

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

**SENATE.**

Tuesday, February, 16, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Hayden of Gardiner.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Mr. MULLEN of Penobscot: Mr. President: I have the pleasure to notify the Senate that Senator Francis W. Hill of the Tenth Senatorial District, is in attendance and ready to take his oath of office.

The PRESIDENT: The Senate is glad to welcome Senator Hill to his seat. The Chair appoints Senator Mullen of Penobscot to escort Senator Hill to the Council Chamber where he may take the qualifying oath.

Senator Mullen thereupon escorted Senator Hill to the Council Chamber and subsequently reported that Senator Hill had taken and subscribed his oath of office.

The following order came from the House, passed by that branch:

ORDERED, the Senate concurring, that the time for the reception of petitions and bills for private and special legislation be extended to Tuesday, February 23d, 1909, and that all such petitions and bills presented after that date be referred to the next Legislature; and that the Secretary of the Senate cause copies of this order to be printed in all daily papers in the State until February 20, 1909.

Mr. OSGOOD of Androscoggin: Mr. President, I move that the Senate non-concur in the passage of that order. I believe we have sufficient legislation already upon our books. We enact too much, instead of too little, and I hope that the order will not prevail.

Mr. SHAW of Kennebec: Mr. President, it has always been the custom, to extend the time and not to cut it off arbitrarily; and I think, in fairness to all interested, that it might be well to extend the time a few days. There are some important matters that members no doubt will like to introduce; and I hope the motion of the Senator from Androscoggin will not prevail.

Mr. MILLIKEN of Aroostook: Mr. President, I would like to inquire of the Chair, whether under the present order matters dropped into the box this afternoon will be considered?

The PRESIDENT: It was so stated, yesterday.

Mr. MILLIKEN: It seems to me, Mr. President, in view of that fact, and that the interests of justice may be served for all who have special matters to be introduced, that they may still get these matters into the box, in some form, this afternoon. I do not wish by any means to pose as one who wishes to cut off any Senator or Representative from introducing any meritorious matter; but this rule has been passed and notice has been fully given. It is true as the Senator has said that it has been the custom to extend the time in the past; but those here who were present at the last session will recollect that the rule was adhered to, and that introduction of special legislation after that date was resisted. It seems to me, if the rules are to amount to anything and we are to have any limit in this matter, the motion of the Senator from Androscoggin should prevail.

The vote being taken upon the motion of Senator Osgood of Androscoggin, that the Senate non-concur with the House in the passage of the order, 16 Senators voted in the affirmative and 6 in the negative. So the motion prevailed.

Subsequently, on motion by Mr. Milliken of Aroostook, the Senate reconsidered the vote whereby it non-concurred with the House in the passage of the foregoing order:

Mr. MILLIKEN of Aroostook: Mr. President, I now move the adoption of the following amendment to the order, namely: By striking out the words "Tuesday, February 23" and substituting the words "Thursday, February 18."

In regard to that amendment I will say this: It has come to my attention that there are a number of important matters, which would come under the head of private and special legislation, which members of the other branch desire to introduce and which they feel

they cannot get into the box this afternoon. I feel that in one sense there is no reason for the extension of the order after its advertisement, but for some reason it has been supposed that the order would be extended; and in the interest of fairness to all concerned I have offered this amendment which extends the order until Thursday, understanding as I do, that all private and special legislation must be in the box by Thursday afternoon at 5 o'clock; and I want to give notice now for one that, if this order as proposed to be amended is passed, I shall object, and I hope other Senators will object, to the introduction of any special legislation after that time.

Mr. OSGOOD of Androscoggin: Mr. President, I made the original motion this morning, and after the explanation offered just now by the Senator from Aroostook, I very heartily accept it.

Mr. HASTINGS of Oxford: Mr. President, there has been some misunderstanding that the Secretary of the Senate will not have time to get this notice to the people if this amendment is made, because of the fact that the amendment will have to go before the House to be acted upon tomorrow, which would be the 17th, so that notice could not be gotten into the paper before the 18th. I am very sure the Senator from Aroostook is always disposed to be fair, and I am; but it does not seem that this is quite late enough. It seems to me it ought to be extended to Monday, or the first of the week. I have not any bills going in.

