

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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 Nicaeous Lake.

1313, for establish read abolish.

SENATE.

Tuesday, Feb. 9, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Lawton of South Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

House Bills Read and Assigned.

An Act to amend Chapter 55 of the Private and Special Laws of Maine for the year 1903, incorporating the Squirrel Island Village Corporation.

An Act to extend the provisions of Chapter 241 of the Private and Special Laws of 1903, entitled "An Act to supply the town of Lisbon with pure water."

An Act to ratify, confirm and make valid the organization of the Andover Water Co. and authorize it to issue bonds and extend its plant.

An Act relating to holidays.

An Act to extend the charter of the Belfast Banking Co.

An Act to amend the charter of the People's Trust Co. of Houlton and to amend the same.

An Act to amend and extend the charter of the Sanford Trust Co.

An Act to renew and extend the charter of the Boothbay Harbor Trust Co.

An Act to amend sub-division fifth, Section 23, Chapter 48 of the Revised Statutes, relating to investment of deposits of savings banks.

Resolve in favor of Knox County General hospital.

Resolve in favor of York hospital.

Resolve in favor of the Healy asylum.

Resolve in favor of the King's Daughters' Union of Bangor.

Resolve in favor of the Children's Aid Society of Maine.

An Act to repeal Chapter 352 of the Private and Special Laws of 1907, entitled "An Act to prohibit the taking of lobsters in Hancock county.

An Act to amend Section 1, Chapter 251 of the Special Laws of 1907, entitled "An Act for the better protection of alewives, shad and sturgeon in various rivers in Maine.

Resolve in relation to the early York county deeds.

A communication was received from the Executive department transmitting Report of the State Auditor upon the examination of the accounts of the State treasurer. On motion by Mr. Eaton of Washington, the same was referred to the committee on Appropriations and Financial Affairs.

A communication was received from the secretary of State transmitting certified copies of Senate Joint Memorial No. 4, Senate Joint Resolution No. 4 and House Joint Memorial No. 3, adopted by the 25th State Assembly of the state of Oregon.

The foregoing communications were read by the secretary and, on motion by Mr. Howes of Somerset, Senate Joint Memorial No. 4 was referred to the committee on State Lands and State Roads; and, on motion by Mr. Looney of Cumberland, Senate Joint Resolution No. 4 and House Joint Memorial No. 3 were referred to the committee on Judiciary.

The following bills, petitions and resolves were presented and referred:

Judiciary.

By Mr. Knowlton of Piscataquis: Petition of Henry Hudson and 25 others in favor of Senate Bill No. 91 entitled "An Act to define and regulate the practice of optometry.

Also: Remonstrance of C. H. Davis and 15 others against An Act to prohibit the use of automobiles in Mount Desert Island.

Appropriations and Financial Affairs.

By Mr. Milliken of Aroostook: Bill, An Act to provide for the purchase of supplies by the State through a system of competitive bids.

By Mr. Hamilton of York: Petition of George E. Dudley and 294 others in favor of Resolve for the Trull Hospital Aid Association.

Also: Petition of Frank Cole and 41 others in favor of same.

Also: Petition of Charles E. Atwood and 50 others in favor of same.

Also: Petition of Mrs. S. L. Fenderson and 74 others in favor of same.

Also: Petition of Perry H. McKeen and 57 others in favor of same.

Also: Petition of Benjamin Goodier and 23 others in favor of Trull Hospital Aid Association.

Education.

By Mr. Walker of Hancock: Resolve in favor of Farmington State Normal School.

Also: Resolve in favor of the Aroostook State Normal School.

By Mr. Theriault of Aroostook: Resolve in favor of Madawaska Training School, with statement of facts.

Railroads and Expresses.

By Mr. Colcord of Waldo: Bill, An Act to amend Section 19 of Chapter 51 of the Revised Statutes relating to the increase of capital stock of a railroad company.

Banks and Banking.

By Mr. Hastings of Oxford: Bill, An Act to extend the charter of the Bethel Trust Co.

Ways and Bridges.

