

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

SENATE.

Thursday, Feb. 18, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. Hope of Augusta.

Journal of 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 Friday, February 19, at 9 o'clock in the forenoon.

Subsequently this order was returned from the House, that Branch concurring in its passage.

Bill, "An Act to amend Chapter 4 of the Revised Statutes relating to the better protection of sheep." This bill came from the House, by that Branch referred to the committee on Agriculture. On motion by Mr. Howes of Somerset, the same was tabled for printing pending reference.

"Resolve in favor of a memorial statute and tablet to Lincoln." This Resolve came from the House, by that Branch passed to be engrossed without reference to a Committee. Under suspension of the rules, the resolve was passed, took its two several readings in the Senate and was passed to be engrossed.

Bill, "An Act to confirm and make valid the organization of the Andover Water Company and authorize it to issue bonds and expand its plant," having been passed to be engrossed by the Senate, as amended by Senate Amendment A, was returned from the House, that Branch having adopted House Amendment A and Senate Amendment A in concurrence. On motion by Mr. Milliken of Aroostook, the vote whereby the Act was passed to be engrossed in the Senate was reconsidered and on his further motion, House Amendment A was adopted in concurrence and the bill as amended by Senate Amendment A and House Amendment A was passed to be engrossed.

House Bills Read and Assigned.

An Act to authorize the town of Robinston to erect and maintain a wharf into the tide waters of the St. Croix River in the town of Robinston, County of Washington.

An Act to regulate the duties of the commissioner of Agriculture in relation to the manufacture, transportation and sale of dairy products and their imitation. (House Amendment A adopted in concurrence.)

Resolve in favor of Joseph A. Mitchell, representative of the Passamaquoddy Tribe of Indians.

Resolve in favor of Charles D. Mitchell, representative of the Penobscot Tribe of Indians.

A communication was received from the secretary of State, transmitting the report of the Board of Assessors for the year 1908. On motion by Mr. Wheeler of Cumberland, the same was referred to the Committee on Taxation.

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

Judiciary.

By Mr. Reynolds of Kennebec: Bill, An Act to incorporate the Penobscot Bay Water Company.

By Mr. Osgood of Androscoggin: Petition of J. Z. Campbell of Lewiston and 35 others in favor of the Optometry Bill.

By Mr. Looney of Cumberland: Petition of Charles A. Maxwell and 9 others requesting an amendment to the constitution giving the right of suffrage to women.

By Mr. Donigan of Somerset: Petition of A. K. Butler and 20 others of Skowhegan in favor of the Act to regulate the practice of optometry.

Appropriations and Financial Affairs.

By Mr. Walker of Hancock: Resolve in favor of Lewis Barrows for services as page of the Senate.

Railroads and Expresses.

By Mr. Milliken of Aroostook: Petition of J. W. Peasley and 7 others of Jonesport for the Transferable Mileage Bill.

Also: Petition of J. W. Peasley and 7 others of Jonesport for the act extending the powers of the Railroad Commissioners.

Also: Petition of J. E. Draper and 4 others of Monson for the Transferable Mileage Bill.

Also: Petition of Royal H. Pettingill and 6 others of Howland for the passage of An Act enlarging the powers of Railroad Commissioners.

Also: Petition of William A. Scott and 11 others of Hammond Plantation for same.

Also: Petition of W. C. Glidden and 8 others of Chester and Winn for same.

Also: Petition of Allie Spruce and 19 others of Milford for same.

Also: Petition of D. E. Hunt and 14 others of Crystal for same.

Also: Petition of Frank L. Longstaff and 14 others of Crystal for the passage of the Transferable Mileage Bill.

Also: Petition of H. L. Plummer and 60 others of Oakfield for same.

Also: Petition of William C. Hill and 6 others of Howland for same.

Also: Petition of John W. Davidson and 11 others of Hammond Plantation for same.

Also: Petition of C. E. Stratton and 8 others of Chester and Winn for same.

Also: Petition of Theo H. Violette and 20 others of Milford for same.

Also: Petition of Millard Metcalf and 32 others of Greenville for same.

