

MAINE STATE LEGISLATURE

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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.

Monday, March 15, 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.

House Bills Read and Assigned.

An Act to authorize the Sebasticook Power Company to issue additional bonds.

An Act legalizing the assessment and commitment of taxes in the city of Ellsworth for the years 1903 and 1904.

An Act to amend Section 45 of Chapter 123 of the Public Laws of 1905, as amended by Chapter 43 of the Public Laws of 1907, entitled "An Act for the protection of children."

An Act to provide for a fire and police commission for the town of Skowhegan.

An Act to amend Section 7 of Chapter 99 of the Revised Statutes relating to judgments in bastardy cases.

An Act to incorporate the Woodland Light and Water Company.

An Act to amend Section 88 of Chapter 84 of the Revised Statutes relating to empanelling of traverse jurors.

An Act relating to the fees of the city clerk and treasurer and collector of Portland.

An Act to amend Section 1 of Chapter 96 of the Private and Special Laws of 1905. (House Amendment A adopted in concurrence.)

An Act to amend Section 1 of Chapter 166 of the Private and Special Laws of 1887, entitled "An Act creating the Fort Fairfield Village Corporation," as amended by Chapter 303, of the Private and Special Laws of 1905, and as amended by Chapter 116 and by Chapter 210 of the Private and Special Laws of 1907.

An Act to regulate the hunting of ducks and other water fowl in Bluehill Bay and Eggmoggin Reach, so called.

An Act to regulate fishing in Pierce pond, so called, in Somerset county.

An Act to amend Section 1 of Chap-

ter 407 of the Private and Special Laws of 1903, as amended, relating to fishing in Hayden lake, so called, in the town of Madison, in Somerset county.

Resolve in favor of the town of Old Orchard for abatement of taxes for the years 1907 and 1908.

Resolve in favor of Israel H. Cross of Lincolnville.

An Act to amend Section 11 of Chapter 93 of the Acts and Resolves of 1878, relative to the establishment of a municipal court in the town of Portland.

Bill, An Act to amend Section 10, Chapter 433 of the Private and Special Laws of 1907, entitled "An Act to incorporate the Portland Water District" came from the House by that branch indefinitely postponed. On motion by Mr. Looney of Cumberland, the Senate voted to recede and to concur with the House in the indefinite postponement of the bill.

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

Judiciary.

By Mr. Baxter of Cumberland: Bill, An Act relating to free transportation.

Appropriations and Financial Affairs.

By Mr. Looney of Cumberland: Resolve in favor of Maine Industrial School for Girls.

Also: Bill, An Act relating to the transfer of certain trust funds to the Maine Industrial School for Girls.

Insane Hospitals.

By Mr. Eaton of Washington: Bill, An Act to amend Section 4 of Chapter 144 of the Revised Statutes relating to insane hospitals.

Placed on File.

By Mr. Milliken of Aroostook: Petition of S. A. Davis and 45 others of Winn, for passage of transferable mileage bill.

Also: Petition of E. M. Davis and 47 others of Winn for the passage of An Act enlarging the powers of the railroad commissioners.

Also: Petition of L. K. Reed and 45 others of Winn for passage of bill for State aid for bridges.

Read and Assigned.

An Act to regulate fishing in Medomac river and its tributaries in the towns of Union, Washington, Appleton and Liberty.

An Act to prohibit the use of boats or launches of any kind propelled by steam, naphtha, gasoline or electricity, or any other mode than the ordinary sailboat or rowboat in chasing, hunting or gunning any sea birds or other water fowl in the inland waters of the State.

An Act prohibiting the depositing of sawdust and other mill waste in Jackson Mill stream and Joe Weeks' mill stream in Lincoln county.

An Act relating to the powers of the board of prison and jail inspectors.

Resolve in favor of the town of Mount Chase.

An Act to amend Chapter 15 of the Revised Statutes in relation to education.

An Act to amend Section 13 of Chapter 15 of the Revised Statutes relating to public schools.

An Act authorizing the Maine Missionary Society to change its corporate name.

An Act to amend Section 89 of Chapter 4 of the Revised Statutes relating to right to take land for parks, squares and public libraries.

An Act authorizing and empowering Albert C. Page and Roger G. Leonard to erect and maintain a boom and piers in the Passadumkeag river.

An Act to prohibit the use of firearms fitted with any device to deaden the sound of explosion.

Resolve in favor of Adelbert F. Williams.

Resolve in favor of the Northern Telegraph Co.

An Act relating to corporations.

Resolve in favor of Macwahoc plantation for \$100 on account of State road constructed in the year 1907.

Resolve in favor of the town of Frenchville for \$145.75 to be paid to the town of Frenchville on account of State road constructed in 1908.

An Act to amend Sections 69 and 70 of Chapter 8 of the Revised Statutes relating to the taxation of collateral inheritances.

