

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.

Monday, March 22, 1909.

Senate called to order by the President.

Prayer by Rev. Mr. McCabe of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

House Bills Read and Assigned.

An Act to amend the charter of the city of Old Town and provide for a referendum to the legal voters of the city of Old Town. (On motion by Mr. Mullen of Penobscot, this bill was tabled.)

An Act in relation to equity procedure. (House Amendment A adopted in concurrence. On motion by Mr. Hastings of Oxford, this bill was tabled.)

Resolve in favor of F. H. Hoar, special messenger to the Speaker of the House.

An Act to amend Chapter 83 of the Public Laws of 1905, relating to contagious diseases among cattle.

An Act to amend Section 44 of Chapter 9 of the Revised Statutes, as amended by Chapter 174 of the Public Laws of 1907, relating to the assessment and collection of taxes on lands in place not incorporated.

An Act to amend Sections 35, 37 and 41 of Chapter 8 of the Revised Statutes relating to taxation of telephone and telegraph companies.

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.

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

An Act creating the Maine Forestry district and to provide for protection against forest fires therein.

An Act to amend Chapter 140 of the Revised Statutes relating to coroners' inquests and the appointment of medical examiners.

An Act to prohibit gas companies in the cities of Bangor and Brewer from charging meter rents.

An Act to incorporate the Farmington Falls Water Co.

An Act relating to collection of State, county and district taxes.

An Act to incorporate the Suburban Water district of Farmington, Maine. (House Amendment A adopted in concurrence.)

Resolve in favor of committee on bills in third reading, for clerical assistance.

Resolve in favor of the University of Maine.

Resolve for the maintenance of State bridges located in the city of Old Town and the town of Milford.

Resolve in favor of the secretary of State.

A communication was received from the secretary of State, transmitting the Report of the Board of Trustees and Officers of the Maine Industrial School for Girls, for the year ending Nov. 15, 1908. (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 a list of the public acts which have been approved by the Governor, as follows:

An Act for the improvement of Free High schools.

An Act to amend Chapter 153 of the Public Laws of 1907, relating to transportation of public officials.

An Act relative to the appointment of school physicians.

An Act to amend Section 85 of Chapter 15 of the Revised Statutes relating to the payment for teacher's services.

An Act amending and additional to Chapter 61 of the Revised Statutes, relating to marriage and the registration of vital statistics.

An Act to prohibit expectoration in certain public places and conveyances.

An Act relating to pleading a discharge in bankruptcy.

An Act providing for the better protection of the people of the State of Maine from the disease known as tuberculosis.

An Act to amend Chapter 43 of the Public Laws of 1907, entitled "An Act for the protection of children."

An Act to amend Section 13, Paragraph 2 of Chapter 9 of the Revised Statutes, relating to taxation of personal property.

An Act relating to the taxation of steam railroads.

An Act relating to the taxation of street railroads.

An Act to amend Section 6 of Chapter 106 of the Revised Statutes relating to real actions.

An Act to amend Section 10 of Chapter 57 of the Revised Statutes of Maine, 1902, relating to the establishment and support of free public libraries.

An Act to amend Section 43 of Chapter 23 of the Revised Statutes relating to Pleasant river in Washington county.

An Act additional to Chapter 128 of the Revised Statutes relating to malicious mischiefs and trespasses.

An Act to amend Sections 94, 96 and 97 of Chapter 15 of the Revised Statutes of 1903 providing for the schooling of children in unorganized townships.

An Act relative to school buildings.

An Act to prohibit the swelling of scalloped meats by artificial means.

An Act to amend Chapter 32 of the Revised Statutes relating to inland fisheries and game, and to correct certain clerical errors therein.

An Act to amend Section 28 of Chapter 15 of the Revised Statutes relating to the bridges of the municipal officers of towns.

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.

An Act to shorten the time of possession required for bringing suits to acquire title to real estate.

An Act to amend Section 89 of Chapter 184 of the Public Laws of 1907, relating to the compensation of selectmen.

An Act amendatory to Chapter 60 of the Revised Statutes relating to agricultural societies, and additional thereto.

An Act creating a lien on shovel handle blocks.