Mr. MILLIKEN: Mr. President, I will say that the other branch, in my judgment, is keen enough about the matter so that they will be glad to vote upon it today; and the date, Thursday, was decided upon, after consultation, as satisfactory to them. No notice is required to the Public because the Representatives in the various cases know what these matters are, but simply have not been able to put them into shape.

Mr. HASTINGS: Mr. President, I have no personal objection; but I desire to call the attention of the Chair to the fact, as stated by the Secretary.

The question being put, upon the motion of Mr. Milliken of Aroostook, the amendment was adopted; and the order as amended was passed.

Bill, "An Act to incorporate the Brunswick Power Company" came from the House, by that branch referred to the Committee on Legal Affairs. On motion by Mr. Wheeler of Cumberland the bill was tabled for printing, pending reference.

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

#### Judiciary.

By Mr. Hastings of Oxford: Resolutions of the Oxford County Pomona Grange in favor of an amendment to Constitution giving women the right of suffrage.

By Mr. Baxter of Cumberland: Bill, An Act authorizing the County Commissioners of Cumberland County to create a sinking fund.

By Mr. Knowlton of Piscataquis: Bill, An Act to incorporate the Barrows Falls Light & Power Company.

By Mr. Baxter of Cumberland: Bill, An act to incorporate the South Portland Railway and Terminal Company.

By Mr. Mullen of Penobscot: Bill, An Act to amend Section 2 of Chapter 63 of the Private and Special Laws of 1905, relating to the issue of bonds by the Bodwell Water Power Company.

By Mr. Macomber of Kennebec: Bill, An Act to amend the charter of the City of Augusta, with reference to the Augusta Municipal Court.

By Mr. Looney of Cumberland: Bill, An Act regulating annulment of marriage and divorce. On motion by the same Senator this bill was tabled for printing, pending reference.

By Mr. Milliken of Aroostook: Remonstrances of C. A. Milliken and 15 others of Augusta against the passage of An Act prohibiting the use of automobiles on the Island of Mount Desert.

By Mr. Baxter of Cumberland: Bill, An Act relating to the Bodwell Water Power Company of Old Town, Maine.

#### Legal Affairs.

By Mr. Hamilton of York: Bill, An Act to authorize the construction and

maintenance of a highway in the tide waters of York County.

By Mr. Knowlton of Piscataquis: Bill, An Act to incorporate the Guilford Water Company.

#### Education.

By Mr. Knowlton of Piscataquis: Bill, An Act relative to school out-houses. (Tabled for printing.)

Also: Bill, An Act for the equalization of school privileges. (Tabled for printing.)

Also: Bill, An Act to amend Section 28 of Chapter 15 of the Revised Statutes, relating to the duties of the Municipal officers of towns. (Tabled for printing.)

Also: Bill, An Act to amend Section 2 of Chapter 15 of the Revised Statutes relating to the conveyance of pupils (Tabled for printing.)

Also: Bill, An Act to amend Section 113 of Chapter 15 of the Revised Statutes, relating to the duties of State Normal School Trustees. (Tabled for printing.)

Also: Bill, An Act for the safe guarding of schools against danger of fire. (Tabled for printing.)

Also: Bill, An Act to amend Section 64 of Chapter 15 of the Revised Statutes, relating to the tuition of pupils in secondary schools. On motion by Mr. Hastings of Oxford, all the foregoing bills were tabled for printing pending reference, that Senator stating that his action was in accordance with the request of Senator Knowlton.

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

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

#### Railroads and Expresses.

By Mr. Osgood of Androscoggin: Bill, An Act to authorize the Receiver of the Eustis Railroad Company to dispose of the property of said Company.

By Mr. Milliken of Aroostook: Petition of J. H. McGowar and 9 others of Ashland for the passage of the transferable mileage bill.

Also: Petition of Horace Gardner and 14 others of Wesley for same.

Also: Petition of Joseph A. Hatt of Wesley, for the passage of an act enlarging the powers of Railroad Commissioners.

Also: Petition of A. A. Huntington and 12 others of Bradford, for same.

Also: Petition of W. H. Bither and 26 others of Linneus for the passage of the transferable mileage bill.

Also: Petition of A. B. DeWitt and 37 others of Bradford for same.

Also: Petition of E. G. Tilley and 96 others of Ashland for same.

