

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

SENATE.

Thursday, Feb. 11, 1909.

Senate called to order by the President.

Prayer by Rev. Dr. Halleck of Lewiston.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Hastings of Oxford, it was

Ordered: the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, February 15th, at half past four in the afternoon. Subsequently this Order was returned from the House, that Branch concurring in its passage.

Mr. HASTINGS, of Oxford: Mr. President: I ask the unanimous consent of the Senate that I may introduce a bill out of order. The Senators will recall that, some days since, the Senate passed an Act setting apart Lincoln Day, February 12th, as a holiday. This Act went through its several readings in the Senate, by consent, and was sent to the House, and was finally approved February second. In some way, accidentally, it was discovered yesterday, that there was no two-thirds vote recorded on that emergency measure, on the part of either branch, as required under the Initiative and Referendum, this being the first Act that went through, the fact that a two-thirds vote was necessary was overlooked. I now, simply ask that this bill may be introduced out of order, and that, without going to a committee, it be given its two several readings, and be passed to be engrossed; and I so move, Mr. President.

Thereupon, under suspension of the rules, Bill, An Act setting apart Lin-

coln Day, February 12th, 1909 as a holiday, was read twice, and passed to be engrossed.

Subsequently, this bill having had its three several readings in the House and passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, a Yea and Nay vote upon its final passage was called for, and ordered and the vote being had, resulted as follows: Those voting in favor of its final passage were, Messrs: Baxter, Boynton, Colcord, Donigan, Eaton, Emery, Gowell, Hamilton, Hastings, Howes, Irving, Kellogg, Knowlton, Looney, Lowe, Macomber, Minott, Mullen, Osgood, Reynolds, Shaw, Smith, Staples, Walker, Warren, Wheeler, Wyman (27). There being no votes opposed.

Thereupon, the bill was passed to be enacted.

"Resolve in aid of the Maine School for the Deaf." The House having non-concurred with the action of the Senate whereby this Resolve was passed to be engrossed, and having voted that the same be re-committed to the committee on Appropriations and Financial Affairs, On motion by Mr. Looney of Cumberland, the Senate voted to reconsider the vote whereby the Resolve was passed to be engrossed, and on further motion by the same senator, the Resolve was re-committed in concurrence.

"Resolve providing for the payment of claims, accounts and demands against the State, approved during the year 1908 on account of deficiency in appropriation for the prevention and extinguishment of forest fires." This Resolve having been on Feb. 8th, passed to be engrossed by the Senate, and the House having adopted House Amendment A, as follows:

House Amendment A by inserting after the title the following preamble: "Whereas, the various deficiency items comprised in this Resolve are long overdue and further delay in the payment thereof will occasion great inconvenience to the forestry department of the State government and the citizens of the State, and whereas in the opinion of this Legislature these facts constitute this resolve an emergency mea-

sure which is immediately necessary for the preservation of the public peace, health or safety, now therefore said Resolve is amended by adding at the end thereof the following paragraph, 'In view of the emergency set forth in the preamble this Resolve shall take effect when approved.'"

On motion by Mr. Eaton of Washington, the Senate voted to reconsider the vote whereby the Resolve was passed to be engrossed; and, on further motion by the same senator, House Amendment A was adopted in concurrence, and as amended, the Resolve was passed to be engrossed.

House Bills Read and Assigned.

An Act to amend the Charter of the City of South Portland. (House Amendment A adopted in concurrence.)

Resolve in favor of Daniel Lineo.

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

Judiciary.

By Mr. Reynolds of Kennebec: Remonstrance of Mark T. Chafin and three others of Waterville, against Bar Harbor Automobile bill.

By Mr. Looney of Cumberland: Petition of M. P. Fitch and 11 others of East Sebago for a law to compel motor boats to use mufflers.

By Mr. Wheeler of Cumberland: An Act to extend the time in which the Maine Title Guarantee Company is authorized to commence business.

By Mr. Milliken of Aroostook: Petition of Frank Greene and 29 others of Sherman for Senate Bill No. 91, An Act to Define and regulate the practice of Optometry.

