

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

lan, Boynton, Clifford, Dodge, Edwards, Farrington, Foss of Androscoggin, Foss of Cumberland, Fulton, Hill, Kellogg, Leach, Mayo, Moulton, Mullen, Noyes, Osborn, Pendleton, Sanborn, Staples, Winslow—21.

So the motion was lost.

The resolve was given its second reading and passed to be engrossed.

On motion by Mr. Donigan,  
Adjourned.

## HOUSE.

Tuesday, February 14, 1911.

Prayer by Rev. Mr. Mosher of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act establishing a municipal court in the city of Belfast, came from the Senate referred in that branch to the committee on judiciary.

On motion of Mr. Morse of Belfast the bill was tabled for printing pending its reference to the committee in concurrence.

An Act for removal of close time on deer in Searsmont, Waldo county, came from the Senate, by that branch indefinitely postponed.

The question being, shall the House recede from its position accepting the report of the committee on inland fisheries and game that the bill ought to pass, and concur with the Senate in its indefinite postponement.

The motion was lost.

The House then voted to insist on its action and ask for a committee of conference.

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

### Judiciary.

By Mr. Williamson of Augusta—An Act relating to Court Procedure.

### Education.

By Mr. Murphy of Portland—An Act to amend Section 34 of Chapter 15 of the Revised Statutes, relative to the election of the Superintendent of schools. (Tabled for printing pending reference on motion of Mr. Plummer of Lisbon.)

Also, An Act to amend Section 96 of Chapter 15 of the Revised Statutes as

amended by Chapter 87 of the Public Laws of 1909.

### Banks and Banking.

By Mr. Woodside of Webster—An Act relating to investments by savings banks. (Tabled for printing pending reference on motion of Mr. Woodside.)

### Inland Fisheries and Game.

By Mr. Andrews of Norway—An Act to regulate the catching of black bass in Pennessewasse Lake, situated in Norway county of Oxford.

By Mr. Libby of Oakland—Remonstrance of E. W. Towle and 53 others against ice fishing in Belgrade system of lakes.

Also, Remonstrance of W. T. Haines and 41 others against same.

Also, Remonstrance of B. F. Charles and 23 others against same.

Also, Remonstrance of Fred C. Hartford and 34 others against same.

By Mr. Porter of Mapleton—Remonstrance of C. C. Libby and 52 others against close time on bull moose.

### Shore Fisheries.

By Mr. Kelley of Boothbay—Remonstrance of L. H. Rowe and 70 others of Georgetown against a close time on lobsters, and against any change in the present measurement of lobsters.

### Towns.

By Mr. Morse of Waterford—An Act to annex Fryeburg Academy Grant to the town of Mason. (Tabled for printing pending reference on motion of Mr. Hastings of Auburn.)

### Reports of Committees.

Mr. Williamson from the Committee on Judiciary reported "ought to pass" on Bill, An Act to amend An Act to revise, consolidate and amend the charter and laws of the city of Augusta, and relating to the tenure of office of the members of the Fire Department of said city.

Mr. Trafton from the same Committee reported same on Bill, An Act to enlarge the limits of the Rumford Falls Village Corporation.

Mr. Goodwin from the same Committee reported same on Bill, An Act to amend chapter 243 of the Public Laws of 1909, relating to the choice of assessors in towns.

Mr. Hersey from the same Committee reported same on Bill, An Act to amend the charter of the city of South Portland.

Mr. Bogue from the same Committee, to which was referred Bill, An Act to incorporate the Bluehill Water Company, reported same in a new draft under the same title, and that it ought to pass.

Mr. Kelley from the Committee on Claims reported "ought to pass" on Resolve in favor of Arlington J. Day of Wesley, Maine.

Same gentleman from the same Committee reported same on Resolve in favor of the town of Hermon.

Same gentleman from the same Committee reported same on Resolve in favor of the town of Porter.

The reports were accepted and bills and resolves ordered printed under joint rules.

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

An Act to abolish the State agency for sale of intoxicating liquors.

An Act to repeal chapter 92 of the Public Laws of 1905 entitled "An Act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors."

#### Passed to be Engrossed.

House Bill, No. 127, An Act to amend Chap. 247 of the Public Laws of 1909, relating to the Packing and Branding of Apples.

House Bill, No. 145, An Act to grant additional powers to the Lubec Sardine Company.

House Bill, No. 144, An Act to amend and extend the charter of the Baker and Spencer Brook Dam and Improvement Company.

House Bill, No. 143, An Act to authorize the improvement of Fall Brook in the towns of Bingham and Brighton.

House Bill, No. 141, An Act entitled "An Act for better protection of Shell Fish in the town of Yarmouth."