An Act to amend An Act entitled "An Act to create a lien on manufactured staves and laths."

An Act to amend Section 1 and Section 3 of Chapter 60 of the Revised Statutes, relating to the duties of the commissioner of agriculture.

An Act to amend Section 61 of Chapter 41 of the Revised Statutes of 1903, relating to sea and shore fisheries.

An Act for the safeguarding of schools against danger from fire.

An Act to amend Section 9, Chapter 55 of the Revised Statutes relative to telegraph and telephone companies issuing coupons or registered bonds.

An Act to encourage the teaching of manual training, domestic science and agriculture in academies, and to repeal Chapter 78 of the Public Laws of 1907.

An Act to amend Section 113 of Chapter 15 of the Revised Statutes, as amended by Chapter 11 of the Public Laws of 1905, relating to the number of trustees of State normal schools.

An Act relating to the taxation of railroads.

An Act to define and regulate the practice of optometry.

An Act to amend Section 115 of Chapter 15 of the Revised Statutes, relating to appropriations for the normal schools.

An Act to amend Section 25 of Chapter 53 of the Revised Statutes, relating to necessary regulation of street railroads by municipal officers.

An Act to appropriate moneys for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases.

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

An Act to amend Section 7 of Chapter 93 of the Revised Statutes, relating to judgments in bastardy cases.

An Act to amend Section 64 of Chapter 15 of the Revised Statutes, relating to the tuition of pupils in secondary schools.

An Act in respect of foreign corporations.

An Act to amend Section 48 of Chapter 8 of the Revised Statutes relating to taxation of insurance companies.

An Act to revise and consolidate the laws relating to the collection, examination, inspection and analysis of agricultural seeds, concentrated commercial feeding stuffs, commercial fertilizer, and foods and drugs.

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

An Act to regulate the taking of white perch.

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

By Mr. Baxter of Cumberland: Resolve in favor of the clerk and stenographer of the committee on military affairs.

By Mr. Looney of Cumberland: Resolve in favor of the clerk of the labor committee.

Mr. Staples of Knox presented "Resolve in favor of H. M. Sewall, chairman of committee on salaries and fees, in payment of counsels' and witnesses' fees, stenographers' services, and disbursements made by him in the matter of the investigation of the State and town liquor agencies." And on motion by the same senator, the resolve was read twice, under suspension of the rules, and passed to be engrossed without reference to a committee.

Mr. Macomber of Kennebec presented bill "An Act to authorize the Edwards Manufacturing Co. to procure additional power," and on his motion, the same was tabled to be printed.

Mr. Wheeler of Cumberland presented "Resolve for the appointment of delegates to the conferences of the International Tax Association;" and on his motion, the same was tabled to be printed.

Mr. Walker of Hancock presented bill "An Act additional to Chapter 71 of the Public Laws of 1909, entitled 'An Act for the improvement of free High schools,' approved March 15, 1909," and on his motion, the bill was read twice under suspension of the rules, and passed to be engrossed without reference to a committee.

Mr. Baxter of Cumberland presented bill "An Act amending the charter of the Maine Missionary Society;" which

was referred to the committee on judiciary.

On motion by Mr. Wheeler of Cumberland, it was ordered, the House concurring, that a special joint committee consisting of two members of the Senate and three members of the House, be appointed to consider the advisability of changing the present laws relating to the organization of corporations in this State, and report to the next Legislature by bill or otherwise.

Read and Assigned.

An Act to establish the Old Orchard Park System.

An Act to authorize courts to suspend or continue for sentence on probation, and to provide for the appointment of probation officers.

An Act to exempt growing white pine from taxation.

Resolve in favor of Jefferson C. Smith of Waterville, Maine, State secretary of the Young Men's Christian Association.

An Act to amend Section 19 of Chapter 57 of the Revised Statutes relating to towns receiving devises and gifts for public libraries.

An Act to amend Section 13 of Chapter 131 of the Revised Statutes, relating to detectives.

An Act relating to the Bodwell Water Power Company, of Old Town Maine.

An Act to amend Chapter 401 of Private and Special Laws of 1889 relating to Waterville Trust Company.

An Act relating to inspectors of meters.