By Mr. Shaw of Kennebec: Bill, An Act in relation to expert testimony. On motion by the same senator this bill was tabled for printing, pending reference.

Legal Affairs.

By Mr. Staples of Knox: Bill, An Act to incorporate the Union Cemetery Improvement Company.

By Mr. Gowell of York: Bill, An Act to authorize the location of a dam built by Edward S. Marshall of York, under license of the municipal officers of said town.

Appropriations and Financial Affairs.

By Mr. Minott, of Sagadahoc: Resolve in favor of the Town of Phippsburg.

Education.

By Mr. Knowlton, of Piscataquis: Bill, An Act to amend Section 34 of Chapter 15 of the Revised Statutes relating to the election of a superintendent of schools. On motion by the same senator this bill was tabled for printing, pending reference.

Banks and Banking.

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

Also: Petition of John F. Barlow and 7 others of Dixfield, asking an extension of the charter of the Dixfield Trust Company.

By Mr. Colcord, of Waldo: Bill, An Act to amend the charter of the Searsport Trust Company.

Military Affairs.

By Mr. Irving, of Aroostook: Resolve in favor of Jefferson C. Smith of Waterville, State Secretary of the Young Men's Christian Association.

Ways and Bridges.

By Mr. Shaw of Kennebec: Petition of George P. Tibbetts and 85 others in favor of State aid in building a bridge at Fishon's Ferry between the counties of Kennebec and Somerset.

Inland Fisheries and Game.

By Mr. Irving of Aroostook: Resolve for screening Squa Pan lake, Aroostook county, with petition of citizens of Aroostook county for same.

Also: Petition of Sidney Cook and others, citizens of Aroostook, for an appropriation for same.

By Mr. Reynolds of Kennebec: Resolve in favor of a screen at the outlet of China lake, Kennebec county.

By Mr. Staples of Knox: Bill, An Act for the protection of fish of all kinds in Medomac river and its tributaries in the towns of Union, Washington, Appleton and Liberty.

Also: Petition of J. M. Harding and 14 others asking for regulations upon fishing in Medomac river and tributaries, Knox county.

By Mr. Donigan of Somerset: Bill,

An Act to regulate fishing in Little Big Wood pond in Somerset county, with petition of C. H. Mills and others for same.

Shore Fisheries.

By Mr. Walker of Hancock: Bill, An Act to prohibit the erecting or maintaining of weirs in the Bagaduce river, county of Hancock.

Also: Petition of C. Roy Tapley and 61 others of Brooksville in favor of An Act prohibiting the erecting of weirs in Bagaduce river, county of Hancock.

Also: Petition of William G. Sargent of Castine and 66 others in favor of same.

Claims.

By Mr. Staples of Knox: Resolve in favor of William H. Holmes.

Temperance.

By Mr. Looney of Cumberland: Petition of J. P. Starrett and 76 others of Warren for mandatory imprisonment of the liquor seller.

Also: Petition of M. F. Newbirt and 76 others of Friendship against the resubmission of the prohibitory amendment.

Also: Petition of M. F. Newbirt and 72 others of Warren against the repeal of the Sturgis Law.

Also: Petition of J. H. Lidstone and 32 others of Union, Knox county, for mandatory imprisonment in liquor cases.

Also: Remonstrance of Rev. C. H. B. Seliger and 33 others of Union, Knox county, against repeal of the Sturgis Law.

Also: Petition of J. L. Bradford and 34 others of Union, Knox County, against the repeal of the prohibitory amendment.

Taxation.

By Mr. Irving of Aroostook: Petition of George F. Whidden and 16 others, asking that the School Mill Tax Law be amended by substituting the words "two and one-half mills" for "one and one-half mills."

Also: Petition of G. Will Sprague in favor of increase of tax on railroads.

Also: Protest of G. W. Sprague and 19 others against assessing a tax against real estate only.

York County Delegation.

By Mr. Smith of York: Remonstrance of William A. Folette and 49 others of Waterboro against removal of county seat of York county.

Also: Remonstrance of John R. Chamberlain and 92 others of Lebanon against same.