By Mr. Minott of Sagadahoc: Bill, An Act to repeal Chapter 29 of the Private and Special Laws of 1842 and Chapter 26 of the Private and Special Laws of 1861. On motion by Mr. Wheeler of Cumberland this bill was tabled for printing pending reference.

Also: Petition of Jason McFadden and 51 others of Arrowsic in favor of the Donigan bridge bill.

By Mr. Staples of Knox: Petition of George D. Bridgham and 16 others in favor of same.

Also: Petition of W. R. Matthews and 55 others of Warren in favor of same.

Also: Petition of O. A. Stevens and 25 others of Ludlow in favor of same.

Also: Petition of J. R. Cushman and 12 others of Sherman in favor of same.

Also: Petition of A. H. Black and 32 others of Chesterville in favor of same.

Also: Petition of J. B. Nutt and three others of Perry in favor of same.

Also: Petition of T. D. Salley and 25 others of Madison in favor of same.

By Mr. Donigan of Somerset: Petition of E. F. Littlefield and 275 others of Belfast in favor of the general bridge bill.

By Mr. Wyman of Washington: Petition of M. M. Cleaves and 42 others of

Steuben in favor of the Donigan bridge bill.

Inland Fisheries and Game.

By Mr. Staples of Knox: Bill, An Act authorizing towns to elect fish wardens in certain cases.

Also: Bill, An Act to regulate fishing in Muddy pond, so-called, in the town of Washington, Knox county.

By Mr. Boynton of Lincoln: Bill, An Act prohibiting the depositing of sawdust and other mill waste in Jacksonville stream and Joe Weeks' mill stream in Lincoln county.

Also: Petition of F. W. Jackson and 39 others of Jefferson for the same.

By Mr. Wyman of Washington: Resolve for screening Donnell's pond in Franklin, Hancock county.

By Mr. Hastings of Oxford: Petition of Fred W. Sanborn and 186 others of Norway, etc., for the passage of the Resolve of 50,000 others for maintenance of hatcheries and fish interests of the State.

By Mr. Milliken of Aroostook: Remonstrance of Bartlett C. White and 22 others of Greenfield against the passage of any law requiring a hunter's license fee from citizens of Maine.

By Mr. Hastings of Oxford: Petition of Alva Coolidge and others of the towns of Grafton and Upton asking that the Coolidge river in said towns be closed to sawdust.

Claims.

By Mr. Mullen of Penobscot: Resolve in favor of the Northern Telegraph Co.

Temperance.

By Mr. Hastings of Oxford: Petition of Ira C. Jordan and 19 others in favor of jail sentence for liquor sellers.

Also: Remonstrance of Ira C. Jordan and 20 others of Bethel, Maine, against the resubmission of the prohibitory law.

Also: Petition of Ira C. Jordan and 20 others of Bethel, Maine, in favor of the Sturgis Law.

Labor.

By Mr. Walker of Hancock: Bill, An Act to further define and enlarge the duties of the Commissioner of the Bureau of Industrial and Labor Statistics.

Mr. WALKER of Hancock: Mr.

President: This is An Act, as the title implies, enlarging and increasing the duties of the Commissioners of Industrial and Labor Statistics; and, in view of the fact that there is an Act before this Legislature, already pending, to create the office of State Industrial Commissioner, and also another Act to create the office of Commissioner of Publicity, I feel that it would be well to call attention of the Senate to the report of the present Commissioner of Labor and Industrial Statistics, in which he has incorporated very valuable information along the lines proposed by these two acts. I therefore move that the Act be tabled for printing, pending reference. The motion prevailed.

Salaries and Fees.

By Mr. Milliken of Aroostook: Bill, An Act to amend Chapter 153 of the Public Laws of 1907 relating to transportation of State Officials.

Forestry and Water Supply.

By Mr. Reynolds of Kennebec: Petition of W. E. Reid and 18 others of Waterville and vicinity for a law to regulate the taking of firearms into the woods in an extremely dry time, and to regulate the taking of firearms into the woods.

By Mr. Looney of Cumberland: Resolution of the Maine Federation of Women's Clubs in favor of a forest reserve.