An Act to amend Section 1 of Chapter 169 of the Special Laws of 1903 relating to the Young Women's Christian Association of Portland.

An Act to amend an act authorizing the county commissioners of Cumberland county to erect a county building in Portland.

An Act to amend the charter of the city of Augusta with reference to the Augusta municipal court.

An Act to abolish the common council and increase the membership of the board of aldermen of the city of Portland with referendum attached.

An Act to amend Section 47 of Chap-

ter 29 of the Revised Statutes, in relation to the possession of liquors.

An Act to amend Section 17 of Chapter 30 of the Revised Statutes relating to the sale of poisons.

An Act authorizing George R. Ketchum, his heirs and assigns, to erect and maintain a dam across Big Machias stream on lots numbered 55 and 56 in the town of Ashland and to maintain piers and booms in Big Machias stream in the town of Ashland and in Garfield Plantation.

An Act for the licensing of dogs and for the better protection of sheep.

Resolve in favor of Susan Baker.

An Act to authorize the Rangeley Lakes Steamboat Company to maintain wharves in the Rangeley Lake.

An Act to regulate fishing in the Bagaduce river and its tributaries in the towns of Castine, Penobscot and Brooksville in the county of Hancock.

An Act relating to free transportation.

An Act to further define and enlarge the duties of the commissioner of the bureau of industrial and labor statistics.

An Act to revive Chapter 138 of the Public Laws of 1895.

Reports of Committees.

Mr. Baxter for the committee on judiciary, on Bill "An Act relating to the scaling of logs," reported same in new draft under same title and that it ought to pass.

The same senator, for the committee on military affairs, on Bill "An Act to consolidate and revise the military laws of the State of Maine," reported same in new draft under same title and that it ought to pass.

Mr. Wyman, for the committee on sea and shore fisheries, on "Petitions relating to use of nets and seines in Narraguagus river and bay," reported Bill entitled "An Act to regulate the use of nets and seines in the tidewaters of Narraguagus river and Narraguagus bay, so called.

Mr. Irving for the committee on temperance, on Bill "An Act to make uniform the standard relating to the percentage of alcohol in intoxicating liquors," reported same ought to pass.

Mr. Boynton for the committee on

public health, on Bill "An Act amendatory of Chapter 189, Public Laws of 1907, relating to prohibiting publications relating to patent or other medicines in language of immoral tendency or ambiguous character, and protecting the public against the dangers from the indiscriminate distribution of samples of medicine," reported same ought to pass.

Passed To Be Engrossed.

An Act to amend the charter of the trustees of the Machiasport bridge.

An Act to amend Chapter 249 of the Private and Special Laws of 1907, relating to the Peaks Island Light and Water Co.

An Act to open the lakes and ponds in Kennebec county to ice fishing one day in a week. (On motion by Mr. Reynolds of Kennebec, this bill was

An Act to amend Chapter 174 of the Public Laws of 1905 relating to the compensation of sheriffs.

An Act to repeal a part of Section 1 of Chapter 116 of the Revised Statutes, relating to the salary of officers of the Insane hospital at Augusta.

An Act to amend Private and Special Laws of 1901, Chapter 401, Section 2 relating to the taking of smelts in Pleasant river in Washington county.

Resolve in favor of Lowell E. Bailey.

An Act to amend Chapter 4, Section 43, Revised Statutes, relating to duties of town clerks.

An Act to amend Chapter 42 of the Public Laws of 1907, relating to "Prevention of desertion and non-support of families."

An Act amending Section 1 of Chapter 350 of the Private and Special Laws of 1907 relating to the time of service of members of fire department of the city of Portland.

An Act to authorize the city of Portland to acquire property and to issue its bonds and notes for municipal purposes.

Resolve to amend a resolve passed for the purpose of establishing a fish hatchery in Knox county.

An Act relating to the transfer of certain trust funds of the Maine Industrial School for Girls to the State treasury.

An Act to regulate fishing in Big

Rattlesnake pond and Panther pond and the tributaries to same.

An Act to facilitate the identification of criminals.

An Act to repeal Section 3 of Chapter 143 of the Revised Statutes as amended by Section 1 of Chapter 120 of the Public Laws of 1907, relating to the State School for Boys.