House Bill, No. 140, An Act to authorize the construction of a weir in tide waters of Passamaquoddy Bay in the town of Perry.

House Bill No. 135, An Act to in-

corporate the town of Stockholm.

House Bill, No. 146, An Act relating to the taxation of Telegraph Companies.

House Bill, No. 147, An Act to provide for the trapping of Bob Cats, Loupcervier, Canada Lynx.

House Bill, No. 148, An Act to regulate fishing in Crosbyville Stream.

House Bill, No. 149, An Act entitled "An Act for the protection of Deer in York County." (Tabled on motion of Mr. Mitchell of Kittery.)

House Bill, No. 151, An Act to regulate the hunting of deer in Waldo county.

House Bill, No. 152, An Act to regulate fishing in Tom Pond.

House Bill, No. 153, An Act to regulate fishing in the town of Durham.

House Bill, No. 154, An Act to prohibit trout fishing in Alder Brook.

House Bill, No. 155, An Act relating to the appropriation of money for military purposes.

House Bill, No. 156, An Act relating to the appropriation for State highways.

House Bill, No. 158, An Act defining the main trunk line of highway through the State.

(Tabled on motion of Mr. Buzzell of Fryeburg.)

House Bill, No. 159, An Act to regulate fishing in Little Pushaw Pond.

#### Orders of the Day.

On motion of Mr. Murphy of Portland, Resolve in favor of Frank W. Bucknam, secretary of the commission of pharmacy, was taken from the table, and on further motion by the same gentleman it was referred to the Committee on Appropriations and Financial Affairs.

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.

On motion of Mr. Perkins of Mechanic Falls, Bill, An Act to prohibit the throwing of sawdust and other mill waste into the lakes, ponds and streams of the State of Maine, was taken from the table, and on further motion by the same gentleman it was

referred to the Committee on Inland Fisheries and Game.

**Passed to be Enacted.**

An Act to authorize the Mousam Water Company to increase its capital stock and extend to Fortune's Rocks.

An Act to permit the plantation of Highland to assume the maintenance of its roads and bridges.

An Act to extend the charter of the Sagamore Insurance Company.

An Act to authorize the construction and maintenance of a bridge over flats and tide waters in Back river in the town of Boothbay.

An Act to authorize the erection of a dam across the east branch of Spruce Creek in the town of Kittery.

An Act to amend Chapter 407 of the Private and Special Laws of 1903, as amended, relating to fishing in Gull pond in Dallas Plantation, in the county of Franklin.

An Act to authorize the Lewiston Gas Light Company to increase its capital stock and issue bonds.

An Act to create the Bingham Water District.

An Act to incorporate the Bingham Water Company.

An Act to ratify and confirm the sale of the railroad and franchises of the Atlantic Shore Line Railway and the incorporation of the Atlantic Shore Railway.

**Orders of the Day.**

Specially assigned—House Order: The Senate concurring, that the joint special committee appointed to investigate and report upon the financial condition of the State under the order which passed the House Jan. 27, be authorized and directed to investigate and report as to whether any dishonest practices or violations of law have existed in any department of the State which may be the subject of its investigation under said order previously passed; and, to facilitate its investigation, said committee is authorized to employ such expert assistance as it may deem necessary.

Also specially assigned—Amendment "A": Amend said order by inserting after "January 27" the words "after" having completed the work which it has already undertaken and

reported thereon," and inserting after the word "state" and before the word "which" the words "or state institution" and inserting after the word "assistance" and before the word "as" the words "including legal counsel," and adding to said order the words "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. PETERS of Ellsworth: Mr. Speaker, I desire to say that I have no objection to the increase in the scope of the order by authorizing the investigation of State institutions, or authorizing the sitting of the committee in vacation if it is necessary, nor do I have any objection to the employment of legal counsel if it is necessary to employ counsel, nor do I object to the committee being directed to report to the Governor and Council if they cannot finish their investigation in time to report to this Legislature.

My theory in offering the order, however, was that the committee could as well as not simultaneously investigate both as to the matter of any possible frauds and also for the purpose of ascertaining the true financial condition of the State. I see by the amendment which is introduced by a member of the committee, that the idea is to make in a sense two investigations, to investigate now for the purpose of ascertaining the financial condition of the State, and after it has done so and reported, in the language of the amendment, then to investigate for the purpose of ascertaining if any fraud or violations of law have existed. My idea was to sweep the ground once for anything there might be on it, but if the committee feels that it has not time to do that and desires to add one investigation on the other I don't know as we can complain: but I do think that this ought to be added as a further amendment. This makes it mandatory upon the committee immediately upon the completion of its present duties to begin another investigation. I think discretion should be given to the committee to some extent in that respect. The

committee when it gets through with its investigations will know very much more about the necessity for doing anything further than we can possibly know now. I would suggest that instead of making it obligatory upon the committee to institute a further investigation which may be prolonged, and must of necessity be somewhat expensive, and may be fruitless, that we add an amendment to the amendment leaving it to the judgment of the committee to say whether that investigation shall be carried on, or whether they find any indications of any fraud or other thing which might make it wise or expedient to carry it on; and with that and in view I offer, and I assume there will be no objection because it leaves it entirely in the discretion of the committee—I offer the following amendment "B" to amendment "A."

