

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

There was no objection, and Mr. Milliken introduced bill, An Act to provide for the distribution of the school mill fund and the common school fund, and to amend Sections 122, 123 and 126 of Chapter 15, and Section 3 of Chapter 177 of the Public Laws of 1909, relating to the distribution of the common school fund.

On further motion by the same senator the bill was tabled for printing pending reference to the committee on taxation.

On motion by Mr. Kellogg of Penobscot, Resolve in favor of John B. McDonald was taken from the table. On further motion by the same senator the resolve was referred to the committee on claims in concurrence.

Mr. MILLIKEN of Aroostook: Mr. President, I move to reconsider the motion whereby the bill in relation to the distribution of the school mill fund and the common school fund, etc., was tabled for printing.

The motion was agreed to.

On further motion by the same senator the bill was again tabled for printing and 500 extra copies ordered printed.

On motion by Mr. Hill of Penobscot, bill, An Act for the extirpation of contagious diseases among cattle, horses, sheep and swine, was taken from the table. On further motion by the same senator the bill was referred to the committee on agriculture and sent down for concurrence.

On motion by Mr. Donigan of Somerset, Adjourned.

### HOUSE.

Monday, February 13, 1911.

Prayer by Rev. Mr. Miner of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

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

#### Judiciary.

By Mr. Williamson of Augusta—Petition of M. P. Cullinan of Augusta and 21 others, in favor of Columbus day bill.

By Mr. Otis of Rockland—An Act to amend Chapter 127 of the Revised Statutes.

By Mr. Goodwin of Biddeford—An Act to amend Section 16 of Chapter 81 of the Revised Statutes relating to county attorneys. (Tabled for printing pending reference on motion of Mr. Goodwin.)

Also, An Act to amend Section 15 of Chapter 133 of the Revised Statutes, relating to limitation of prosecutions. (Tabled for printing pending reference, on motion of Mr. Goodwin.)

By Mr. Conners of Bangor—Petition of M. Cohen of Bangor and 23 others in favor of Columbus day bill.

Also, Petition of T. Walter Hanley of Bangor and 22 others, in favor of Columbus day bill.

Also, Petition of F. L. Wilkins of Bangor and 83 others, in favor of the Columbus day bill.

By Mr. Small of Machiasport—Petition of C. S. Hinkley and 16 others of Jonesport in favor of nomination of candidates of political parties by primary elections.

#### Legal Affairs.

By Mr. Snow of Bucksport—Remonstrance of Frank F. Smith and 44 others against passage of Dunn bridge bill, so called.

#### Banks and Banking.

By Mr. Scates of Westbrook—An act to amend Section 33, sub-division sixth, clause "d" of Chapter 43 of the Revised Statutes, as amended by Section 6 of Chapter 69 of the Public Laws of 1907, relating to investments legal for savings banks.

#### Agriculture.

By Mr. Porter of Mapleton—An Act to amend Section 20 of Chapter 36 of the Public Laws of 1909, relating to the regulation and sale of fertilizers. (Tabled for printing pending reference on motion of Mr. Porter of Mapleton.)

#### State Lands and State Roads.

By Mr. Mace of Great Pond—Petition of Arthur Chapin and 21 others, residents of Bangor, Me., in favor of a resolve for the Chick Hill road, in Penobscot and Hancock counties.

By Mr. Austin of Phillips—Petition for an appropriation on the Dead River road in Dallas Plantation.

Also, petition for an appropriation on the Dead River road in Dallas Plantation.

**Towns.**

By Mr. Kelley of Boothbay—Remonstrance of Albert P. Lewis and 90 others of Boothbay, against any division of the town of Boothbay.

Also, remonstrance of John S. Spinney and 164 others of Boothbay, against same.

**Placed on File.**

By Mr. Quimby of Turner—Remonstrance against resubmission, signed by J. C. Briggs and 31 others of Winthrop.

Also, Remonstrance against resubmission, signed by Rev. Isaiah Pinkham and 41 others of Lebanon.

Also, Remonstrance against resubmission, signed by Rev. C. H. Bryant and 129 others of Searsmont.

