

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

perance, on resolve providing for an amendment to the constitution relating to the manufacture and sale of intoxicating liquors, was assigned for consideration today. On account of the death of the mother of Senator Irving, and out of respect for him, I move the reports be reassigned for Tuesday, the fourteenth.

The motion was agreed to.

On motion by Mr. Gowell of York, Senate Document No. 63, bill, An Act relative to condemnation proceedings of land for public purposes, was taken from the table, and was referred to the committee on judiciary in concurrence.

Mr. HILL of Penobscot: Mr. President: I wish to announce to the Senate that Senator-elect Charles W. Mullen of Penobscot is present and ready to take his oath of office.

The Chair appointed Senator Hill of Penobscot to escort Senator Mullen to the council chamber to take the qualifying oath.

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

Mr. Milliken of Aroostook introduced the following order, and moved that it be given a passage.

Ordered, the House concurring, that the committee on State School for Boys and Industrial School for Girls be directed to consider the advisability of consolidating the boards of trustees of the two institutions and report by bill, or otherwise.

The motion was agreed to.

On motion by Mr. Milliken of Aroostook, bill, An Act to incorporate the Maine Power Company, was recalled from the committee on judiciary, and on further motion by the same senator, the bill was tabled for printing.

Paper from the House:

Joint resolution of the 75th Legislature of the State of Maine, making application to the Congress of the United States to call a convention for proposing an amendment to the constitution of the United States, came from the House, by that branch read and passed.

On motion by Mr. Staples of Knox,

the resolution was tabled for printing.

Mr. BOYNTON of Lincoln: Mr. President: I ask to be excused from further service on the committee to investigate the financial condition of the State.

The PRESIDENT: You are excused from further service on that committee, and I will appoint Senator Mullen of Penobscot in your place.

On motion by Mr. Mayo of Hancock, Adjourned.

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## HOUSE.

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Wednesday, February 8, 1911.

Prayer by Rev. Mr. Turner of Hallowell. Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

The committee of conference on the disagreeing action of the two branches of the Legislature on Resolve in favor of the Industrial School for Girls for water supply and Resolve in favor of the Industrial School for Girls for land and new buildings, reported that the House recede from its action and concur with the Senate in referring the resolves to the committee on Industrial School for Girls.

The report was accepted and the resolves were referred to the committee on Industrial School for Girls.

The following order which had received a passage in the House on January 31, came from the Senate indefinitely postponed in that branch:

Ordered, the Senate concurring, That all acts, resolves and orders presented by, for or in the interests of any State department, public, quasi-public or private institution or for the benefit of any individual, calling for an appropriation of public money, shall be referred to the committee on appropriations and financial affairs before final passage, and said committee shall retain all of said acts, resolves and orders presented by, for or in the interests of any State department, public, quasi-public or private institution or for the benefit of any individual, until all said acts, resolves and orders relating to or in connection with such department, public, quasi-public or private institution or individual shall have been re-

ferred to said committee. Said committee shall consolidate all said acts, resolves and orders relating to a department, public, quasi-public or private institution or individual, and report thereon in one act, resolve or order, showing in one item the entire amount which it recommends the appropriation of, for department, public, quasi-public or private institution or individual, and the purposes for which the various items making up said total amount are to be used, the year in which said amounts are to be expended, and such other information as said committee may consider desirable.

The question being, shall the House recede from its action and concur with the Senate.

It was not agreed to.

Mr. Hogan of Portland moved that a committee of conference be appointed.

The motion was agreed to.

The Speaker appointed on the part of the House, Messrs. Hogan of Portland, Percy of Bath and Quimby of Turner.

The following petitions, bills, etc., were presented and referred:

#### Judiciary.

By Mr. Stetson of Lewiston—Petition of E. L. Wellman and 132 others, in favor of Columbus day.

By Mr. Greenwood of Farmington—An Act to provide adequate punishment for any person who shall engage or act in the capacity of a locomotive engineer or a train conductor upon any railroad in the State of Maine.

By Mr. Pattangall of Waterville—An Act relating to evidence in personal injury cases.

By Mr. Williamson of Augusta—An Act to amend Chapter 123 of the Public Laws of 1905 as amended by Chapter 43 of Public Laws of 1907, relating to the appointment of a state agent for the protection of children. (Tabled for printing pending reference on motion of Mr. Williamson of Augusta.)

By Mr. Russell of North Berwick—An Act to amend Section 3 of Chapter 17 of the Revised Statutes, relating to the disposition of the dead bodies of paupers.