Resolve to aid in the extension of the Kineo road from the Smith farm to the Northeast Carry. (On motion by Mr. Hamilton of York, this resolve was tabled pending its second reading.)

Orders of the Day.

On motion by Mr. Theriault of Aroostook, Senate Document No. 344, "Resolve authorizing the State land agent to sell certain lots in the towns of St. Agatha and Madawaska in Aroostook county," was recalled from the files; and on further motion by the same senator, the vote whereby the Senate concurred with the House in the indefinite postponement of the resolve, was reconsidered; on his further motion the vote was reconsidered whereby the resolve was passed to be engrossed; on his further motion Senate Amendment A was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Looney of Cumberland, Senate Document No. 261, "An Act to amend Chapter 8 of the Revised Statutes relating to the Board of State Assessors," was taken from the table.

Mr. LOONEY: Mr. President, I would say that I had this document tabled, not because I had any objection to it myself, but because I was requested to do so by one of the Portland delegation in the House who desired to amend it; and I therefore move that it be tabled pending appropriate action by the House.

On motion by Mr. Baxter of Cumberland, Senate Document No. 468, "An Act relating to fenders of street cars," was taken from the table; and on his further motion the same was referred to the committee on railroads and expresses.

On motion by Mr. Hastings of Oxford, House Document 625, "An Act to amend Section 23 of Chapter 114 of

the Revised Statutes as amended by Chapter 2 of the Public Laws of 1907, relating to the relief of poor debtors," was taken from the table.

Mr. STAPLES of Knox: Mr. President: I withdraw Senate Amendment "A" to House Document 625.

On motion by Mr. Hastings of Oxford, House Document No. 625 was passed to be engrossed.

On motion by Mr. Baxter of Cumberland, Senate Document 351, "An Act to amend the Private and Special Laws pertaining to appointments to the police department of the city of Portland;" also Senate Document No. 352, "An Act to make permanent the tenure of office of the city electrician of the city of Portland," were taken from the table; and on his further motion, the same were severally passed to be engrossed.

On motion by the same senator, Senate Document No. 430, "An Act to provide for the better collection of inheritance taxes," was taken from the table; and on further motion by Mr. Wheeler of Cumberland, Senate Amendment "A" was adopted, and the bill as amended was passed to be engrossed.

Mr. MACOMBER of Kennebec: Mr. President: On the motion of the senator from Aroostook, Mr. Milliken, Bill entitled, "An Act in reference to the Fort Halifax Power Company, was indefinitely postponed. I think there was some misapprehension about the matter; and I would like to inquire if it would be proper now to reconsider the vote whereby the bill was indefinitely postponed. As I understand the rule, such a motion is proper if made within 24 hours.

The PRESIDENT: The senator from Kennebec properly states the rule. The paper is now out of the hands of the Senate and in the hands of the House, and the Chair is not informed whether the House have acted upon it, or not. However, the Chair rules that the senator from Kennebec is in order.

Mr. MACOMBER: I will move then, Mr. President, that the vote be reconsidered; and if that is carried I shall move that the bill be laid on the table.

The question was put upon the motion to reconsider the vote whereby the bill was indefinitely postponed.

Mr. MILLIKEN of Aroostook: Mr. President: I understand the motion of the senator from Kennebec to be to reconsider the vote in order to lay the bill on the table and to decide what its final disposition shall be. Upon that I wish to say, there are several other matters in precisely the same situation and a suspension of the rules in regard to private legislation is involved; and if the motion prevails, I shall ask the Senate to reconsider the votes as to the other matters so that they may be in precisely the same status. Those interested in the other matters have been informed that the rule was to be applied to all; and in fairness to those other matters, I ask that action.

The question being put, the motion to reconsider prevailed.

Mr. MILLIKEN: Mr. President: I now move that the matter lie on the table.

The PRESIDENT: The Chair is of the opinion that a message should be sent to the House requesting that the paper be returned, as we have not anything before us to lay on the table.

Mr. MACOMBER of Kennebec: Mr. President: I move that a message be sent to the House asking the return of the bill in reference to the Fort Halifax Power Co.

Mr. MILLIKEN: Perhaps, Mr. President, it would be well to include in one motion, the other matters. There are four other matters in the same situation.

