

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

HOUSE.

Saturday, March 27, 1909.

Prayer by Rev. Mr. Allen of Jonesboro.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act to amend the charter of the Augusta Water District, came from the Senate passed to be engrossed under a suspension of the rules. (Tabled on motion of Mr. Wing of Kingfield).

From the Senate: Resolve in favor of the clerk to the committee on towns and Indian affairs. (Passed to be engrossed in concurrence under suspension of the rules on motion of Mr. Lambert of Orono).

An Act relating to the collection and payment of county taxes by the State treasurer, came from the Senate indefinitely postponed. (Tabled pending concurrent action on motion of Mr. Burlleigh of Augusta).

Memorial to Congress relating to the proposed reduction of the duty on lumber, pulp and paper. (Tabled pending adoption in concurrence on motion of Mr. Davies of Yarmouth).

Senate Bills on First Reading.

An Act to amend the charter of the Maine Missionary Society. (Read a third time and passed to be engrossed under suspension of the rules on motion of Mr. Hersey of Houlton).

An Act to provide for competitive bids in the award of State contract for construction and repair of buildings and bridges. (Read a third time and passed to be engrossed under suspension of the rules on motion of Mr. Montgomery of Camden).

An Act to amend Chapter 30 of the Revised Statutes relating to apothecaries and the sale of poisons. (Tabled pending third reading on motion of Mr. Rounds of Portland).

An Act in relation to the collection of fees by State officials and payment of same to the State treasurer. (Read a third time and passed to be engrossed under suspension of the rules on motion of Mr. Porter of Mapleton).

Resolve providing for the payment of certain deficiencies accrued prior to January 1, 1909. (Read a second time

and passed to be engrossed under suspension of the rules on motion of Mr. Hyde of Bath).

Resolve in favor of John J. Dearborn. Read a second time and passed to be engrossed under suspension of the rules on motion of Mr. Hyde of Bath).

An Act creating an open time on gray and black squirrels in York county and Washington county, came from the Senate indefinitely postponed. (Tabled pending concurrent action on motion of Mr. Davies of Yarmouth).

An Act relating to the choice of assessors in towns, came from the Senate passed to be engrossed as amended by Senate Amendment A.

Mr. Hersey of Houlton moved to reconsider the vote whereby the bill was indefinitely postponed.

On motion of Mr. Montgomery of Camden the motion to reconsider was tabled.

An Act for the licensing of dogs and for the better protection of sheep, came from the Senate passed to be engrossed by that branch.

Mr. BLAKE of Monmouth: Mr. Speaker: I happened to be present at the hearing of that question a few weeks ago and I found that this old question was still on. The sportsmen were there contending in behalf of their sport, their recreation; the farmers were there contending for their flocks and their business. When that bill came before the committee there was another section which made it necessary for the owner to keep his dogs upon his own premises unless he was muzzled or was under his owner's immediate control. This section was opposed by the sportsmen, and finally after due consideration by the committee on agriculture it was stricken out. By striking out this section the bill had lost its point of real benefit, and if it should be passed without an additional amendment to take the place of that section, it will not be satisfactory and the question must still come up in the next Legislature. This matter has been before Legislature after Legislature and bill after bill has been presented by the farmers to the agricultural committee but when these bills have passed the committee or passed the

Legislature as a rule the teeth have been extracted and the farmers have found themselves in but very little better condition than before as far as the encouragement of the sheep industry was concerned.

Now it is well known I think by all who have watched this thing that the great injury to flocks is not by dogs under the supervision of their masters. I think you will find that very few sheep are slaughtered in that way; but they are slaughtered by the independent hunting by dogs without this supervision of their masters—roaming over the pastures and woods by night and by day, principally by night, singly, in pairs, in packs. There, gentlemen, is where a large part of the slaughter comes; and on this point a very moderate and very conservative amendment has been prepared. It does not make a hardship for any one, unless it is considered a hardship to keep a dog within reasonable bounds. I think we find that laws are passed curtailing the unlawful and lawless action both of men and boys and why should not laws be passed curtailing the lawless action of dogs?