#### Legal Affairs.

By Mr. Couture of Lewiston—Petition of George Poulin and 50 others of Waterville to repeal Chapter 151, Private and

Special Laws of 1887, and to substitute in its stead an act providing for incorporation of Roman Catholic Parishes.

Also, Petition of Fierre Loubier and 51 others of Waterville for same;

Also, Petition of Isaac Fortier and 119 others of Waterville for same;

By Mr. Pattangall of Waterville—An Act relating to the compensation of Justices of the Supreme Judicial Court or Superior Court. (Tabled for printing pending reference on motion of Mr. Peters of Ellsworth.)

Also, An Act relating to the termination of contracts for the sale or transfer of real estate. (Tabled for printing pending reference on motion of Mr. Murphy of Portland.)

By Mr. Greenwood of Farmington—An Act to amend Section 69 of Chapter 8 of the Revised Statutes as amended by Chapter 136 of the Laws of 1909 relating to the taxation of collateral inheritance.

#### Appropriations and Financial Affairs.

By Mr. Shea of Eden—Resolve in favor of Otis Littlefield;

Also, Resolve in favor of Harvard C. Jordan;

#### Telegraphs and Telephones.

By Mr. Ames of Norridgewock—An Act to amend Section 5 of Chapter 47 of the Revised Statutes, removing ambiguity in regard to incorporation fees of telephone companies.

#### Inland Fisheries and Game.

By Mr. Hastings of Auburn—Remonstrance of W. P. Atwood and 63 others against changing the law about fishing in Taylor pond in Auburn:

Also, Remonstrance of J. R. True and 90 others against same;

By Mr. Russell of North Berwick—Remonstrance of E. P. Spinney and 159 others against the repeal of the law on the tributary of Bonney Beg Pond, in North Berwick and Sanford;

By Mr. Sleeper of South Berwick—An Act to regulate the hunting of mink, sable, fisher, lynx, otter, fox and raccoon;

By Mr. Morse of Waterford—Remonstrance of C. L. Bartlett and 30 others of Stoneham against restriction on ice fishing in Upper Stone Pond in Stoneham;

By Mr. Ames of Norridgewock—An

Act to legalize game farming and fish farming in the State of Maine.

By Mr. Bisbee of Rumford—Remonstrance of Oliver A. Pettengill and 39 others of Rumford against change in date of open time on trout and salmon in Rangeley chain of lakes.

#### Shore Fisheries.

By Mr. Gross of Orland—Petition of J. C. M. Gardner and 44 others for an act prohibiting the catching of herring except by the use of permanent weirs or traps.

By Mr. Hodgman of Camden—Remonstrance of Samuel Ayers and 41 others of Camden, Maine, against the seining of herring in the waters of Penobscot bays and their tributaries.

By Mr. Kelley of Boothbay—Remonstrance of Luther Maddocks and 117 others of Boothbay Harbor against any change in the present fish laws.

By Mr. Littlefield of Wells—Remonstrance of E. B. Studley and 63 others against June, July and August as a close time for taking lobsters.

Also, Remonstrance of O. W. Avery and 65 others against the passage of the Bill prohibiting the catching, fishing for or taking of herring in the waters of the State except by use of permanent weirs or traps.

By Mr. Allen of Jonesboro—Petition of H. M. Look of Jonesboro and 24 others for a law prohibiting the taking of herring save by permanent weirs or traps.

Also, Petition of S. M. Holway of Machias and 33 others for the enactment of a law prohibiting the use of purse or drag seines.

Also, Remonstrance of George W. Kane of Machias and 8 others against the passage of any law making legal the use of purse or drag seines.

Also, Remonstrance of W. F. Cousins and 40 others against June, July and August as a close time for taking lobsters.

Also, Remonstrance of O. W. Avery and 65 others against June, July and August as a close time for taking lobsters.

By Mr. Harmon of Stonington—Remonstrance of Hiram C. Alley and 66 others of Jonesport against any

change in the present lobster law, or a close time.

Also, Remonstrance of Byron M. Moor and 24 others of Gouldsboro, against any change of the present lobster law.

#### Claims.

By Mr. Robinson of Peru—Resolve in favor of the town of Peru.

#### Placed on File.

By Mr. Quimby of Turner—Remonstrance against resubmission of Rev. George A. Sargent and 26 others.

Also, Remonstrance of Rev. J. C. Hughes and 177 others, against resubmission.

