supply reported "ought to pass" on Bill "An Act to amend Sections 52, 58 and 59 of Chapter 7 of the Revised Statutes, relating to forest commissioner and protection of forests."

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

Mr. Allen from the committee on temperance reported "ought to pass in new draft under same title" on Bill, "An Act to amend Section 2 of Chapter 22 of the Revised Statutes of the year of our Lord one thousand nine hun-

dred and three, relating to jail sentence for maintaining a liquor nuisance."

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

Report of the committee on taxation reporting "ought to pass" on Bill "An Act to amend Sections 69 and 70 of Chapter 8 of the Revised Statutes relating to the taxation of collateral inheritances."

(Signed) Messrs. MACOMBER,  
TRICKEY,  
TRUE,  
PATTANGALL,  
MULLEN,  
ADDITON,  
COLBY.

The report was accepted, and, on motion of Mr. True of Portland, rules were suspended and the bill was read three times, passed to be engrossed and sent to the Senate.

Mr. ALLEN of Jonesboro: Mr. Speaker: In my absence the bill to provide a jail sentence for a liquor nuisance was tabled and I desire to ask if we can have a day assigned for its consideration.

Mr. BEYER of Portland: Mr. Speaker: It seems to me that this piece of legislation is very much in the line of the Hastings bill. I don't know exactly when the Hastings bill will come into the House, but those two matters might well be considered together, and I should like to leave it indefinite on the understanding that when the Hastings bill comes into the House I will take that matter up for consideration.

Mr. ALLEN: Mr. Speaker: It is true that the two bills are on the same line and it is also true that they are independent. It seems to me that the amendment I offered should stand on its own merits. It provides for a mandatory jail sentence for three offences, one is the keeping of a liquor nuisance, another a disorderly house for gambling and the other maintaining a house of ill fame; and I submit to the members present that if either of those three offences are unworthy of jail sentence it would be in order that it should be pointed out. While I haven't

the slightest objection to the two being discussed together it seems to me it is not necessary because of the fact that these very offences covered by this bill are proper ones to be treated in the manner designated in the bill.

Mr. BEYER: Mr. Speaker: The mandatory jail sentence it seems to me raises the same legal theory of mandatory penalty, and inasmuch as they all take more or less discretion out of the hands of the court the same principle is involved in all even though the offences vary in some slight degree, and I hope that they can be considered all together.

Mr. PETERS of Ellsworth: Mr. Speaker: May I ask the present status of the bill?

The SPEAKER: The report is tabled pending acceptance and no time assigned for its consideration.

On motion of Mr. Beyer the report and accompanying bill were taken from the table.

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

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

An Act to abolish Rines Hill crossing in Augusta.

An Act to amend Section 47 of Chapter 41 of the Revised Statutes.

An Act to provide for ice fishing in Great Embden pond, in the town of Embden, in Somerset county.

An Act to regulate fishing in Webb's river and tributaries in Franklin county.

An Act to amend Chapter 264 of the Private and Special Laws of 1905 relating to fishing in Thompson pond.

An Act relating to the common school fund and the means of providing for and distributing the same.

An Act to amend Sections 58 and 59 of Chapter 9 of the Revised Statutes regarding roads in unincorporated townships.

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 palaces or other cars, for which extra com-

pensation is charged for riding therein.

An Act to authorize the city of Portland to provide for the appointment of a deputy and district chief of its fire department. (Tabled pending third reading on motion of Mr. Rounds of Portland).

An Act to authorize the city of Portland to acquire land for a police station and a central fire station. (Tabled pending third reading on motion of Mr. Rounds of Portland).

An Act to regulate the hunting of deer in the towns of Camden, Rockport and Hope, in Knox county, and in the towns of Lincolnville and Searsmont, in Waldo county.

An Act to change the name and enlarge the powers of the municipal court of Skowhegan.

An Act to amend Chapter 48, Section 23 of the Revised Statutes, relating to investments of savings banks.

An Act organizing the Oquossoc Railway Co.

Resolve, in favor of the town of Norridgewock to aid in getting a free bridge.