Now this amendment provides that dogs shall not be allowed to wander over the fields and pastures when the snow is off—they may run as much as they like when the snow is on—but if they do so when the snow is off the municipal officers of the town or plantation shall notify the owner requesting him to either keep his dog upon his own premises, muzzle him or dispose of him. If he refuses to do that he may be fined the sum of \$5 and costs. If the dog then continues to roam unrestrained he is to be ordered killed by the municipal officers unless the owner will promptly dispose of him himself. Now, gentlemen, I believe this will meet the requirements of the public; I believe it will not be objectionable to the sportsmen. I have heard their arguments and they did not want their dogs to run at large—it was injurious to the sport, injurious for the dogs, and later, as far as sheep were concerned, injurious to the farmers. Now there are hundreds of farmers in this State

who are quite largely interested in orcharding and who wish to aid the sheep industry to the apple industry. Hundreds of these men wish to go into the sheep industry to a greater or less extent, but a man must have pretty good courage in the present state of affairs to attempt the sheep industry with the slaughter that is going on. It will be said that the bill gives him extra pay for the sheep that are slaughtered. When a man has a fine flock of sheep and the dogs get into them and scatter them and destroy eight or ten he gets the pay for the eight or ten shoop, good pay, but, gentlemen, the flock is ruined. I am not opposed to the dogs; I am in favor of getting an improvement in the sheep industry of this State. It was once one of the leading industries of Maine; it is now almost destroyed. To say that dogs were the cause, the sole cause of the decline of the sheep industry, would be saying too much, other causes came in; but to say that the dogs at the present time are the great obstacle to recuperating that industry is true. There is ten times as much slaughter by the dogs of today when there is hardly one tenth part as many sheep as there was years ago. But few farmers keep sheep now. These questions have come up to the Legislature year after year. We ought to settle them. If we do not settle them reasonably, can we blame the farmers for asking the Legislature to protect their sheep? I bring this to your serious attention. The agricultural press will take this up—it has taken it up, it has been discussing it for years. Now let us pass a reasonable, conservative law and see if this industry cannot be revived.

Mr. BURLEIGH of Augusta: Mr. Speaker, I would ask the gentleman if the amendment is printed?

Mr. BLAKE: Mr. Speaker, I would say that it is not a printed document; it is typewritten. I would ask the Speaker to read it.

The SPEAKER: House Amendment A is as follows: "Amend by adding the following section after Section 19: No dog shall be allowed by its owner to roam the pastures or woods of other people, hunting independently or without the supervision of its owner unless

the ground is covered with snow. Upon knowledge of such independent hunting by any dog the municipal officers of the said town or plantation shall promptly notify in writing the owner to keep his dog on his own premises or muzzle or dispose of him. If the owner of the dog refuses or neglects to obey such notice he shall be fined a sum not exceeding five dollars and costs; and if the dog still continues to roam at large independent of its owner, the dog shall be killed by order of the municipal officers unless otherwise promptly disposed of by its owner."

Mr. DAVIES of Yarmouth: Mr. Speaker, I have been quite interested in the remarks of the gentleman from Monmouth and I do not know but I find myself almost in accord with his position; but I think this is rather an important matter and I would like to move, that the bill and amendment lie on the table and that the amendment be printed and that the matter be specially assigned for Monday afternoon.

The motion was agreed to.

Resolve in favor of the University of Maine, came from the Senate passed to be engrossed as amended by Senate Amendment A.

On motion of Mr. Ludgate of Sherman the votes were reconsidered whereby this resolve was finally passed and passed to be engrossed.

Mr. LUDGATE: Mr. Speaker, I move the adoption of Senate Amendment A in concurrence. I will state to the House that this action is taken as a result of an agreement between the trustees of the University of Maine and the Governor. The committee on education still think their report was eminently fair to the University and the State, but the Governor thought otherwise, and this is the result of an agreement between him and the University trustees.

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

On motion of Mr. Miller of Lincolnville the vote was reconsidered whereby the House voted to insist on its action and ask for a committee of conference in regard to An Act to extend the open

season of deer in the town of Unity and Burnham in the county of Waldo.

The bill was then passed to be engrossed.

On motion of Mr. Miller the House voted to insist on its action and ask for a committee on conference.