Also: Remonstrance of John S. P. Jones and 118 others of Lebanon against same.

Also: Remonstrance of W. F. Russell and 114 others of Sanford against same.

Also: Remonstrance of Charles G. Moulton and 38 others of Limerick against same.

Also: Remonstrance of Otis M. Burrell and three others of Wells against same.

Also: Remonstrance of B. J. Grant and 35 others of Acton against same.

Also: Remonstrance of Thomas H. Roberts and 17 others of Acton against same.

Also: Remonstrance of Jacob Carll and 71 others of Waterboro against same.

Salaries and Fees.

By Mr. Minott of Sagadahoc: Bill, An Act to amend Section 2 of Chapter 159 of the Public Laws of 1905, relating to the compensation of certain State officers.

Placed on File.

By Mr. Irving of Aroostook: Petition of G. W. Sprague and 63 others against the B. & A. tax rebate bill.

Read and Assigned.

An Act to amend Section 41 of Chapter 66 of the Revised Statutes relating to the duties of executors and administrators.

An Act relating to special contracts between employers and employees.

Resolve in favor of I. W. Gilbert, secretary of the committee on Insane hospitals.

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

An Act to exempt certain public bonds from taxation. (On motion by Mr. Wheeler of Cumberland this bill was tabled.)

Resolve in favor of Trull Hospital Aid Association.

Resolve providing for the purchase and distribution of Savage's Supplemental Digest of the Maine Reports.

Resolve to accept the gift of \$1000 from B. C. Jordan of Alfred, Me., to the State for the purpose of encouraging cultivation of forest trees.

An Act to incorporate the Grand Lodge of the Ancient Order of United Workmen of Maine.

An Act to amend Chapter 18 of the Revised Statutes relating to the State Board of Health.

Reports of Committees.

Mr. Baxter for the committee on judiciary, on Bill, "An Act to make uniform the law of warehouse receipts," reported that the same be printed and re-committed.

Mr. Hastings for the same committee on Bill, "An Act to make uniform the law relating to the sale of good," reported that the same be re-committed.

Mr. Looney for the same committee on Bill, "An Act to amend Sections 15 and 16 of Chapter 17 of the Revised Statutes relating to the practice of medicine," reported that the same be referred to the committee on legal affairs.

Mr. Osgood for the committee on appropriations and financial affairs on Bill, "An Act to provide for the purchase of supplies by the State and also a system of competitive bids," reported that the same be referred to the committee on legal affairs.

Mr. Eaton for the same committee, on "communication of the Governor, transmitting the Report of the State Auditor upon the examination of the accounts of the State treasurer," reported that the report be accepted and that the Legislature proceed to the election of a treasurer of State.

Mr. Reynolds for the committee on State lands and State roads, on "report of the committee on Governor's Message, on that part of said message relating to State roads," reported that the same be placed on file.

Mr. Mullen for the committee on taxation on "report of the Maine Tax Commission appointed under provision of Chapter 108 of the Resolves of 1907, together with bill, 'An Act for assess-

ment and taxation of Light, Heat and Power Companies located in more than one town,' contained in said report and recommended by said commission, and with remonstrances of J. H. Hobbs and 42 others and J. A. Havener and 246 others against same," reported that the bill ought not to pass.

The foregoing reports were accepted.

Mr. Baxter for the committee on judiciary, on Bill, "An Act to change the name of Augusta City Hospital," reported that the same ought to pass.

Mr. Mullen for the committee on railroads and expresses, on Bill, "An Act to extend the charter of the Rumford Falls and Bethel Street Railway," reported that same ought to pass.

The same senator for the same committee, on Bill, "An Act to amend Section 21 of Chapter 51 of the Revised Statutes relating to increase of stock of railroad corporations," reported that the same ought to pass.

Mr. Clecord for the same committee, on Bill, "An Act to extend the charter of the Waldo Street Railway Co.," reported that the same ought to pass.

Mr. Wyman for the committee on Inland Fisheries and Game, on "Resolve for the purpose of operating the fish hatcheries and feeding stations for fish and for the protection of fish" with statement of facts and numerous petitions for same, submitted the same in new draft, under same title.