**Taxation**

By Mr. Scates of Westbrook—An Act to amend Section 13 of Chapter nine of the Revised Statutes of the State of Maine, relating to securities exempt from taxation. (Tabled for printing, pending reference on motion of Mr. Murphy of Portland.)

**Reports of Committees.**

Mr. Frank from the committee on agriculture reported "ought not to pass" on Bill, An Act to amend Chapter 245 of the Public Laws of 1909, relating to bounty on bears in Washington, Hancock and Penobscot counties.

Mr. Pollard from same committee reported same on Bill, An Act to empower municipal officers to protect shade and ornamental trees along the highways within the State.

Mr. Phillips from the committee on ways and bridges reported same on Bill, An Act regulating the construction of fences along public ways.

Mr. Mallet from the committee on appropriations and financial affairs reported same on resolve in favor of a memorial statue of Abraham Lincoln, and tablet of his Gettysburg address.

Mr. Bogue from the committee on the judiciary, to which was referred the bill entitled "An Act granting additional powers and privileges to the Peaks Island Corporation" reported that same be referred to the committee on legal affairs.

Mr. Clark from the committee on in-

land fisheries and game, to which was referred the Remonstrance of O. F. A. Merrill and 19 others of Durham; against repeal of Chapter 150 of the Private and Special Laws of 1909, relating to fishing in the town of Durham; also Remonstrance of George E. Merrill and 21 others of Durham, against same. Reported that the Remonstrances be placed on file, as the subject matter of the same has already been reported upon by this committee.

Mr. Wheeler from the committee on legal affairs, on Resolve in favor of a memorial statue and tablet of Lincoln, reported that the same be referred to the committee on appropriations and financial affairs.

The reports were accepted.

Mr. Scates from the committee on legal affairs reported "ought to pass" on Bill, An Act to build and repair a dyke in the town of Milbridge.

Same gentleman from same committee reported same on Bill, An Act to authorize the mayor of the city of Portland to appoint commissioner of cemeteries and public grounds.

Mr. Pelletier from same committee reported same on Bill, An Act to amend Section 74, Chapter 23, of the Revised Statutes, relating to watering tubs.

Mr. Scates from same committee reported same on Bill, An Act to repeal an act authorizing the city of Portland to appoint a deputy sealer of weights and measures.

Mr. Dunn from same committee reported same on Bill, An Act relating to lumbering operations.

Mr. Wilson from same committee reported same on Bill, An Act to extend the time in which the Maine Title Guarantee Company is authorized to commence business.

Mr. Cronin from the committee on mercantile affairs and insurance reported same on Bill, An Act to extend the charter of the Fire Insurance Company of Portland, Maine.

Mr. Phillips from the committee on ways and bridges reported same on Bill, An Act to authorize the town of York to construct a way across the tidewater

of Varrell's Mill pond, so called, in York harbor.

Mr. Scates from the committee on legal affairs reported "ought to pass in new draft accompanying" on Bill, An Act relating to the board of overseers of the poor of the city of Portland.

Mr. Wilson from same committee reported Bill, in a new draft, An Act to repeal Chapter 175, Public Laws of 1909.

Mr. Fenderson from the committee on mercantile affairs and insurance, to which was referred Bill, An Act to extend the charter of the Northeastern Insurance Company, reported same in a new draft, under the title "An Act to extend the charter of the Northeastern Insurance Company," and that it ought to pass.

Mr. Conners from same committee, to which was referred Bill, An Act to extend the charter of the Mutual Fire Insurance Company, reported same in a new draft, under the title of "An Act to extend the charter of the Mutual Fire Insurance Company," and that it ought to pass.

Mr. Berry from the Kennebec county delegation reported "ought to pass" on Bill, An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905, relative to clerk hire in the office of the register of deeds in Kennebec county.

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

Resolve in favor of the New England Fruit show.

An Act to amend Chapter 247 of the Public Laws of 1909 relating to the packing and branding of apples.

An Act to incorporate the town of Stockholm.