The Speaker appointed on the part of the House Messrs. Cook of Unity, Miller of Lincolnville and Morse of Belfast.

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

Appropriations and Financial Affairs.

By Mr. Burse of Pittsfield: Resolve in favor of the clerk and stenographer to the committee on mercantile affairs and insurance and the committee on telegraphs and telephones.

By Mr. Gilbert of Litchfield: Resolve in favor of James A. Chase, mail carrier of the House.

By Mr. Dunn of Brewer: Resolve in favor of the secretary of the committee on State school for boys and committee on public health.

Placed on File.

By Mr. Dunn of Brewer: Petition of T. M. Rollins, president of the Carpenters' Local Union No. 914, of Augusta, and others in favor of the Dunn Bill, so called, relating to the election of judges by direct vote of the people; of J. Croin, president of the Cigar Makers' Union No. 179 of Bangor, and others for same.

On motion of Mr. Harriman of Merrybemps, the rules were suspended and that gentleman presented out of order bill, An Act to prohibit the taking of scallops in Pennymaquan and Cobsecook bays from April 1st to October 1st of each year, and on motion by Mr. Harriman the bill was referred to the committee on sea and shore fisheries.

Reports of Committees.

Mr. Burleigh from the committee on judiciary, reported in a new draft and ought to pass bill, An Act relating to possession of lands taken under defective proceedings in eminent domain.

Mr. Hersey from same committee, reported in a new draft and ought to pass bill, An Act relating to the employment of labor.

Mr. Bussell from the committee on appropriations and financial affairs, reported ought to pass on resolve in favor of H. R. Thompson for services as clerk and stenographer to the committee on library.

Mr. Bisbee from same committee, reported ought to pass on resolve in favor of L. S. Lippincott, secretary, stenographer and messenger to the committee on sea and shore fisheries.

Mr. Hyde from same committee, reported in a new draft and ought to pass on resolve in favor of M. S. Hill, clerk to the committee on temperance.

Mr. Gilbert from the committee on insane hospitals, reported ought to pass on resolve in favor of the Eastern Maine Insane hospital.

Messrs. Snow, Cousins, Howe, Stackpole, Millett and Hill from the committee on agriculture reported ought to pass on resolve in favor of the Central Maine Fair Association.

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

Mr. Miller from the committee on leave of absence, reported ought to pass on order, relating to Waldo W. Mercier being excused from further attendance upon this session of the Legislature and that his pay be made up to the end of the session.

The report was accepted and the order was given a passage.

Same gentleman from same committee, reported ought to pass on order, relating to Alexis O. Robbins being excused from further attendance upon this session of the Legislature and that his pay be made up to the end of the session.

The report was accepted and the order was given a passage.

Same gentleman from same committee, reported ought to pass on order, relating to Herbert A. Lombard being excused from further attendance upon this session of the Legislature and that his pay be made up to the end of the session.

The report was accepted and the order was given a passage.

First Reading of Printed Bills and Resolves.

An Act relating to life insurance

companies doing industrial business giving special rates of premiums to members of lodges and labor unions.

An Act to amend Section 42 of Chapter 40 of the Revised Statutes, relating to the duties of the commissioner of the bureau of industrial and labor statistics.

An Act to establish a board of police for the city of Waterville.

An Act creating a State board of arbitration and conciliation.

An Act to amend Chapter 147 of the Public Laws of 1907 creating the office of State auditor.

An Act to incorporate the Scarborough and Cape Elizabeth Railway Company.

Resolve to amend Chapter 126 of the Resolves of 1905, as amended by Chapter 79 of the Resolves of 1907, relating to the Central Maine Fair Association.

Resolve in favor of the official reporter of the House. (Read a second time and passed to be engrossed under a suspension of the rules on motion of Mr. Thurlow of Cutler.)

Resolve in favor of messenger to committee on taxation.

Resolve in favor of clerk to the committee on taxation.

Passed To Be Engrossed.

Bill, establishing a close time on lobsters in certain towns in Hancock county.

Bill, establishing a close time on lobsters in certain towns in Washington county.

Bill, regulating the herring fisheries in Roque Bluffs.

Bill, relating to insane hospital.

Bill, to authorize town of York to aid York hospital.