The same senator for the same committee on Resolve for the purpose of erecting a fish hatchery in Knox county," with petitions for the same, submitted the same in new draft, under same title.

Mr. Boynton for the committee on shore fisheries, on Bill, "An Act for the better protection of oysters in Sheepscot and Dyer's rivers, Lincoln county, Me., with petitions for same, reported that the same ought to pass.

The same senator for the committee on claims, on "Resolve in favor of the town of Patten, in Penobscot county," reported that the same ought to pass.

Mr. Macomber for the committee on taxation, on Bill, "An Act relating to assessors in towns," submitted the same in new draft, under title of "An

Act relating to the choice of assessors in towns."

The foregoing reports were accepted and the several bills and resolves were tabled for printing under the joint rules.

Passed To Be Engrossed.

An Act to extend the charter of the Fairfield & Skowhegan Railroad Co. (Senate Amendment A "Amend by striking out Section 2" was adopted on motion by Mr. Hastings of Oxford).

An Act to extend the time of construction of the Boothbay Railroad. (Senate Amendment A "Amend by striking out Section 2" was adopted on motion by Mr. Hastings of Oxford).

An Act to amend the charter of the Maine Sportsmen's Fish and Game Association. (Senate Amendment A "Amend by striking out Section 3" was adopted on motion by Mr. Hastings of Oxford).

An Act to amend Chapter 84 of the Public Laws of 1907 in relation to employment agencies.

An Act to extend An Act, entitled "An Act to incorporate the Baker and Spencer Brook Dam and Improvement Co."

An Act to amend the banking laws of the State of Maine and particularly Section 1 of Chapter 48 of the Revised Statutes, by changing the official designation of the head of the banking department, and by more clearly defining his powers in relation to expenses and to the employment of clerks.

An Act to authorize the Brewer Savings Bank of Brewer, Penobscot county, Maine, to construct and maintain safety deposit boxes.

An Act authorizing the Rumford Land Co. to hold stock and bonds of other corporations.

An Act to regulate fishing in Thorn brook in the towns of Abbot, Kingsbury and Blanchard, in the county of Piscataquis.

An Act to amend Chapter 393 of the Private and Special Laws of 1907, relating to fishing in Sebago lake.

An Act to amend Section 1 of Chapter 38 of the Private and Special Laws of 1907, relating to fishing in Songo

river, so-called, in the county of Cumberland.

An Act to provide for ice fishing in Round pond, in the town of Greenwood, Oxford county.

An Act authorizing the Union Construction Co. to hold stock and bonds of other corporations.

An Act to amend Chapter 325 of the Private and Special Laws of 1897, entitled "An Act to amend 'An Act establishing a municipal court in the town of Waterville.'"

An Act to incorporate the St. George Water Co.

Resolve in favor of the Good Samaritan Home of Bangor.

Resolve in favor of the town of Ashland.

Resolve in favor of the Bath Military and Naval Orphan asylum.

Resolve in favor of the Girls' Orphanage in the city of Lewiston, under the auspices of the Sisters of Charity.

Resolve in favor of the Lewiston and Auburn Children's Home.

Passed to Be Enacted.

An Act relating to the issue of bonds.

An Act to set apart Lincoln day, Feb. 12, 1909, as a holiday.

Orders of the Day.

On motion by Mr. Staples of Knox, Senate Doc. No. 139, "An Act to create the office of State Commissioner of Publicity and to define his duties," was taken from the table. On further motion by the same senator, the same was referred to the committee on judiciary.

On motion by Mr. Staples of Knox, Senate Doc. No. 97, "An Act to provide for the purchase of a farm on which to conduct scientific investigations in orcharding" was taken from the table.

MR. STAPLES: Mr. President, and Gentlemen of the Senate: I never have, in the course of my career, and do not desire to at this time, done anything in detriment to the farming industries, or to the farmers of Maine. I am somewhat of a farmer myself, and somewhat of an orchardist.

I am aware that the farmers of Maine have been very modest in coming here before this Legislature and

asking for any large appropriation. They have been content to let other industries ask for large amounts and to help pay the taxes themselves on matters that have been put through for the last 10 years, to my knowledge.