Mr. MACOMBER: Mr. President: I do not know anything about the other matters, and I have no objection to a reconsideration with regard to them; but I should prefer that this one should not be mixed up with several others. We would like to have this go along on its own merits.

The question being put upon the motion that a message be sent to the House asking the return of the bill in reference to the Fort Halifax Power Co., the motion prevailed; and on further motion by Senator Macomber, the assistant secretary was authorized to convey the message to the House.

The assistant secretary subsequently reported that he had delivered the message with which he was charged.

Subsequently the President informed the Senate that the House had returned the Act to increase the authority of the Fort Halifax Power Co.; and that the House had voted to insist upon its action and had appointed a committee of conference.

Thereupon, on motion by Mr. Macomber of Kennebec, the Senate voted to recede and to concur with the House in the reference of the bill to the committee on judiciary.

Mr. MILLIKEN of Aroostook: I wish, Mr. President, to make the same motion in regard to these other matters.

The PRESIDENT: Will the senator state the titles?

Mr. MILLIKEN: House Document No. 440, "An Act to incorporate the Calais Power Co.," "An Act to incorporate the Steuben Railroad Co.," and unprinted bill, and an unprinted resolve authorizing the land agent to make a deed conveying certain lands to Chilson of Woonsocket, R. I.

I will say that my only desire in this matter is to keep all these bills and resolves on an equal status. The fourth matter is the Maine Power Co.; and the friends of the bill having assented to its postponement, I think that need not be included.

Thereupon, on motion by Mr. Milliken of Aroostook, the assistant secretary of the Senate was authorized to convey a message to the House requesting the return of said bills and resolves.

The assistant secretary subsequently reported that he had delivered the message with which he was charged.

Subsequently the President informed the Senate that the House had returned the said bills and resolve, namely: "An Act to incorporate the Calais Power Co.," "An Act to incorporate the Steuben Railroad Co.," and "Resolve authorizing the land agent to make a deed conveying the rights of the State of Maine in Spruce Island in Meddybemps."

Thereupon, on motion by Mr. Milli-

ken, the Senate voted to recede and concur with the House in the references made by that branch of said bills and resolve.

On motion by Mr. Wyman of Washington, Senate Document No. 349, "An Act to provide for a bounty on wild cats," was taken from the table; and on his further motion, Senate Amendment A was adopted, and the bill as amended was passed to be engrossed.

On motion by Mr. Macomber of Kennebec, Senate Document No. 459, "An Act amendatory to Chapter 17 of the Revised Statutes relating to the practice of medicine, surgery and dentistry," was taken from the table; and on his further motion, the bill was read and assigned.

Mr. WHEELER of Cumberland: Mr. President: It appears, from the printed calendar, that House Document 611 was tabled by me on March 19. I was absent from the Senate on that day; and this resolve has not previously been brought to my attention. It is unnecessary for me to state that I did not table the bill on that day. I now move that it be taken from the table.

The motion prevailed.

The PRESIDENT: The Chair informs the senator that, according to the endorsement on the paper itself, it appears to have been tabled on the motion of Senator Walker of Hancock.

House Document 611 is Resolve in favor of the town of Dexter."

On motion by Mr. Walker of Hancock, the resolve took its second reading and was passed to be engrossed.

On motion by Mr. Milliken of Aroostook, House Document No. 489, "Resolve in favor of the town of Dover," was taken from the table. The same senator submitted a statement of facts to accompany the resolve; and on his further motion, the resolve took its second reading and was passed to be engrossed.

On motion by Mr. Hamilton of York, House Document No. 407, "An Act to amend Section 4 of Chapter 174 of the Public Laws of 1905, relating to the compensation of sheriffs," was taken from the table; and on his further motion, the same was passed to be engrossed.

A message was received from the House requesting the return of Senate Document 261, "An Act to amend Chapter 8 of the Revised Statutes relating to the Board of State Assessors."

On motion by Mr. Looney of Cumberland, Senate Document No. 261 was taken from the table; and on his further motion, the same was returned to the House, conveyed by the assistant secretary of the Senate.

On motion by Mr. Boynton of Lincoln, the Senate adjourned.