By Mr. Wyman of Washington: Bill, An Act to amend Section 2 of Chapter 153 of the Public Laws of 1907, relating to the issuance and acceptance of free transportation by State officials. On motion by Mr. Milliken of Aroostook this bill was tabled for printing, pending reference.

#### Interior Waters.

By Mr. Irving of Aroostook: Petition of W. E. Ross and 24 others in favor of An Act to authorize the plantation of Portage Lake to erect, maintain and control a wharf in Portage Lake.

Also: Bill, An Act to authorize the Plantation of Portage Lake to erect, maintain and control a wharf in Portage Lake, in the County of Aroostook.

#### State Lands and State Roads.

By Mr. Walker of Hancock: Bill, An Act to confirm the title of Ram Island in Hancock County.

By Mr. Therriault of Aroostook: Resolve authorizing the State Land Agent to sell certain lots in the Towns of St. Agatha and Madawaska in Aroostook County.

By Mr. Emery of Franklin: Resolve authorizing the Land Agent to sell certain lands in T. 3, R. 3, Franklin County.

Also: Resolve authorizing Land Agent to sell certain lands in west half T. 2, R. 2, Franklin County.

#### Ways and Bridges.

By Mr. Shaw of Kennebec: Petition of D. E. Decker and 29 others in favor of State Aid in the construction of a bridge across the Kennebec River at Pishon's Ferry, so called.

Also: Petition of Isaac Keen and 21 others in favor of same.

By Mr. Milliken of Aroostook: Petition of Arlington Day and 14 others of Wesley for the passage of a bill for state aid for bridges.

Also: Petition of G. O. Larrabee of Bradford, for same.

By Mr. Donigan of Somerset: Resolve in favor of the Town of Concord, County of Somerset.

Also: Resolve in favor of the Maine State Prison.

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### Temperance.

### Inland Fisheries and Game.

By Mr. Looney of Cumberland: Bill, An Act to prohibit fishing in the tributaries of Big Rattlesnake and Panther Ponds in the County of Cumberland.

Also: An Act to regulate ice fishing in Big Rattlesnake and Panther Ponds in the County of Cumberland.

By Mr. Osgood of Androscoggin: Petition of Alanson Rose and 39 others to authorize the building of a screen at the outlet of Allen Pond in Androscoggin County.

By Mr. Kellogg of Penobscot: Petition of Percy R. Hussey and 52 others of Patten and vicinity in favor of an act prohibiting the throwing of sawdust into Kimball Brook, Shin Pond, Sebois Stream of the East Branch of the Penobscot River, and Fish Stream in the Town of Patten which flows into West Branch of the Mattawamkeag River.

Also: Petition of John S. Bridges and 6 others of Washington County, asking for bounty on bears.

### Sea and Shore Fisheries.

By Mr. Wheeler of Cumberland: Petition of W. E. Hunt and 41 others of Harpswell, for change in the lobster laws.

### Towns.

By Mr. Hamilton of York: Bill, An Act to divide the Town of York and establish the Town of Yorktown.

### Pensions.

By Mr. Hastings of Oxford: Resolve in favor of Daniel R. Palmer of Buckfield.

### State Prison.

By Mr. Walker of Hancock: Resolve in favor of the Maine State Prison.

Also: Bill, An Act to amend Section 1 of Chapter 116 of the Revised Statutes, which provides for a salary of \$300 for teacher at the State Prison and \$250 for Chaplain.

By Mr. Wheeler of Cumberland: Petition of John Whitman and 46 others of Upper Gloucester in favor of retention of Sturgis Law.

Also: Petition of C. R. Atwood and 63 others of Upper Gloucester for mandatory imprisonment for liquor sellers.

Also: Remonstrance of Tristram S. Blake and 34 others of Yarmouth, against resubmission.

By Mr. Milliken of Aroostook: Bill, An Act to make uniform the standard relating to the percentage of alcohol in intoxicating liquors. On motion by Mr. Milliken of Aroostook this bill was tabled for printing, pending reference.

By Mr. Knowlton of Piscataquis: Petition of A. S. Merrill and 36 others of Parkman in favor of retaining Sturgis Law.

Also: Remonstrance of S. A. Bussell and 38 others of Parkman against resubmission of prohibitory amendment.