I do not rise, today, to object to this bill, but to offer certain amendments; and, if those amendments are adopted, then I withdraw all opposition to the bill.

While I do not believe in theoretical farming to any great extent, I do not believe that the farmers of Maine will receive much benefit from scientific orchardists, a man who has practical common sense will attend to his orchard and get along very well without any scientific aid from anybody. That has been my experience in orcharding. But I find in this bill one thing which I desire to call your attention to. I want every county to be used alike. You will notice that, in Bill No. 97 that the farm to be purchased is to be purchased in one of the following counties, Kennebec, Androscoggin, Oxford, Sagadahoc, Franklin or Cumberland. Now, one of my amendments which I shall offer is to strike out all of those counties, and let every county in the State have an equal chance with every other county, if they have a farm to sell for the purpose of an experimental station. I think it is but fair that no few counties should be singled out, but that every county in the State should have a chance equal with every other.

My next amendment is this: Section 2 of the bill reads: "Augustus W. Gilman of Foxcroft, Charles L. Pope of Manchester, Eugene H. Libby of Auburn, Rutillus Alden of Winthrop and Charles D. Wood of Orono, are hereby made and constituted a committee, and as such committee are hereby authorized and directed to select, purchase and appropriately stock and equip a farm for the purposes aforesaid" Now, while I have the most profound respect for the ability and integrity of all those men, I believe that this matter should be placed entirely with the Governor and Council; and that will be my second amendment. My third amendment, relates to the clause "the same to be expended by the committee, under the direction of

the Governor and Council. It seems to me to be fair, gentlemen, that this matter should be placed in the hands of the Governor and Council. That is what happened in this State in the matter of the purchase of the Home for Feeble Minded. The Governor and Council had the matter under their direction; and I offer these amendments. It seems to me to be fair that every county in the State should have a chance to bid for this farm, and that the Governor and Council should be the sole parties to have the purchase and charge of it.

The question being put upon the adoption of Senate Amendment A, "Amend by striking out from Section 1, the words: "Either of the counties of Kennebec, Androscoggin, Oxford, Sagadahoc, Franklin or Cumberland," and inserting the following: "In any of the counties of the State of Maine." The amendment was adopted.

The question being put upon the adoption of Senate Amendment B, to strike out in Section 2 the words: Augustus W. Gilman of Foxcroft, Charles S. Pope of Manchester, Eugene H. Libby of Auburn, Rutillus Alden of Winthrop and Charles D. Wood of Orono," and inserting in their place the words: "The Governor and Council."

Mr. HAMILTON of York: Mr. President and Senators: If we are to purchase this farm, I believed the gentlemen named in Section 2 are the proper men to purchase it. In running that Station, Prof. Wood has called to his aid the others named. Three of them represent the leading farmers' organizations in the State. They are not State officers, but simply men to advise Prof. Wood in reference to his work here in the State of Maine.

The object of purchasing this farm, as I understand it, is to carry out certain experiments, and I will soon offer an amendment in reference to what its purposes shall be; but those men are the men who are peculiarly interested in the work of the State, and they know what kind of land and location they want for the purposes of this farm; and I believe the ends proposed would be better served with the matter in their hands, than they would be

in the hands of the Governor and Council. As to the amendment, who shall manage it, and under whose control, I think it is a proper amendment, but as to the purchase of it, I do not, because the kind of farm, the quality, and the situation of the farm are matters better in the hands of those who are to have charge of it, such as Prof. Wood and the others, rather than in the hands of the Governor and Council.

MR. STAPLES: Mr. President: I desire to call the attention of the honorable senator from York, to Section 3. "The director of the Maine Agricultural Experiment Station shall have the general supervision, management and control of said farm, and of all investigations thereon. I think that covers the proposition that he made.

MR. HOWES of Somerset: Mr. President, and Senators: Your committee had this matter under consideration, and they reported this bill unanimously. I believe that these gentlemen named are amply qualified to purchase such a farm as we need. The first four represent respectively the Maine State Department of Agriculture, the Maine State Pomological Society, the Maine State Grange and the Maine State Dairyman's Association. If these men are not qualified to purchase a farm, I would like to know who is. I ask the Senate to sustain the committee in their report upon Section 2.