Resolve in favor of Kingman in the county of Penobscot and Frenchville in the county of Aroostook.

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 provide for the taxation of National Bank deposits," contained in said report and recommended by said commission," reported same ought not to pass.

The same senator for the same committee on "report of the Maine Tax Commission appointed under provision of Chapter 108, Resolves of 1907, submitted "Memorial to Congress" and that the same be adopted. (The accompanying memorial was read and on motion by Mr. Wheeler of Cumberland the same was adopted.)

Mr. Mullen for the same committee on "report of the Maine Tax Commission appointed under provision of Chapter 108, Resolves of 1907," reported that same be placed on file.

Mr. Hill for the committee on agriculture on Bill, "An Act to establish public abattoirs in cities in the State," reported same ought not to pass.

The foregoing reports were accepted.

Passed To Be Engrossed.

An Act granting additional privileges to the Peaks Island Gas Co.

An Act to authorize the Bar Harbor and Union River Power Co. to acquire the property and franchise of the Ellsworth Power Supply Co.

An Act to amend Section 63 of Chapter 15 of the Revised Statutes relating to the payment of tuition in secondary schools.

Resolve providing for deficiency in appropriation for expenses of Australian ballot for the year 1908.

Resolve in favor of Harry R. Coolidge.

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

An Act in relation to exceptions and appeal in criminal cases. (On motion by Mr. Staples of Knox, the bill was tabled pending its passage to be engrossed). Subsequently on motion by

the same senator this bill was taken from the table and passed to be engrossed.

An Act to amend Sections 35, 37 and 41 of Chapter 8 of the Revised Statutes relating to taxation of telegraph and telephone companies. (On motion by Mr. Baxter of Cumberland, this bill was amended by the adoption of Senate Amendment A, and as amended was passed to be engrossed). Subsequently on motion by Mr. Wheeler of Cumberland this bill was tabled pending passage to be engrossed.

An Act to regulate the taking of white perch. (On motion by Mr. Wyman of Washington, this bill was amended by the adoption of Senate Amendment A; and as amended, the bill was passed to be engrossed).

Resolve in favor of a road from the town of Brownville to the Katahdin Iron Works. (On motion by Mr. Hamilton of York, this resolve was tabled pending its second reading).

An Act to incorporate the Brewer Water Co.

An Act to amend Section 13 of Chapter 9 of the Revised Statutes, relating to the assessment of taxes on logs and lumber. (On motion by Mr. Reynolds of Kennebec, this bill was tabled pending its second reading).

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. Hamilton of York, this bill was tabled pending its passage to be engrossed).

An Act to amend Sections 42 and 44 of Chapter 8 of the Revised Statutes as amended by Chapter 167 of the Public Laws of 1907 relating to taxation of express companies. (On motion by Mr. Wheeler of Cumberland, this bill was tabled pending its passage to be engrossed).

Finally Passed.

Resolve in favor of aid in building a bridge across Fish river.

Orders of the Day.

On motion by Wheeler of Cumberland, Senate Document No. 339, "An Act to amend Sections 42 and 44 of Chapter 8 of the Revised Statutes as amended by Chapter 167 of the Public

Laws of 1907 relating to taxation of express companies;" also Senate Document No. 390, "An Act to amend Sections 35, 37 and 41 of Chapter 8 of the Revised Statutes, relating to taxation of telephone and telegraph companies," were taken from the table; and on his further motion, these bills were recommitted to the committee on taxation.

On motion by the same senator, House Bill No. 511, "An Act to amend Section 13 of Chapter 9 of the Revised Statutes, relating to the assessment of taxes on logs and lumber," was taken from the table; and on his further motion, the same was recommitted to the committee on taxation).

On motion by Mr. Hastings of Oxford, Senate Document No. 234, "An Act to incorporate the Vinalhaven Water Co.," was taken from the table; and on his further motion, the vote whereby the bill was passed to be engrossed was reconsidered; Senate Amendment A was adopted; and as amended the bill was passed to be engrossed.

On motion by Mr. Hastings of Oxford, Senate Document No. 337, "An Act to incorporate the Union Cemetery Improvement Co.," was taken from the table; and on his further motion, Senate Amendment A was adopted; and as amended, the bill was passed to be engrossed.

On motion by the same senator, House Document No. 496, "An Act to incorporate the Maine Boiler Inspection Co.," was taken from the table; and on his further motion, Senate Amendment A was adopted; and the bill as amended took its second reading and was passed to be engrossed.

Mr. BAXTER of Cumberland: Mr. President: I ask unanimous consent to recall from the files the report of the Portland and South Portland delegations on bill, "An Act amending the charter of the Portland Water District."

The consent of the Senate was given to such recall.

On motion by the same senator, the Senate reconsidered its acceptance of the report of the delegations; and on further motion by the same senator,

the bill was recommitted to the Portland and South Portland delegations.