"Amend amendment A by adding after the word 'thereon' the following words 'if it finds any indications of dishonest practices or violations of law, or if in the opinion of the committee a further investigation is necessary or expedient, having so reported to the Legislature it shall,' and so forth, so that said order when amended shall read as follows:—

"The Senate concurring, that the Joint Special Committee appointed to investigate and report upon the financial condition of the State under the order which passed the House January 27, after having completed the work which it has already undertaken and reported thereon, if it finds any indications of dishonest practices or violations of law, if in the opinion of the committee a further investigation is necessary or expedient, having so reported to the Legislature it shall be authorized and directed to investigate and report as to whether any dishonest practices or violations of law have existed in any department of the State or State institutions, which may be the subject of its investigation under said order previously passed; and, to facilitate its investigation said committee is authorized to employ such expert assistance, including legal counsel, as it may deem necessary, 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."

And at the suggestion of the gentleman from Waterville, (Mr. Pattangall) I very cheerfully add to my amendment language giving the power to the committee to summon witnesses, administer oaths, and punish for contempt, which clause would be added to this amendment, as follows: "And said committee shall have power to summon witnesses, administer oaths and to punish for contempt." I move the passage of this Amendment B to Amendment A.

The question being on the adoption of Amendment B to Amendment A.

Mr. PATTANGALL of Waterville: Mr. Speaker, I suppose the first matter would be the adoption of Amendment B and then Amendment A before the question of the passage of the order would naturally come up, but as the Chair has read it as a whole and was about to put the motion as a whole I would like to say just a word in regard to the matter. I am entirely satisfied with the amendment "B" as offered by the gentleman from Ellsworth, and of course I would like to see amendment "A" adopted because I offered it myself; but I think there has been a little misunderstanding in regard to the general scope of the whole affair which it would be well to clear up before the order is passed. The original order passed by this House did not involve any investigation of anybody either of dishonesty, violation of law or the methods under which the different departments are carried on. It was simply an order for the committee to ascertain if possible the financial standing of the State of Maine in order that we might know how much money we had to appropriate and how much money we had to raise. To get at that standing the committee have examined certain witnesses, and they have not gone beyond the scope of the order excepting as matters have been brought in by witnesses themselves whom the committee have questioned briefly upon some things not quite within the scope of the order. Every

member of that committee is also a member of other committees, so that we are obliged to sit evenings and in the time at the disposal of the committee, in order to report to this Legislature at a date early enough so that the Legislature can act intelligently in its financial work, the committee could undertake to do no more than the work called for by the original order. It might appear to be an easy thing to ascertain the financial condition of the State, and in fact when the committee began its work we all supposed it was so, that the summoning in of two or three State officials would take care of that matter, but we found out as most of the members of the House now know that it was not an easy thing to get at the financial standing of the State either approximately, which would be sufficient for our purposes probably, or possible at all to get at it exactly during this session. On that line we had passed to us a treasurer's report, and there is a volume of that report on the desk of each member of this House, which purported to give the financial standing of the State of Maine, and it is made up so carelessly that in the liabilities of the State of Maine the treasurer reporting on Dec. 31, 1910, does not even report the \$300,000 note which the State had outstanding at that time in the hands of Mosely and Company and which we have renewed during the first two weeks of the Legislature. If anybody in the House will examine the report they will find that that \$300,000 loan which has been carried for over a year by, the State of Maine does not appear in the treasurer's report as a liability.

Now, with that condition of affairs so far as the official documents go we have been obliged to call before us men who know something of the standing of the different departments and State institutions to make a summary for the use of this Legislature. I think by working evenings as we have worked we can complete that so as to report either the latter part of next week or the first part of the following week. In order to carry on simultaneously while we were getting at the financial facts, an investigation of the methods

employed by the different departments and institutions in doing their business, would have placed the committee where it could not have reported to this Legislature earlier than the very last part of the session, when a report would have done the Legislature no good as far as making out its budget and arranging its revenue was concerned.