I call for the yeas and nays, when the vote is taken.

A sufficient number having voted therefor, the yeas and nays were ordered, and the vote being had upon the adoption of Senate Amendment B, resulted as follows: Those voting in favor of its adoption were: Messrs. Lowe, Osgood, Staples, (3). Those voting against its adoption were: Messrs. Baxton, Boynton, Colcord, Donigan, Eaton, Emery, Gowell, Hamilton, Hastings, Howes, Irving Kellogg, Looney, Macomber, Milliken, Minott, Reynolds, Shaw, Smith, Therriault, Walker, Warren, Wheeler, Wyman, (24), and the motion to adopt said amendment was lost.

The question being upon the adoption of Senate Amendment C, "Strike

out in Section 4 the words: 'by said committee.'

MR. STAPLES: Mr. President, As usual, I find myself voted down. I suppose, if I insist upon this amendment, this will be voted down. Therefore I withdraw Senate Amendment C.

The question being upon the adoption of Senate Amendment D, to strike out all of Section 5, This Act shall take effect when approved." The amendment was adopted.

On motion by Mr. Hamilton of York, Senate Amendment, "Amend by inserting, after the word "orcharding" in the third line of Section 1 the words, "corn and other farm crops" was adopted.

MR. STAPLES: May I inquire of the senator from York if that includes Rutabaga turnips?

MR. HAMILTON: No. It includes squash.

On motion by Mr. Howes of Somerset, the bill, as amended, took its second reading, and was passed to be engrossed.

On motion by Mr. Howes of Somerset, Senate Doc. No. 153, An Act to amend Section 1 and Section 3 of Chapter 60 of the Revised Statutes, relating to the duties of commissioner of agriculture," was taken from the table. On further motion by the same senator the same was referred to the committee on agriculture.

On motion by Mr. Wheeler of Cumberland, Senate Doc. No. 150, "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," was taken from the table. On further motion by the same senator the same was referred to the committee on ways and bridges.

On motion by Mr. Eaton of Washington, Senate Doc. No. 140, "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," was taken from the table.

MR. EATON: Mr President: I have an amendment to offer, as follows: Sente Amendment A, amend by inserting after the title of said Resolve,

the following preamble: "Whereas the various deficiency items comprised in this resolve are long overdue and further delay in the payment thereof will occasion great inconvenience to many departments of the State government and citizens of the State, and whereas, in the opinion of this Legislature these facts constitute this Resolve an emergency measure which is immediately necessary for the preservation of the public peace, health and safety, now, therefore be it"

Also, amend said resolve by adding at the end of same the following paragraph: In view of the emergency set forth in the preamble, this Resolve shall take effect when approved."

I will say, in explanation that this is a necessary measure in order that bills long overdue from the State may be paid at once, instead of taking the 90 days required by the Referendum.

The amendment was adopted and the bill, as amended, took its second reading and was passed to be engrossed.

On motion by Mr. Walker of Hancock, Senate Doc. No. 15, "An Act to amend Chapter 8 of the Revised Statutes relating to the Board of State As-

sessors," was taken from the table. On further motion by the same senator, the same was referred to the committee on Labor.

On motion by Mr. Hastings of Oxford, House Doc. No. 60, "An Act to amend 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,'" was taken from the table. On further motion by the same senator, the bill was amended by the adoption of Senate Amendment A, "amend by striking out Section 2," and as amended, the bill was passed to be engrossed.

On motion by the same Senator, House Doc. No. 63, "An Act to ratify, confirm and make valid the organization of the Andover Water Company and authorize it to issue bonds and extend its plant was taken from the table. On further motion by the same Senator, the bill was amended by the adoption of Senate Amendment A "Amend by striking out Section 10," and, as amended, the bill was passed to be engrossed.

On motion by Mr. Emery of Franklin, the Senate adjourned to meet on Monday, February 15th, at 4.30 P. M.