By Mr. Irving of Aroostook: Petition of A. A. Stewart and 42 others of Houlton in favor of same.

Agriculture.

By Mr. Boynton of Lincoln: An Act for the licensing of dogs and for the better protection of sheep. On motion by Mr. Boynton of Lincoln this bill was tabled for printing pending reference.

Interior Waters.

By Mr. Mullen of Penobscot: Bill, An Act authorizing and empowering Albert C. Page and R. G. Leonard to erect and maintain a boom and piers in Passadumkeag river.

Ways and Bridges.

By Mr. Milliken of Aroostook: Petition of John S. Snell and 11 others of Hammond Plantation for passage of a bill for State aid for bridges.

Also: Petition of M. F. Scott and 7 others of Chester and Winn for same.

Also: Petition of Charles Longley and 19 others of Milford for same.

Petition of C. B. Campbell and 14 others of Crystal for same.

Also: Petition of Gordon McKay and 6 others of Howland for same.

By Mr. Shaw of Kennebec: Petition of L. P. Ricker and 10 others in favor of State aid in building a bridge across the Kennebec River at Pishon's Ferry so called.

Inland Fisheries and Game.

By Mr. Hastings of Oxford: Bill, An Act for the protection of grey squirrels upon certain territory in the town of Fryeburg.

Also: Bill, An Act for the protection of grey squirrels in the town of Waterford.

Temperance.

By Mr. Irving of Aroostook: Petition of George L. Varney and 49 others of Peaks Island in favor of the Hasting Bill.

Also: Petition of F. A. Gray and 44 others for retention of the Sturgis Law.

Also: Remonstrance of Charles W. Blackman and 47 others of Peaks Island against resubmission.

Placed On File.

By Mr. Milliken of Aroostook: Petition of J. B. Brown and 8 others of Jonesport for State and county aid for bridges.

Also: Petition of C. E. Sargent and 4 others of Monson for same.

Read and Assigned.

An Act relating to the welfare of School Children.

An Act to amend Section 91 of Chapter 15 of the Revised Statutes relating to public schools.

An Act to amend Section 17 of Chapter 15 of the Revised Statutes relating to public schools.

An Act to amend Section 115 of Chapter 15 of the Revised Statutes relating to public schools.

An Act to amend Section 55 of Chapter 15 of the Revised Statutes relating to free high schools.

An Act to amend Section 112 of Chapter 15 of the Revised Statutes relating to normal schools and training schools.

An Act to regulate fishing for black bass, white perch and smelts in the Belgrade Chain of Lakes so called in the County of Somerset.

Senate Reports.

Mr. Baxter, for the Committee on Judiciary, on opinion of the Justices of the Supreme Judicial Court on certain questions involving the power of the legislature to prohibit, regulate or restrict the cutting or destruction of trees on uncultivated land, reported that same be placed on file.

Mr. Shaw, for the Committee on Public Buildings and Grounds, on that part of the Governor's message relative to condition of the State Capitol Buildings, reported no further action necessary as that Committee have already reported a Resolve on the same subject matter.

The foregoing reports were accepted.

Mr. Baxter, for the Committee on Judiciary, on Bill, "An Act to amend the charter of the Peaks Island Gas Company," reported that same ought to pass.

Mr. Mullen, for the Committee on Railroads and Expresses, on Bill, "An Act to amend Section 10 of Chapter 53 of the Revised Statutes, relating to powers of railroad commissioners" reported same in new draft under same title and that it ought to pass.

The same Senator for the same Committee, on Bill, "An Act relating to change of names of railroads and other corporations," submitted same in new draft under title of "An Act relating to returns of corporations" and that it ought to pass.

The same Senator for the same Committee on 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," reported same ought to pass.

Mr. Eaton, for the Committee on Appropriations and Financial Affairs, on

Resolve in favor of the Commission appointed to investigate the methods of scaling logs and lumber," reported same ought to pass.

Mr. Osgood, for the same Committee, on "Resolve in favor of the Town of Phippsturg," reported that same ought to pass.