York County Delegation.

By Mr. Hamilton of York: Petition of Wesley G. Smith and 20 others, citizens and taxpayers of Old Orchard, in favor of changing the location of the shire town in York County.

Also: Petition of J. I. Mackey and 23 others, citizens and taxpayers of Old Orchard, in favor of same.

Placed on File.

By Mr. Osgood of Androscoggin: Petition of Mrs. D. T. Moulton of Lewiston and 23 others, for Resolve in favor of Maine State Sanatorium Association.

By Mr. Hastings of Oxford: Petition of J. L. Partridge and others of Norway Lake in favor of same.

Orders.

On motion by Mr. Wheeler of Cum-

berland it was Ordered: the House concurring, that the committee on Taxation be directed to consider the expediency of changes in the methods and rates of taxation of telephone and telegraph, palace car and express companies, and report to this Legislature by bills or otherwise.

Reports of Committees.

Mr. Macomber, for the committee on Taxation, on "Report of the Maine Tax Commission, appointed under provision of Chapter 108, Resolves of 1907, together with bill 'An Act to exempt certain public bonds from taxation,' contained in said report and recommended by said Commission," reported same in new draft under same title and that it ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Passed to Be Engrossed.

An Act to extend the charter of the Mattagamon Manufacturing Co. (On motion by Mr. Hastings of Oxford, Senate Amendment A "Amend by striking out Section 2" was adopted).

Resolves relating to the documentary history of Maine. (On motion by Mr. Milliken of Aroostook this bill was tabled pending its second reading).

An Act to amend the charter of the Maine & New Brunswick Power Co., Limited.

Resolve providing for the payment of Claims, Accounts and Demands against the State, accrued prior to January 1, 1909, and remaining unpaid by reason of insufficient appropriations. (On motion by Mr. Eaton of Washington this bill was tabled pending its second reading).

Resolve in favor of the St. Marie's General Hospital.

An Act to enable the Sebago Lake, Songo River & Bay of Naples Steamboat Company to construct and maintain a wharf at the east shore of Sebago Lake in the town of Raymond, in the County of Cumberland. (On motion by Mr. Hastings of Oxford, Senate Amendment A, "Amend by striking out Section 4" was adopted).

An Act to amend Chapter 6 of the Revised Statutes as it was amended by Chapter 61 of the Public Laws of

1907, in relation to the appointment of election clerks.

Passed to Be Enacted.

An Act relating to supplementary associations.

An Act respecting the place of taxation of personal property.

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

An Act to extend the charter of the Aroostook Valley Railroad Co.

Finally Passed.

Resolve in favor of St. Elizabeth's Roman Catholic Asylum of Portland.

Resolve in favor of J. W. Haines, town clerk of Dexter.

Resolve in favor of David E. Knight, town clerk of Garland.

Resolve respecting the benefits of the Carnegie Foundation for the advancement of teaching for the University of Maine.

Resolve in favor of a special appropriation for the Eastern State Normal School.

Resolve in favor of the Maine State Sanatorium Association.

Resolve in favor of the Central Maine General Hospital of Lewiston.

Orders of the Day.

On motion by Mr. Staples of Knox, Bill relating to expenditures of money by county attorneys, was taken from the table. On further motion by the same senator, the same was referred to the committee on Legal Affairs.

On motion by the same senator, Senate Doc. No. 97, "Bill relating to purchase of farm for scientific investigation in orcharding" was taken from the table. On further motion by the same senator the bill was tabled and Thursday, February 11, assigned for its consideration.

On further motion by the same senator, Senate Doc. No. 64, "Bill relating to uniform poll tax" was taken from the table.

Mr. STAPLES of Knox: Mr. President: I very much regret that I feel, at this time, called upon to make an amendment to the bill passed the other day. I regret very much that this Senate curtailed the rights of towns in the matter of the poll tax of each and every town in this State. This is a small matter, but it involves a great

principle. I have seen, from year to year, the rights of towns and of the people being curtailed. A town has not much left when you take this matter away from them. We have seen our highways passing under the control of outsiders. We have seen our schools taken away from the people and placed in the hands of other parties. I am a great believer in home government. I believe that every town and every state should manage its own affairs in its own way. Now, it was passed the other day, and became a law, to have uniformity of taxation in this State. If this bill passes there is only one thing for me to do for my people, and to place myself right before the taxpayers of the State of Maine.