An Act to authorize the construction of a weir in tide waters of Passamaquoddy bay in the town of Perry.

An Act to repeal Chapter 276 of the Private and Special Laws of 1907, entitled "An Act for the better protection of shell fish within the town of Yarmouth in the county of Cumberland."

Resolve in favor of E. F. Coburn of Andover, Maine.

An Act to grant additional powers to the Lubec Sardine Company.

An Act to amend and extend the charter of the Baker and Spencer Brook Dam and Improvement Company.

An Act to authorize the improvement

of Fall Brook in the towns of Bingham and Brighton.

An Act relating to the taxation of Telegraph Companies.

An Act to provide for the trapping of bob cats, loupevier and Canada lynx in the townships known as Letter A. and Leavitt, in the county of Aroostook, without a trapping license, during open season on mink, sable, muskrat and fisher

An Act to regulate fishing in Crosbyville stream, so called, in the towns of Avon, Phillips, Freeman and Strong, in the county of Franklin.

An Act to amend Chapter 233 of the Private and Special Laws of 1909, entitled "An act for the protection of deer in York county."

An Act to prohibit the hunting of ducks and other water fowl in Saco bay, in York and Cumberland counties, by use of steam, naphtha or gasoline boats. (Tabled pending second reading on motion by Mr. Murphy of Portland.)

An Act to regulate the hunting of deer in Waldo county.

An Act to regulate fishing in Tom pond, so called, sometimes called Thomas pond or Lake Keoka, in the town of Waterford, county of Oxford.

An Act to regulate fishing in the town of Durham, in the county of Androscoggin, and to repeal Chapter 159 of the Private and Special Laws of 1909.

An Act to prohibit trout fishing in Alyder brook, so-called, in the towns of Island Falls and Hersey, and in Dyer brook, so-called, in the towns of Island Falls and Dyer Brook, and in Merrill Plantation, in Aroostook county.

An Act to amend Section 88 of Chapter 206 of the Public Laws of 1909 relating to the appropriation of money for military purposes.

An Act to amend Section 12 of Chapter 112 of the Public Laws of 1907 as amended by Chapter 69 of the Public Laws of 1909 relating to the appropriation for State highways.

An Act to extend the charter of the Parlin Stream Dam and Improvement Company.

An Act defining the main trunk line of highway through the State.

An Act to regulate fishing in Little

Pushaw pond, so-called, in the town of Hudson, county of Penobscot.

An Act to regulate ice fishing in Lake Wassokeag, so-called, in the town of Dexter, in the county of Penobscot.

#### Passed to be Engrossed.

An Act to authorize the Wiscasset, Waterville and Farmington Railway Company to dispose of a part of the property of said company.

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.

An Act to extend the charter of the Jonesport Central Railroad Company.

An Act to amend Section 95 of Chapter 4<sup>th</sup> of the Revised Statutes of 1903, as amended by Chapter 121 of the Public Laws of 1905, as amended by Chapter 176 of the Public Laws of 1907, relating to notice of injury to casualty insurance companies.

#### Passed to Be Enacted.

An Act granting Bradbury Smith the right to use and maintain a ferry between Sullivan and Hancock.

An Act regulating ice fishing in Rodgers or Ripley pond, so-called, in the town of Ripley, county of Somerset.

An Act to empower the county commissioners of York county to act under Chapter 179 of the Laws of 1907, entitled "An Act to provide a way to free toll bridges."

An Act to amend Section 1 of Chapter 169 of the Private and Special Laws of 1903, as amended by Chapter 361 of the Private and Special Laws of 1909, relating to the Young Women's Christian Association of Portland, Me.

An Act to amend Section 3 of Chapter 159 of the Private and Special Laws of 1903, relating to the Brownville and Williamsburg Water Company.

An Act to regulate fishing in Little Lobster Lake, so called, in the county of Piscataquis.

An Act to amend Chapter 291 of the Private and Special Laws of 1909, relating to fishing in Indian river stream, in Washington county.

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

An Act to amend Sections 13 and 14 of Chapter 131 of the Revised Statutes relating to private detectives.