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

Mr. Osgood for the Committee on Appropriations and Financial Affairs, on "Report of Commission to investigate advisability of creating State Board of Charities and Corrections," reported that same be placed on file.

Passed to Be Engrossed.

An Act to amend the charter of the Relief Association of the Portland Fire Department.

An Act authorizing the Merrill Springer Company to make, generate, sell, distribute and supply gas or electricity, or both, for lighting, heating, manufacturing or mechanical purposes.

An Act in relation to insurance upon automobiles.

Resolve in favor of the Daughters of Wisdom of the town of St. Agatha, Maine.

Resolve in favor of the Maine School for the Deaf.

An Act to incorporate the North Yarmouth Water Company.

Resolve in favor of the Children's Protective Society of Portland.

An Act to amend and correct a clerical error in Chapter 84, of the Public Laws of 1905, relating to the compensation of the clerk to the commissioners of inland fisheries and game.

An Act to amend Section 9 of Chapter 127 of the Revised Statutes of Maine, relating to cheating by false pretenses.

An Act designing the official flag of the State of Maine, and describing the same; providing for the carrying of such flag by the regiments of the National Guard of the State of Maine; authorizing the adjutant general of

the State to provide, and have deposited in the office of the adjutant general, a model of said flag, and making an appropriation therefor.

An Act to incorporate the Universal Electric Light and Power Co.

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

An Act to extend the charter of the Sandy River Trust Co.

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

An Act relating to the examination of trust companies and savings institutions.

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

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

An Act to extend the charter of the Winter Harbor Trust Co.

An Act to extend the charter of the Ocean and Northern Railroad Co.

An Act to extend the charter of the Lincoln Electric Railway Co.

An Act to extend the charter of the Lincoln County Street Railway.

An Act to amend the charter of the city of Ellsworth.

An Act relating to temporary crossings over railroads for lumbering purposes.

An Act to authorize the construction of a weir in tide waters of the Saint Croix river in the town of Robbinston.

An Act relative to the use of the Cinematograph.

Resolve in favor of Hon. George H. Eaton, chairman of the committee on appropriations and financial affairs.

Resolve in favor of the town of Cornville.

Resolve in relation to Fort William Henry in the town of Bristol.

Resolve in favor of the Northern Maine General hospital of Eagle Lake.

Resolve in Favor of the W. C. T. U. Temporary Home for Children.

Resolve in favor of Maine Children's home Society.

Resolve in favor of the Webber Hospital Association of Biddeford.

Resolve in aid of navigation on Moosehead lake.

Resolve in favor of the town of Lisbon.

Resolve in favor of the town of Leeds.

Resolve in favor of the town of Paris, Oxford county, Maine.

Resolve in favor of E. and I. K. Stetson, agents.

Resolve for the providing for testimonials for the honorably discharged soldiers and sailors who volunteered from Maine for service in the Civil war.

Resolve for extra pay to the Maine volunteers in war with Spain.

Resolve in favor of the Children's Heart Work Society of Maine.

Resolve in regard to appropriation due Spanish war veterans for services rendered.

Resolve in favor of an appropriation for a breakwater in Moosehead lake.

Resolve in favor of navigation on Sebec lake.

"An Act authorizing the construction of a wharf in Casco Bay, Portland." On motion by Mr. Baxter of Cumberland, Senate Amendment A "Amend Senate Document 177, by striking out the word "private" in line 6, Section 1, and by striking out the word "private" in line 8, Section 2, was adopted and the bill as amended was passed to be engrossed.

"Resolve in favor of aid in building a highway bridge across the East Branch of the Penobscot River in the Town of Medway." On motion by Mr. Wyman of Washington, this bill was tabled pending its second reading.

"An Act in relation to supplies furnished any person or family while placed in quarantine by the Board of Health." On motion by Mr. Shaw of Kennebec, this bill was tabled, pending its second reading.

Passed to Be Enacted.

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

Resolve in favor of Daniel Lineo.

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.

Mr. WYMAN of Washington: Mr. President, this act is one which comes under the emergency law, and which was passed two years ago by the unanimous request of the lobster fishermen of Hancock County. They find

that it has not worked to their advantage, as they expected it would, and they now wish to have attached to that the emergency clause, which requires a two-thirds vote of the Senate.