Resolve, in favor of the town of Addison.

Resolve, in favor of the town of Jonesboro.

Resolve, in favor of the towns of Enfield and Howland.

Resolve, in favor of the town of Bingham.

Resolve in favor of I. F. Getchell.

Resolve that the land agent be authorized to convey to Joseph C. Harmon of Stonington, Hancock county, Maine, Three Bush island.

Resolve authorizing the land agent to release the interest of the State in the islet called Turnip island in Bristol in Lincoln county.

#### Passed To Be Engrossed.

To amend charter of the city of Old Town and provide for a referendum of the legal voters of the city of Old Town.

Relating to contagious diseases among cattle.

To prohibit gas companies in the cities of Bangor and Brewer from charging meter rents.

Relating to taxation of express companies.

Relating to taxation of telephone and telegraph companies.

Relating to coroner's inquests and appointment of medical examiners.

Providing for a special equity juvenile court. (Tabled pending third reading on motion of Mr. Rounds of Portland.)

Bill creating the Maine Forestry District.

Bill to incorporate the Farmington Falls Water Company.

Bill relating to the assessment and collection of taxes on lands in places not incorporated.

Bill relating to collection of State, county and district taxes.

Bill relating to portable and movable saw mills in cities or incorporated towns. (Tabled on motion of Mr. Robbins of Fort Kent and assigned for Tuesday.)

Bill in relation to equity procedure.

Bill to incorporate the Suburban Water District of Farmington, Maine.

Resolve in favor of committee on bills in third reading, for clerical assistance.

Resolve in favor of the University of Maine.

Resolve in favor of Herbert L. Kimball.

Resolve for the maintenance of State bridges located in the city of Old Town and the town of Milford.

Resolve in favor of the secretary of State.

Resolve in favor of F. H. Hoar.

Bill prohibiting the hunting of sea birds with gasoline, steam or naphtha boats.

Resolve in favor of the Western State Normal school.

Resolve in favor of town of Smyrna.

On motion of Mr. Pattangall of Waterville the vote was reconsidered whereby resolve in favor of Herbert L. Kimball was passed to be engrossed, and on further motion by Mr. Pattangall the resolve was tabled and assigned for Tuesday of next week.

On motion of Mr. Buswell of Stetson the vote was reconsidered whereby bill, An Act relating to the employment of minors in manufacturing or mechanical establishments in this State, was given its third reading, and on further motion by Mr. Buswell the bill was tabled.

### Passed To Be Enacted.

Mr. Rounds of Portland moved that the passage of the bills to be enacted and of the resolves to be finally passed, be deferred until after the orders of the day.

The SPEAKER: The Chair will withhold them until Monday if that will be satisfactory.

Mr. ROUNDS: That will be satisfactory.

The SPEAKER: The Chair will withhold these bills on their passage to be enacted and these resolves on their final passage until Monday next.

### Orders of the Day.

On motion of Mr. Hersey of Houlton House Doc. No. 661, An Act to enlarge the powers and duties of the railroad commissioners, was taken from the table.

Mr. Hersey offered an amendment by striking out all after the enacting clause and inserting a bill in new draft, and on further motion by Mr. Hersey the amendment was tabled for printing.

Unfinished business: Majority and minority reports of the committee on legal affairs to which was referred bill to authorize cities and towns to permit the use of lunch wagons on public ways, majority reporting "ought to pass" and minority reporting "ought not to pass."

The pending question being the motion of Mr. Pike of Eastport to reconsider the vote whereby consideration of these reports was assigned to March 23, Mr. Pike withdrew his motion.

The SPEAKER: Under Rule 36 any motion can be withdrawn by the mover except a motion to reconsider. A motion to reconsider can be withdrawn by consent of the House.

The question being, shall the motion be withdrawn?

It was agreed to.

On motion of Mr. Rounds of Portland House Doc. No. 632, An Act establishing rules and regulations for Portland harbor, was taken from the table, and on further motion by Mr. Rounds the bill was passed to be enacted.

On motion of Mr. Chase of York—

Adjourned until Monday afternoon at 4.30 o'clock.