An Act additional to and amendatory of Chapter 424 of the Private and Special Laws of 1907 entitled "An Act to incorporate the Kittery Water District within the limits of the town of Kittery for the purpose of supplying the inhabitants of said district likewise the remaining portion of said town with pure water for domestic and municipal purposes.

An Act to regulate fishing in Clarksons pond, so called, situated in the town of Kittery, county of York.

An Act to change the name of Horse Island and the name of Horse Island Harbor.

An Act to provide for a close time on scallops. (Tabled pending its passage to be enacted on motion of Mr. Plummer of Lisbon.)

#### Finally Passed.

Resolve in favor of Stephen B. Lord.

Resolve in favor of F. Ray Neal.

Resolve in favor of F. G. Farrington.

Resolve in favor of James F. Ashford.

Resolve in favor of Leon S. Lippincott.

Resolve in favor of Albert W. Buck.

Resolve in favor of Clyde B. Scribner.

Resolve in favor of Patrick Hayes.

Resolve in favor of M. Kierney.

Resolve in favor of Wilmot C. Lippincott.

Resolve in favor of Chapin Lydston.

Resolve to the members of Congress to promote the efficiency of the life saving service.

Resolve in favor of L. Ernest Thornton.

Resolve in favor of James A. Chase.

Resolve in favor of Joseph H. Dickson.

Resolve in favor of a monument at Annapolis in memory of the late Commodore John Paul Jones.

#### Orders of the Day.

On motion of Mr. Williamson of Augusta, bill, An Act to amend Chapter 123 of the Public Laws of 1905 as amended by Chapter 43 of the Public Laws of 1907, relating to appointment of State agent for the protection of children, was taken from the table, and on further motion by the same gentleman was referred to the committee on judiciary.

On motion of Mr. Peters of Ellsworth, bill, An Act relating to the compensation of the justices of the supreme judicial court and superior courts was taken from the table, and on further motion by the same gentleman it was referred to the committee on legal affairs.

On motion of Mr. Trafton of Fort Fairfield, bill, An Act to amend Section 40 of Chapter 15 of the Revised Statutes, relating to the union of two or more towns for the employment of a 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. Knight of Monroe, bill, An Act to amend Section 4 of Chapter 133 of the Public Laws of 1909, relating to contagious diseases among cattle, was taken from the table, and on further motion by the same gentleman it was referred to the committee on agriculture.

On motion of Mr. Buzzell of Fryeburg, resolve to encourage the reforestation of waste lands in the State of Maine, was taken from the table, and on further motion by the same gentleman it was referred to the committee on State lands and State roads.

On motion of Mr. Otis of Rockland—Bill, An Act to establish a law court and to abolish superior courts, was taken from the table and on further motion by the same gentleman, it was referred to the committee on judiciary.

On motion of Mr. Austin of Phillips—Bill, An Act to establish a department of fisheries and game and to consolidate existing departments, was taken from the table, and on further motion by the same gentleman it was referred to the committee on legal affairs.

Mr. WILLIAMSON of Augusta: Mr. Speaker, the House Order introduced by the gentleman from Ellsworth on Friday, enlarging the scope of the joint special committee appointed to investigate the financial condition of the State, was tabled for printing and was especially assigned for tomorrow morning. I now wish to move that it be taken from the table because I understand that certain amendments are to be offered and I wish that those amendments may be printed with the

original order, and the matter then can lie on the table so that the amendments may be printed with the order when it comes up tomorrow morning, and all considered together.

The motion was agreed to.

Mr. PATTANGALL of Waterville: Mr. Speaker, I have an amendment which I desire to offer to this order. The order now being before the House I suppose it would be proper after offering the amendment to have the amendment voted on. It would then become a part of the order and the order could then be properly tabled for tomorrow. I would like to introduce the amendment with that understanding, if I am correct about it.

The SPEAKER: As I understood it the motion was that the amendments that would be offered would be printed and then considered at the same time with the order tomorrow; and with that understanding I do not think that any vote upon the amendment would be in order.