On motion by Mr. Macomber of Kennebec, Senate Document No. 357, "An Act to amend an act relating to the police court for the city of Rockland," was taken from the table.

Mr. MACOMBER: Mr. President: The situation in this bill, as I understand it, is this. The bill provides for the salary of the judge and recorder of the Rockland municipal court; and further provides that this expense shall be borne by the county instead of by the city of Rockland; and in this respect it undertakes to make the payment of the salaries in this court the same as that of other municipal courts in the State. This bill was referred, as I understand it, to the committee on legal affairs; and it came to that committee on a petition signed by practically all the attorneys of Knox county. The committee heard the petition and reported unanimously, including, as I understand, the senator from Knox, in favor of the petition. A few weeks ago there was an election in Rockland and it changed somewhat; and it evidently occurred to the county commissioners, all of whom are residents of towns outside of Rockland, that here was an opportunity to make a little capital one way or the other; so they came over and asked to have this recommitted to the committee for the purpose of having these bills paid by the county instead of the city of Rockland. The Senate voted to recommit, and the bill went over to the House, and the House voted the other way and sent it back here. I now move that we reconsider our action whereby voted to recommit this to the committee on legal affairs; and that it take its usual course.

Mr. STAPLES of Knox: Mr. President: I am somewhat surprised that the senator from Kennebec should drag in any idea of politics in connection with this bill. I am aware of some things in which the gentleman from Kennebec is very much interested in political matters in the future in Knox county, but we have no desire to drag this into politics. This matter came before the legal affairs committee, and by some oversight—it is really a Rock-

land police court—it slipped my mind at the time; and instead of having the salary fixed for a police court for Rockland, the matter slipped through so that the county should pay the salary of the officers, and I got word from the county commissioners that they wanted to be heard upon that matter and therefore moved to recommit it, and it passed the Senate and was referred to the committee and the House non-concurred with the Senate on that proposition. I have no desire to strangle the bill. I am in favor of it; but I want the county commissioners of the county to come before the committee and give their reasons why it should be paid by the city, as the police court is in the city instead of the county. I am surprised that there should be any objection to that action. I haven't any doubt but that, when we get it before the committee, it will be fixed up in 15 minutes so that everybody will be satisfied.

I never objected to a matter of that kind; and I do not think the Senate will say that this matter should not be recommitted to the committee. I want the county commissioners to be perfectly satisfied and I want to do my duty by them. I hope the motion of the senator from Kennebec will not prevail, in which case I shall renew my motion and ask for a committee of conference, as the county commissioners are to be here tomorrow; and we can get together and fix this whole matter in 10 minutes.

The PRESIDENT: This bill was, by the Senate, passed to be engrossed. Subsequently the vote whereby it passed to be engrossed was reconsidered. The Senate then voted to recommit it to the committee on legal affairs. The House non-concurred with the Senate in recommitting the bill to the committee on legal affairs, and took no further action. The senator from Kennebec, Mr. Macomber, moves that the Senate reconsider its vote whereby it recommitting this bill to the committee on legal affairs, and that is now the pending question.

The question being put, the motion was lost.

Thereupon, on motion by Mr. Staples

of Knex, the Senate voted to insist on its former action and that a committee of conference be requested.

On motion by Mr. Hamilton of York, House Document No. 449, "An Act to submit to the legal voters of York county the question as to whether the shire town shall be changed, and if so to establish the shire town at Saco, Kennebunk or Sanford," was taken from the table; and on his further motion, the bill was passed to be enacted.

On motion by Mr. Colcord of Waldo, House Document No. 384, "An Act to extend the open season on deer in the towns of Unity and Burnham in the county of Waldo" was taken from the table; and on further motion by the same senator, the bill was indefinitely postponed.

On motion by Mr. Hamilton of York, Senate Document No. 272, Bill to amend law about State superintendent of schools was taken from the table; and on his further motion, was re-assigned for Tuesday, March 16.

On motion by Mr. Baxter of Cumber-

land, under suspension of the rules, "Resolve for the publication of the railroad map of Maine" was received and took its two several readings and was passed to be engrossed. (Mr. BAXTER of Cumberland: Mr. President, I would say in explanation of the introduction of this resolve that this new railroad map has been recently published by the railroad commissioners and there are many calls for it, and the present supply is almost exhausted. By the passage of this resolve, the commissioners tell me that these maps can be procured before this Legislature adjourns; and that is the reason for hurrying it along, as the commissioners desire the map in a considerable quantity.)

On motion by Mr. Baxter of Cumberland, House Document No. 441, "An Act to amend Section 21 of Chapter 32 of the Revised Statutes relating to hunting on Sunday," was taken from the table; and on his further motion, the same was passed to be engrossed.

On motion by Mr. Shaw of Kennebec, the Senate adjourned.