Bill, to increase power of Fort Halifax Power Company.

Bill, relating to the appointment of auditors and referees in vacation. (Tabled pending passage to be engrossed on motion of Mr. Burleigh of Augusta.)

Bill, relating to Maine labor and Maine contractors.

Bill, to incorporate the Brunswick Power Company.

Bill, to incorporate the Farmington Power Company.

Bill, to incorporate the Calais Power Company.

Bill, to establish municipal court at Millinocket.

Bill, prohibiting the building of smelt traps in waters of Harrington river.

Bill, to regulate fishing in Royal's river.

Bill, relating to motor vehicles. (Tabled pending third reading on motion of Mr. Campbell of Kingman.)

Bill relating to expenses of steamboat inspector.

Resolve in favor of State House employes.

Resolve in favor of W. S. Bemis.

Resolve in favor of shorthand reporter to committee on railroads and expresses.

Resolve in favor of A. H. Miller, secretary of pension committee.

Resolve in favor of town of Harmony.

Resolve in favor of clerk, stenographer and messenger of the legal affairs committee.

Resolve in favor of clerk and stenographer to the committee on State lands and State roads.

Resolve in favor of L. A. Davis.

Resolve in favor of clerk of committee on interior waters.

Resolve for the preservation of regimental rolls in office of adjutant general. (Tabled pending second reading on motion of Mr. Rounds of Portland.)

Bill to exempt growing white pine from taxation.

Mr. COUSINS of Standish: Mr. Speaker, I move that this resolve be indefinitely postponed. I believe in taxing wild land. I believe in taxing all property, and I cannot see where this is not an injustice. In my section there is probably as much white pine as in any other part of the State. It is a property which capitalists are investing their money in and consider it a good investment, and I cannot see any reason why it should be exempt from taxation any more than any other property in any other part of the State. For instance, if you exempt this, what reason is there that you should not exempt the spruce in all other sections of the State? In my vicinity there are corporations which are buying up this land as an investment and they are willing to pay the tax. I do not think this bill was presented at the request of any of that class, and I do not see any reason why it should

pass; and I move that it be indefinitely postponed.

On motion of Mr. Peters of Ellsworth the bill was laid on the table.

Resolve in favor of clerk and stenographer of the committee on military affairs.

On motion of Mr. Kavanough of Portland the rules were suspended and this resolve was given its second reading without a report of the committee on bills in the third reading and was passed to be engrossed in concurrence.

Resolve in favor of the Maine Industrial School for Girls.

On motion of Mr. Havey of Sullivan the rules were suspended and this resolve received its second reading and was passed to be engrossed without report of the committee on bills in the third reading.

Resolve in favor of Ray P. Eaton. (Tabled pending second reading and assigned for Monday on motion of Mr. Davies of Yarmouth.)

On motion of Mr. Spear of South Portland the vote was reconsidered whereby the third reading of bill to incorporate the Scarboro and Cape Elizabeth Railway Company was assigned for next Monday, and on further motion by Mr. Spear the bill received its third reading and was passed to be engrossed.

The SPEAKER: With the consent of the House the Chair will lay aside the bills and resolves on their passage to be enacted and on their final passage and not submit them until the Monday session. This is done by unanimous consent of the House.

Orders of the Day.

On motion of Mr. Burleigh of Augusta bill relating to sentence in criminal cases was taken from the table and assigned for next Tuesday to be taken up first of the matters assigned for that day.

On motion of Mr. Burleigh bill relating to the possession of liquors was taken from the table and assigned for Tuesday to follow immediately the consideration of bill relating to sentence in criminal cases.

On motion of Mr. Burleigh bill in relation to the payment and collection of county taxes by State treasurer was taken from the table, and on further motion by Mr. Burleigh the House non-con-

curred in the indefinite postponement of the bill, and on further motion by the same gentleman the bill was referred to the committee on appropriations and financial affairs.

On motion of Mr. Burleigh bill relating to jail sentences for maintaining a liquor nuisance was taken from the table and assigned for Tuesday to follow immediately after the consideration of bill relating to the possession of liquors.

Unfinished Business.