I want to be understood that, if the right is to be taken away from towns, where every town may vote one dollar or five dollars, according to the condition of the town, then I say, there is only one thing left for me to do, in my position, and from my standpoint; and that is to introduce an amendment. If you must have a uniform tax, let us have it at two dollars all over the State, instead of three dollars. We forget, oftentimes, the poor man. I have heard the remark made the last few days that three dollars is all he paid. If he hires your house, or my house, why he has got to pay the tax on that. The man who owns the house puts so much more rent upon it, according to what the taxes are; and the man who owns not a dollar's worth of it pays the three dollars, besides his rent. For that reason, believing that two dollars is sufficient, in this State, in our condition, I offer, Mr. President, this amendment: Senate Amendment A to Senate Doc. No. 64, "Amend by striking out the word "three" in the third line, and inserting instead thereof, the word "two," etc., and I move the adoption of the amendment.

The question was put upon the adoption of the amendment.

Mr. KNOWLTON of Piscataquis: Mr. President: I object to that amendment for lots of reasons. All over the State of Maine there are, today, villages and towns where people are en-

gaged in manufacturing, and things of that sort, and where a man pays just a poll tax. In my own town there are, perhaps 500 people—note quite so many—300 people, that pay just a poll tax, and that is all. The property of the town is assessed to educate their children and to look after the poor, to build roads, etc., and all those men pay in the whole length of time is just a poll tax for the year. Now, it seems to me that that town represents a great many other towns similarly situated; and it is very unjust indeed to the property holders of these towns to oblige them to do so much for those people, and receive from them just a bare two dollars. I certainly think that it would be unjust and improper, and think that those men who pay only a poll tax should pay the full three dollars.

MR. STAPLES of Knox: Will the senator from Piscataquis permit a question?

MR. KNOWLTON: Certainly.

MR. STAPLES: How many of that 300 hire houses in your town?

MR. KNOWLTON: Oh, half of them do, and I am sorry to say, in my own case, they do not pay their rent very well. The most of them hire houses—that is true.

MR. STAPLES: Mr. President: I did suppose that the people up in Piscataquis were very prompt in paying their debts. Now it is a fact, he says, that 150 of those laboring men have families, and hire houses; and, don't you know that when a man makes up the amount of rent he shall charge for that house, he takes into consideration and adds to it the taxes upon it, and that that poor man has to pay it? It is so, not only in your town, but all over the State; so that they pay more than the poll tax upon every house they live in, and I believe that a fair majority of the people of this State, poor men, are paying their taxes, and are not squealing.

MR. MACOMBER of Kennebec: Mr. President: This is very largely the same question which was before the Senate last week, and which was voted down by a very large majority. The matter has been before the State of

Maine, and has been voted upon in the town meetings of the State this last year; and it is very evident what the people want. Out of the 477 towns last year, 365 voted for three dollars tax; 85 voted for a two dollars tax. Now I hardly think it is the thing for this Legislature to turn down that large majority, and to agree with the 85 out of the 477 towns which have voted for a two dollars tax. I hope this amendment of the senator from Knox will not prevail.

On motion by Mr. Smith of York the yeas and nays were called for, and ordered, and the question being put, upon the motion to amend, the vote being had, resulted as follows: Those voting yea were: Messrs. Boynton, Donigan, Hamilton, Howes, Lowe, Staples (6). Those voting nay were: Messrs. Baxter, Colcord, Eaton, Emery, Gowell, Hastings, Irving, Kellogg, Knowlton, Looney, Macomber, Milliken, Minott, Mullen, Reynolds, Shaw, Smith, Therriault, Walker, Wheeler, Wyman (21). So the motion to amend was lost.

On motion by Mr. Macomber of Kennebec the bill was passed to be engrossed.