Also: Petition of S. A. Bussell and 38 others of Parkman for repeal of prohibitory law, relating to mandatory imprisonment of liquor sellers.

By Mr. Wheeler of Cumberland: Petition of Tristram S. Blake and 32 others of Yarmouth, for mandatory imprisonment for liquor sellers.

Also: Remonstrance of J. M. Sturgis and 59 others of Upper Gloucester, against resubmission.

### Taxation.

By Mr. Hamilton of York: Bill, An Act to amend Chapter 8 of the Revised Statutes, relating to taxation of Loan and Building associations.

By Mr. Knowlton of Piscataquis: Bill, An Act to amend Section 6 of Chapter 9 of the Revised Statutes in relation to taxation of real estate. On motion by Mr. Staples of Knox, at the request of Mr. Knowlton of Piscataquis, this bill was tabled for printing pending reference.

### Placed on File.

By Mr. Hastings of Oxford: Peti-

tion of James S. Wright and 28 others of South Paris in favor of the Optometry Bill.

#### Reports of Committees.

Mr. Howes, for the Committee on Agriculture, on "An Act to amend Sections 17, 18, 19, 20, 26 and 30 of Chapter 39 of the Revised Statutes relating to the sale and regulation of commercial fertilizers, feeding stuffs and agricultural seeds" reported same in new draft under same title and that it ought to pass.

Mr. Knowlton, for the Committee on Education, on bill "An Act to amend Section 112 of Chapter 15 of the Revised Statutes, relating to Normal Schools and training schools," reported that same ought to pass.

The same Senator for the same Committee, on Bill "An Act to amend Section 65 of Chapter 15 of the Revised Statutes, relating to free high schools," reported that the same ought to pass.

Mr. Milliken, for the same Committee, on Bill "An Act to amend Section 91 of Chapter 15 of the Revised Statutes, relating to public schools," reported that the same ought to pass.

The same Senator for the same Committee, on Bill "An Act relating to the welfare of school children," reported that same ought to pass.

The same Senator for the same Committee, on Bill "An Act to amend Section 17 of Chapter 15 of the Revised Statutes, relating to public schools," reported that same ought to pass.

Mr. Walker, for the same Committee, on Bill "An Act to amend Section 115 of Chapter 15 of the Revised Statutes, relating to public schools," reported that the same ought to pass.

Mr. Wyman, for the Committee on Inland Fisheries and Game, on Bill, "An Act to regulate fishing for black bass, white perch and smelts in the Belgrade chain of lakes, so called, in the counties of Kennebec and Somerset," submitted the same in new draft under the same title.

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

The Committee on ways of Bridges, on Bill "An Act to provide for the

ownership and maintenance of highway bridges by the State and the construction of such bridges by the State, Counties and Towns," submitted a majority and a minority report; the minority report in new draft under title of "An Act relating to the construction and maintenance of bridges," and that it ought to pass, (Signed) Theriault, Wyman and Rounds for the Committee; the majority report, in new draft under title of "An Act to provide for the ownership and maintenance of highway bridges by the State, and construction of such bridges by the State, Counties and Towns," and that it ought to pass, (Signed) Messrs. Dorr, Holt, Doble, Drake, Cole, Donigan, Robbins. On motion by Mr. Theriault of Aroostook, the foregoing reports were tabled for printing together with the accompanying bills; and on his motion, it was voted that 500 extra copies be printed, both of the reports and the accompanying bills.

At the request of the President, Senator Staples of Knox took the Chair and presided.

#### Passed To Be Engrossed.

An Act to change the name of the Augusta City Hospital.

An Act to extend the charter of the Rumford Falls and Bethel Street Railway.

An Act relating to the choice of assessors in towns.

An Act for the better protection of oysters in Sheepscot and Dyer's Rivers, Lincoln County, Maine.

Resolve for the purpose of operating fish hatcheries and feeding stations for fish and for the protection of fish. On motion by Mr. Gowell of York, this resolve was tabled pending its passage to be engrossed.

Resolve for the purpose of erecting a fish hatchery in Knox County.

An Act to extend the charter of the Waldo Street Railway Company.

Resolve in favor of the Town of Patton in Penobscot County.