Bill prohibiting the depositing of sawdust in Jackson Mill stream. (Postponed until Wednesday on motion of Mr. Wing of Kingfield.)

Bill relating to hunting on Sunday.

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

Mr. Burse offered Amendment A by striking out all of Section 1 after the word "property" in Line 11 as far as the word "owned" in Line 15.

On motion of Mr. Campbell of Kingman the amendment was tabled and assigned for Wednesday.

Bill to regulate the use of joint poles in the public streets by electrical companies.

On motion of Mr. Pattangall of Waterville the bill was tabled pending the adoption of the amendment and assigned for Tuesday.

Bill relating to the management and operation of steam railroads. (Assigned for Wednesday on motion of Mr. Hersey.)

Bill relating to choice of road commissioner in towns. (Read the third time and passed to be engrossed in concurrence.)

Bill for the better collection of taxes.

Mr. Rounds of Portland offered House Amendment A by adding thereto the following Section 2: "This act shall not apply to cities of over 40,000 inhabitants."

On motion of Mr. Marshall of Portland the amendment was tabled and assigned for Monday.

Bill to authorize the city of Portland to acquire land for a police station and a central fire station. (Read a third time and passed to be engrossed).

Resolve in favor of Robert Palmer of Moreau. (Indefinitely postponed in concurrence on motion of Mr. Hersey.)

Bill relating to the employment of minors in manufacturing establish-

ments in the State. (Tabled on motion of Mr. Wing of Kingfield).

Bill to create a charter for the city of Rockland. (Read a third time and passed to be engrossed).

Bill for the propagation of shellfish on the coast of Maine. (Referred to the committee on shore fisheries, on motion of Mr. Wing of Kingfield).

Bill relating to juvenile court. (Referred to the next Legislature on motion of Mr. Montgomery).

On motion of Mr. Hall of Caribou the rules were suspended and he presented the following order:

Ordered, The Senate concurring, that a special joint committee of two on the part of the House with such as the Senate may join be appointed to inquire into the laws controlling the most successful juvenile courts especially the system outlined by the Hall bill, so-called, to draft such laws for the establishment of such a court in Maine with such necessary laws to go with the same best suited to our needs and conditions. Said committee is hereby authorized to sit during any recess or after the adjournment of the present Legislature, with full power to employ a stenographer and shall report in writing with recommendations a bill or bills which report, recommendations and or bills shall be filed with the clerk of the House not later than December 1, 1910, and be referred to the next Legislature without further action thereon.

The order received a passage.

Bill to authorize cities and towns to establish and maintain telephone lines. (Assigned for next Tuesday on motion of Mr. Hersey).

Bill to restore Portland bridge. (Assigned for next Tuesday on motion of Mr. Rounds).

On motion of Mr. Chase of Sebec reporting the committee on judiciary reporting "ought to pass" on bill to incorporate the Milo Water District, was taken from the table, and on further motion by Mr. Chase the report of the committee was accepted. (Tabled for printing under joint rules).

On motion of Mr. Hersey of Houlton resolve in favor of H. M. Sewall, was taken from the table. (Read twice and

passed to be engrossed in concurrence under suspension of the rules on motion of Mr. Hersey).

On motion of Mr. Hersey resolve in favor of the plantation of Magalloway in Oxford county, was taken from the table. (Read twice and passed to be engrossed in concurrence under suspension of the rules on motion of Mr. Hersey).

On motion of Mr. Burse of Pittsfield bill in regard to support of minor children, was taken from the table.

Mr. Burse offered House Amendment A by striking out all after the word "hereby" in the second line and by inserting in place thereof the word 'repealed.'

The amendment was adopted, the bill

received its third reading and was passed to be engrossed as amended.

On motion of Mr. Thurlow of Cutler bill to provide for a bounty on wild cats, was taken from the table, Senate Amendment A was adopted in concurrence, and the bill was then passed to be engrossed as amended in concurrence.

On motion of Mr. Bigney of Greenville the report of the committee on interior waters reporting "ought to pass" on bill to prevent noise from motor boats on Moosehead Lake, was taken from the table, the report of the committee was accepted, and on motion by Mr. Bigney the bill was indefinitely postponed.

On motion of Mr. Hersey of Houlton—Adjourned.