Also, Remonstrance of Rev. A. B. McAllister and 74 others, against resubmission.

Also, Remonstrance of Geo. A. Ellinwood and 32 others, against resubmission.

Also, Remonstrance of F. N. Pearson and 12 others, against resubmission.

Also, Remonstrance of S. B. Putnam and others, against resubmission.

Also, Remonstrance of C. W. Robinson and 42 others, against resubmission.

Also, Remonstrance of John H. Blanchard and others, against resubmission.

Also, Remonstrance of Rev. Elbridge Gerry and 53 others, against resubmission.

Also, Remonstrance of N. B. Sterling and 44 others, against resubmission.

Also, Remonstrance of Eben B. Clark and others, against resubmission.

Also, Remonstrance of W. P. Hussey and others, against resubmission.

Also, Remonstrance of Rev. Elwin A. Dinslow and others, against resubmission.

Also, Remonstrance of Frank L. Harper and 31 others, against resubmission.

Also, Remonstrance of Angier H. Curtis and 57 others, against resubmission.

Also, Remonstrance of Rev. H. G. McGlauffin and 30 others, against resubmission.

#### Taxation.

By Mr. Dresser of South Portland—

An Act to provide for a recording tax on mortgages and for exemption of double taxation on mortgages on real estate. (Tabled for printing pending reference on motion of Mr. Murphy of Portland.)

#### Reports of Committees.

Mr. Scates from the committee on legal affairs, on bill, An Act to authorize the York light and heat company to acquire additional properties, reported ought to pass.

Mr. Wheeler from same committee reported ought to pass on Bill, An Act to amend the law relating to the packing and branding of apples.

Mr. Wilkins from the committee on towns reported "ought to pass" on Bill, An Act to incorporate the town of Stockholm, Aroostook county.

Mr. Waldron from the committee on railroads and expresses reported same on Bill, An Act to authorize the Wiscasset, Waterville & Farmington Railway Company to dispose of a part of the property of the said company.

Mr. Thimble from same committee reported same on Bill, An Act to extend the charter of the Jonesport Central Railroad Company.

Mr. Macomber from the committee on agriculture reported same on a Resolve in favor of the New England Fruit Show.

Mr. Plummer from the committee on Indian affairs reported same on Resolve in favor of Louis Mitchell, Representative of Passamaquoddy Tribe of Indians.

Mr. Otis from the Committee on Appropriations and Financial Affairs reported "ought to pass" on Bill An Act to amend Section 56 of Chapter 32 of the Revised Statutes, relating to the disposal of money received for fines and penalties for violations of the fish and game laws.

Same gentleman from same Committee, on Resolve in favor of William R. Roix, reported same in a new draft under the same title and that it ought to pass.

Mr. Shea from same Committee reported "ought to pass" on Resolve for the introduction of the Hungarian Partridge in the State of Maine.

The foregoing reports were read and

accepted and bills and resolves ordered printed under joint rules.

#### First Reading of Printed Bills and Resolves.

An Act to further enable the Sebago Lake, Songo River and Bay of Naples Steamboat Company to construct and maintain wharves along its route. (Tabled pending first reading on motion of Mr. Weston of Harrison.)

An Act to appropriate moneys for the payment of salaries fixed by law for the year 1911. (Tabled on motion of Mr. Pattangall of Waterville.)

An Act to incorporate the Moxie Dam Company. (Recommitted to the committee on interior waters on motion of Mr. Hastings of Auburn.)

An Act to amend Chapter 481 of the Private and Special Laws of 1890 entitled "An Act to incorporate the Sebago Improvement Company.

An Act ratifying and confirming the sale of the railroad and franchises of the Atlantic Shore Line Railway and the incorporation of the Atlantic Shore Railway.

An Act to create the Bingham Water District.

An Act to incorporate the Bingham Water Company.

#### Passed to Be Engrossed.

Resolve, No. 38, in favor of Leon S. Lippincott.

Resolve, No. 39, in favor of F. Ray Neal.

Resolve, No. 40, in favor of S. C. W. Simpson. (Tabled pending second reading on motion of Mr. Williamson of Augusta.)

Resolve, No. 41, in favor of F. G. Farrington.

Resolve, No. 43, in favor of James F. Ashford.

Resolve, No. 44, in favor of Stephen D. Lord.

Resolve, That there be and hereby is appropriated the sum of fifteen dollars for services, and eleven dollars for mileage, to be paid Albert W. Buck of Orland, for attendance as postmaster and mail carrier of the Senate at the organization of the Legislature.