Mr. PATTANGALL: I supposed there was but one motion put to the House, and that was that the order would be taken from the table, and I suppose that the rest of the remarks of the gentleman from Augusta were simply explanatory in order that the House would understand his object in taking it from the table. If the House had voted in such a way as not to consider any amendment at the present time I think it would be better perhaps not to offer any amendment at the present time.

The SPEAKER: I will submit the question to the House as to what the understanding was. As many as understood the motion of the gentleman from Augusta that the order was taken from the table with the understanding that amendments offered were to be printed and come up for consideration tomorrow with the order, will say aye.

As many as did not understand it will say no.

The ayes seem to have it; the ayes have it.

Mr. PATTANGALL of Waterville: Mr. Speaker, I desire to offer the following amendment to the order which was introduced by Representative

Peters of Ellsworth on Friday, Feb. 10:

Amend said order by inserting after "January 27" the words "after having completed the work which is already undertaken and reported thereon," and inserting after the word "State" the words "or State institutions." And inserting after the word "assistance" the words "including legal counsel," and adding the phrase "and for that purpose may, if necessary, sit during vacation, and make a report of its findings to the Governor and Council, which report shall be made public."

Mr. Speaker, I move that the amendment lie on the table for printing and be specially assigned for tomorrow together with the original order.

The motion was agreed to.

Mr. PATTANGALL: Mr. Speaker, I want to ask unanimous consent of the House to introduce a resolve, the time having passed for introducing resolves carrying appropriations for money. This is a resolve in favor of Unity Plantation, a small plantation here in this county, carrying the sum of \$30. It involves something in connection with their school money, and through an inadvertence the people up there did not get it in until today. I imagine it is nothing that will attract controversy and simply carries an appropriation of \$30 to Unity Plantation if it is passed.

Unanimous consent was given, the resolve was received, and on further motion by Mr. Pattangall it was referred to the committee on appropriations and financial affairs.

Mr. MORSE of Belfast: Mr. Speaker, I wish to ask unanimous consent of the House at this time to present a bill out of order. It is an act to authorize the city council of the city of Belfast to grant permission to the Manufacturing Real Estate Company to construct a wing to a shoe factory on its own land across Pleasant street in the city of Belfast. I wish to say just a word in explanation of this matter. The shoe factory in Belfast is the most important industry we have; the concern which is now operating the plant has really outgrown the building which they occupy, and more room must be had at once. The concern will doubtless leave us if this

room is not furnished. We find that the city of Belfast has not the authority to grant the permission to extend the wing in the manner proposed. The proposition is to build a wing over and above a narrow street which is about two rods in width, the land on each side being owned by the Manufacturing Real Estate Company. This bill is merely to authorize the city government to grant this permission, and inasmuch as this difficulty only arose last Saturday and as the refusal to grant the desires of the company would mean very likely the loss of the entire business to the city, I hope there will be no opposition to the acceptance of the bill at this time.

Unanimous consent was given, the bill was received, and on further motion by the same gentleman it was referred to the committee on judiciary.

Mr. CLEARWATER of Hallowell: Mr. Speaker, on January 18 I introduced in this House four separate resolves in favor of the Industrial School for Girls. They passed the House and Senate, and since then in some unknown manner one of these resolves has been absolutely lost. I have been unable to locate it and I ask unanimous consent of the House, under a suspension of the rules, to introduce a duplicate resolve, in order that the duplicate may go to the committee for its hearing on Wednesday.

Unanimous consent was given, the resolve was received, and on further motion by the same gentleman it was referred to the committee on Industrial School for Girls.

Mr. MACE of Great Pond: Mr. Speaker, I have a petition of B. F. Bickford and 39 others asking for a close time on lobsters. This petition was referred to the committee on sea and shore fisheries, and that committee reported that the petitioners have leave to withdraw. That report was accepted by the House, and I ask that the House now reconsider that vote.

The vote was reconsidered whereby the report of the committee was accepted, and on further motion by Mr. Mace the petition was recommitted to the committee on shore fisheries for further consideration.

On motion by Mr. Murphy of Portland, Adjourned.