A vote being had 22 Senators voted in favor of the passage of the Act, and the same was passed to be enacted.

Resolve providing for the payment of claims, accounts and demands against the State, accrued during the year 1908, on account of the deficiency in appropriation for the prevention and extinguishment of forest fires.

The PRESIDENT: This Resolve also has attached to it an emergency clause which requires an affirmative vote of the members elected to the Senate, in order that it may be passed.

A vote being taken, 22 Senators voted in favor of its passage and the resolve was finally passed.

Orders of the Day.

On motion by Mr. Osgood of Androscoggin, Senate Doc. 174, "An Act making it unlawful for judges and other officers charged with the execution of the law to hold other offices during their terms," was taken from the table.

Mr. OSGOOD: Mr. President and Senators: I do not know the author of this unjust act, but I do know that it is aimed very largely and principally at my own city and at my own mayor. It has been the custom by many misguided citizens in my county in years that have flown to apply to this legislature for some fancied grievance or fancied relief; and this is in perhaps the line of that argument. I am sorry to say, sir, that in some cases their prayers have been answered; but I feel today that there is too much justice and too much business sense in this body of distinguished gentlemen to listen very long to such an appeal.

Mr. President, were I disposed to be discourteous, I should move here, and today, the indefinite postponement of this act; but I was taught by my dear father and mother that the first requisite of a gentleman was to be kind, and to be obliging, and to be courteous; and inasmuch, sir, as this act was introduced by a colleague, the gentlemen from the City of Auburn, and as

he himself is a member of that Committee, I will not enlarge upon that further at this time; but out of courtesy to him, I move the reference of this act to the Judiciary Committee.

The motion prevailed and the bill was referred to the Committee on Judiciary.

On motion by Mr. Looney of Cumberland, Senate Document No. 205, "An Act regulating annulment of marriage and divorce," was taken from the table, and on further motion by the same Senator, the same was referred to the Judiciary Committee.

On motion by Mr. Hastings of Oxford, there were taken from the table the following documents, namely:

Senate Doc. No. 194, "An Act for the safeguarding of schools against danger from fire."

Senate Doc. No. 195, "An Act to amend Section 113 of Chapter 15 of the Revised Statutes, relating to the duties of the Trustees of State Normal Schools."

Senate Doc. No. 196, "An Act for the equalization of school privileges."

Senate Doc. No. 197, "An Act relative to school outhouses."

Senate Doc. No. 198, "An Act to amend Section 2 of Chapter 15 of the Revised Statutes relating to the conveyance of pupils."

Senate Doc. No. 199, "An Act to amend Section 64 of Chapter 15 of the Revised Statutes relating to the tuition of pupils in secondary schools."

Senate Doc. No. 200, "An Act to amend Section 28 of Chapter 15 of the Revised Statutes relating to the duties of the municipal officers of towns."

On further motion by the same Senator, the foregoing documents were referred to the Committee on Education.

On motion by Mr. Macomber of Kennebec, House Document No. 140, "An Act to appropriate moneys for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases," was taken from the table, and on further motion by the same Senator, the bill was passed to be engrossed.

On further motion by the Same Senator, Senate Document No. 115, "An

Act additional to Chapter 144 of the Revised Statutes, providing for the recovery of money improperly paid by the State for the support of insane paupers," was taken from the table.

Mr. MACOMBER: Mr. President, this bill is one of those peculiar propositions, a sort of cart-before-the-horse arrangement that sometimes gets into this legislature. It prescribes duties for the Looney Commission, so called, and as they have gone out of business for a couple of years, there does not seem to be very much

necessity for this measure. I move that it be indefinitely postponed.

The motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Wheeler of Cumberland, Senate Document No. 201, "An Act to incorporate the Brunswick Power Company," was taken from the table. On further motion by the same Senator, the bill was referred to the Committee on Legal Affairs, in concurrence.

On motion by Mr. Walker of Hancock, the Senate adjourned.