An Act to amend Section 1 of Chapter 51 of the Revised Statutes relating to increase of stock of railroad corporations.

Resolve to amend Chapter 32 of the

Resolves of 1995 relating to dairying interests of the State of Maine. On motion by Mr. Hamilton of York, this bill was tabled pending its second reading.

Resolve, in favor of Mrs. Rebecca W. Carroll, widow—formerly widow of Enoch Lurvey, Jr., late First Sergeant, Co. H, Fourth Regiment of Infantry, Maine Volunteers, with subsequent service in the United States navy, who was lost at sea December 24, 1867.

#### Passed to Be Enacted.

An Act to extend the charter of the Mattagamon Manufacturing Company.

An Act to authorize the Artesian Water Company to issue bonds.

An Act relating to the extension of the Fryeburg Horse Railroad.

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

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

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

An Act to amend the charter of the city of South Portland.

An Act to amend the charter of the city of South Portland.

An Act to extend the charter of the People's Trust Company of Houlton, and to amend the same.

An Act to amend Sections 27 and 28 of Chapter 9 of the Revised Statutes, relating to taxation.

An Act to amend the charter of the Maine and New Brunswick Electrical Power Company, Limited.

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

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

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

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

An Act entitled An Act to incorporate the Baker & Spencer Brook Dam and Improvement Company.

An Act to provide for ice fishing in

Round pond in the town of Greenwood, Oxford county.

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 Subdivision 5, Section 23, Chapter 48, of the Revised Statutes, relating to investment of deposits of savings banks.

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

An Act to amend Section 1 of Chapter 24 of the Public Laws of 1907, in relation to reports of hearings in vacation in law or equity.

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 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 amend Section 1 of 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.

An Act to amend Section 24 of Chapter 252 of the Private and Special Laws of 1895 relating to the school committee of the city of South Portland.

#### Finally Passed.

Resolve in favor of the Augusta City hospital.

Resolve in favor of the town of Ashland.

Resolve in favor of York hospital.

Resolve in favor of Healey asylum.

Resolve in favor of Bangor Children's Home.

Resolve in favor of the Maine General hospital.

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

Resolve in favor of Knox County General hospital.

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

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

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



Resolve in favor of the Good Samaritan Home at Bangor.

Resolve in favor of St. Marie's General hospital.

Resolve providing for assistance in rebuilding the East Branch bridge, in the town of Oakfield.

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

#### Orders of the Day.

On motion by Mr. Shaw of Kennebec, Senate Doc. No. 173, "An Act in relation to medical expert evidence," was taken from the table and on further motion by the same Senator, was referred to the Committee on Judiciary.

On motion by the same Senator, House Doc. No. 62, "An Act relating to holidays," was taken from the table. On further motion by the same Senator Amendment A "Amend by striking out Section 2," was adopted.

On motion by Mr. Hamilton of York, the bill as amended was tabled pending its second reading.

On motion by Mr. Wheeler of Cumberland, Senate Doc. No. 152, "An Act to exempt certain public bonds from taxation," was taken from the table. On further motion by the same senator, Senate Amendment A was adopted and the bill as amended took its first reading.

On motion by Mr. Hamilton of York, Senate Doc. No. 159, "Resolve providing for the purchase and distribution

of Savage's Supplemental Digest of the Maine Reports," was taken from the table. On further motion by the same Senator, the bill took its second reading and was passed to be engrossed.

Mr. Osgood of Androscoggin: Mr. President, no doubt the Senators are aware that we have to elect our State Treasurer, that matter having been postponed from the early part of the session. I believe, according to information received today, that it is assigned for today. I therefore move that we proceed to a joint convention for the purpose of electing a State Treasurer.

The motion prevailed and the Secretary was instructed to convey a message to the House calling for a joint convention.

At this point the President resumed the Chair.

The Secretary subsequently reported that he had delivered to the House the message with which he was charged.

Mr. THOMPSON, Clerk of the House: I am charged with a message from the House to the effect that the House concurs with the proposition of the Senate, to hold a convention in the hall of the House forthwith, for the purpose of electing a Treasurer of State for the years 1909-1910.

The Senate thereupon repaired to the Hall of the House.

On the return of the Senate to their chamber.

On motion by Mr. Lowe of Androscoggin, the Senate adjourned.