On motion by Mr. Staples of Knox, Senate Doc. No. 135 "An Act to regulate and establish uniform terms of installing telephones in Railroad Depots in Somerset County" was taken from the table. On further motion by the same senator the bill was referred to the committee on Legal Affairs.

On motion of Mr. Howes of Somerset, Senate Doc. No. 120, "An Act to amend Section 2 of Chapter 15 of the Revised Statutes regarding the education of youth," also Senate Doc. No. 121, "An Act to amend Section 2 of Chapter 15 of the Revised Statutes relating to transportation of pupils" were taken from the table. On further motion by the same senator, the bills were severally referred to the committee on Education.

On motion by Mr. Baxter of Cumberland, the vote whereby House Doc. No. 55, "An Act to amend Section 24 of Chapter 242 of the Private and Special Laws of 1895" was passed to be engrossed, was reconsidered. On further motion by the same senator, the

bill was amended by Senate Amendment A by adding to the title the words "relating to the school committees of the city of South Portland" and as amended, the bill was passed to be engrossed.

On motion by Mr. Looney of Cumberland, Senate Doc. No. 93 "Resolve in aid of the Maine School for the Deaf" was taken from the table. On further motion by the same senator, the resolve took its second reading and was passed to be engrossed.

On motion by Mr. Gowell of York, Senate Doc. No. 119, "An Act creating a State Board of Charities and Corrections" was taken from the table. The same senator further moved that the same be assigned for consideration on Thursday, Feb. 11.

Mr. BAXTER of Cumberland: Mr. President: I should like to ask the Senator from York if he will not amend that motion and have this assigned for a week from tomorrow morning. It is a matter in which there is considerable interest, and I do not think the senators have had opportunity to thoroughly consider the bill. It is a bill which affects the entire State, and I understand, at this time, it is customary to give these matters full consideration, and I do not think it is asking very much to ask to have it assigned for one week from tomorrow morning.

Mr. GOWELL: I accept the amendment to my motion, suggested by the senator from Cumberland. I agree with the senator that it is a very important measure, and I have no desire to force hasty action on the part of the Senate.

The motion, as amended, prevailed, and the bill was assigned for consideration on Wednesday, Feb. 17.

On motion by Mr. Macomber of Kennebec, the Bill relating to moving pictures was taken from the table. On further motion by the same senator the Senate voted to non-concur with the reference by the House to the committee on Legal Affairs and, on further motion by the same senator, the bill

was referred to the committee on Mercantile Affairs and Insurance.

On motion by Mr. Staples of Knox, report of the committee on Taxation, ought not to pass, on Bill relating to taxation of certain public service corporations" was taken from the table. On further motion by the same senator, the bill was re-tabled and Wednesday, Feb. 17, assigned for its consideration.

On motion by Mr. Knowlton of Piscataquis: Senate Doc. No. 147, An Act to amend Section 85 of Chapter 15 of the Revised Statutes relating to payment for teachers' services was taken from the table. On further motion by the same senator the bill was referred to the committee on Education.

On motion by Mr. Hamilton of York, Senate Doc. No. 122, Bill relating to prison and jail inspectors was taken from the table, and on further motion by the same senator, the same was referred to the committee on Legal Affairs.

On motion by the same senator, Senate Doc. No. 126, Bill to provide for Water Storage Commission, was taken from the table. On further motion by the same senator the same was referred to the committee on Forest Preservation and Water Supply.

On motion by the same senator, Senate Doc. No. 115, Bill to amend Revised Statutes relating to insane paupers was taken from the table. On further motion by the same senator, the same was passed to be engrossed. Subsequently on motion by Mr. Macomber of Kennebec the vote whereby the bill was passed to be engrossed, was reconsidered, and the bill was tabled for purpose of amendment.

On motion by the same senator, Senate Doc. No. 127, Bill, to amend sections 27 and 28 of the Revised Statutes relating to taxation, was taken from the table, and, on further motion by the same senator, the bill took its two several readings and was passed to be engrossed.

On motion by Mr. Theriault of Aroostook, the Senate adjourned.