Resolve authorizing the Land Agent

certain ledge or reef near Bar Harbor in Hancock county.

Resolve in favor of Lola Coly, representative of Penobscot tribe of Indians for 1911 and 1912.

Resolve in favor of Richard Stuart.

Resolve in favor of E. M. Thompson.

Resolve in favor of James M. Benson.

Resolve in favor of the town of Eridgton in the county of Cumberland.

Resolve providing for an appropriation for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases.

Mr. PATTANGALL of Waterville: Mr. Speaker, I would like to offer an amendment to this resolve, and in doing so I would call the attention of the House to one matter connected with it. This is a resolve for an appropriation for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases, and it contains an emergency clause. Now I understand that it is necessary for the 1911 appropriation to be made under the emergency clause because the money must be made immediately available to do any good to the department I am so informed by the gentleman in charge of that work. But in lines 20 and 21 is inserted the appropriation for 1912. There cannot be any possible excuse for carrying the 1912 appropriation under the emergency clause, because bills becoming law on July first will render money just as easily available in 1912 as though they were passed now. Whether the amount appropriated is right or not, I don't know, and I don't pretend to say anything about that. The simple point I want to make to the House is that it would be an absurd thing, and to my mind a wrong thing, to pass under the emergency clause a resolve which would not be expended in any event until a year from now. Therefore I offer the following amendment: "Strike out the words 'annually for the years 1911 and 1912' in the 20th and 21st lines and substitute in their place the words 'for the year 1911.'" That would leave the 1912 appropriation to be made in the regular way.

Mr. CHASE of York: Mr. Speaker, I

would like to inquire whether that is going to shut out any new resolve for 1912?

The SPEAKER: The chair would rule that it would require the introduction of a new resolve for the year 1912.

Mr. CHASE: Whether we have got to have a suspension of the rule or go beyond our limit in order to introduce that other resolve?

The SPEAKER: No, because it is of a public nature and is in order at any time during the session of the Legislature.

The question being on the adoption of the amendment,

The amendment was adopted.

The resolve was then read a second time and was passed to be engrossed as amended.

#### Orders of the Day.

On motion of Mr. Heffron of Eastport, bill, An Act to regulate the catching of herring, was taken from the table, and on further motion by the same gentleman it was referred to the committee on shore fisheries.

On motion of Mr. Quimby of Turner, bill, An Act to amend section 22 of chapter 22 of the Revised Statutes, was taken from the table, and on further motion by the same gentleman it was referred to the committee on inland fisheries and game.

On motion of Mr. Murphy of Portland, bill, An Act to change the method of electing superintendent of schools, was taken from the table, and on further motion by the same gentleman it was referred to the committee on education.

On motion of Mr. Heffron of Eastport,

Ordered, That the clerk of the House have printed 500 copies of the bill, An Act for the better protection of the fisheries of Maine, said bill being now in the possession of the committee on shore fisheries and assigned for a hearing on Thursday at 2 P. M.

Mr. GOODWIN of Biddeford: Mr. Speaker, I wish to ask unanimous consent of the House to introduce a bill out of order, and I will briefly state the reason. On the 26th of January I presented a bill entitled An Act additional to Chapter 48 of the Revised Statutes relating to savings banks, to provide for the thorough auditing of the assets, on

the 27th, that bill, having gone to the Senate, was tabled for printing by Senator Noyes of Kennebec. I afterwards made a motion that it be recalled, it having been assigned to the committee on judiciary, and that it be referred to the committee on banks and banking, where it should have been assigned in the first place. It evidently got back to the judiciary committee and the record of the clerk there shows that it was reassigned to the committee on banks and banking in accordance with the vote of the House. The clerk of that committee says that he delivered it to the messenger, and the messenger says he brought it into this House and dropped it into a box that had a hole in the top of it—I presume it was that box there—and from

that moment to this time nobody has seen or heard anything of this bill. It has mysteriously disappeared. The disappearance of Charlie Ross is no more mysterious; and it cannot be found. Now another bill has been introduced in the Senate and has been sent to this House for concurrence and tabled which is on similar lines; and I would like to have unanimous consent of the House to have this bill presented to the committee so they may consider it at the same time with the other bill.

The motion was agreed to, and on further motion by Mr. Goodwin the bill was referred to the committee on banks and banking.

On motion of Mr. Descoteaux of Biddeford,

Adjourned.