With that view of the matter in mind I presented the amendment "A" to the order offered by the gentleman from Ellsworth, feeling sure that he would not object to it because I knew when he was informed with regard to the work which the committee was doing he would realize, as a member of experience and a man who has served on many important committees here, that we were so situated that we could devote only a small part of our time to the work we had undertaken. The amendment "B" somewhat changes the aspect of the order, for the order in its earlier terms was mandatory as originally proposed and as it would have gone through last Friday had it not been tabled by the gentleman from Augusta (Mr. Williamson),—mandatory upon the committee to report whether or not they found any dishonest practices or violations of law, and to report in a time which would not have permitted the committee to have gone into the matter intelligently. Now the time has been extended by the amendment and discretion has been given the committee to decide, as I read Amendment "B," whether it will go any farther or not. Such being the case, there can be no need of any haste in passing the order. It is a most important order; it has been amended twice, and it seems to me that it might perhaps be subject to further amendment which would make it a more useful order; and without disagreeing at all with the general purpose of the order, I would suggest that the further amendment be printed and the matter lie over, because if the committee are to go into that work on their own initiative, it seems to me the language of the order should be altered a little further. The order reads "dishonest

to the language of the order ought to be put into that work committee were to go into that work would be of the opinion that if the practices of law or other practices be broadened and they should also be instructed to investigate and report with regard to the business methods employed by the State institutions and the State departments. For instance, I don't suppose it could be called a dishonest practice or a violation of law for the treasurer of the State of Maine to report the liabilities of the State wrongfully, and to omit from his report certain liabilities. It would, however, be properly a subject for investigation and report, and if any of our State departments or State institutions are furnishing wrong financial reports to the public, while they might not technically violate the law or technically indulge in dishonest practices, still it is something that the State and the Legislature would want to know; and I would like, if it was agreeable to the House, that the order lie over until tomorrow. This will do no harm because it will have no immediate effect anyway, and the gentlemen interested in the matter can confer together and perfect this thing. It is an important matter.

Just to delay the House for a moment, I recall that in 1907 a somewhat similar order was introduced into the House for an investigation of the various State departments, and I noted in looking over the journal of 1907 that on February 14th the House by a strict party vote voted to amend that order so that no department or institution could be investigated unless charges had been filed against it in writing by somebody. I do not believe that ought to be done in this case. I did not believe that was a wise amendment then and I do not believe it would be a wise amendment now; but I think that the scope of the investigation should be enlarged just a little so as to include an investigation of the business methods employed by the institutions and the departments, and as I am not quite prepared to offer an amendment now I would much prefer to offer it after consultation with the gentleman from Ellsworth who put in the original order;

and therefore, Mr. Speaker, I move that this matter lie upon the table until tomorrow.

Mr. PETERS: Mr. Speaker, I am perfectly satisfied that the matter should lie upon the table until tomorrow. I agree with the gentleman from Waterville that the matter is of great importance, and I cheerfully acquiesce in his suggestion.

The motion was agreed to.

On motion of Mr. Plummer of Lisbon, An Act to provide for a close time on scallops, was taken from the table.

Mr. Plummer moved that the bill be amended by striking out the first paragraph thereof.

The SPEAKER: This means striking out the emergency clause.

Mr. PLUMMER: Mr. Speaker, my attention has been called to the fact that Section 5 of the act should also be stricken out if the first paragraph is stricken out.

Mr. PETERS of Ellsworth: Mr. Speaker, I move that the motion to amend lie on the table until tomorrow morning, if there is no objection by the gentleman from Lisbon. I was not informed and I doubt if the House was informed as to the expediency of the emergency clause upon it. It would give us an opportunity perhaps to familiarize ourselves with the merits of the case. At the present time I do not feel prepared to vote and therefore I move that the matter of the amendment be laid upon the table until tomorrow morning.

The motion was agreed to.

Mr. Hogan of Portland presented the following order:

Ordered, That all committees are hereby directed to report to the committee on appropriations and financial affairs all appropriations recommended by them or any acts or resolves recommended by them which amend existing statutes or resolves requiring the appropriation of money. The committee on appropriations and financial affairs is hereby directed to make record of such reports and forthwith submit the same to the Legislature without changes therein. No act or resolve involving any appropriation of money shall be engrossed without having en-



dorsed thereon in addition to the usual endorsement by the officers of the Senate and House, the following: "Examined and recorded by the committee on appropriations and financial affairs ——— Chairman."

On motion of Mr. Davies of Yarmouth, the order was tabled for printing.

Mr. SLEEPER of South Berwick: Mr. Speaker, this morning the House refused to concur with the Senate in indefinitely postponing House bill number 107 which relates to an open season for deer in the town of Searsmont in the county of Waldo. I desire to move that we reconsider that vote, for this reason: House bill 151 contains the same subject matter with a few minor changes, and for that reason the bill was indefinitely postponed in the Senate and came to the House in that form.

The question being, shall the vote be reconsidered whereby the House voted to insist and ask for a committee of conference on House bill 107.

It was agreed to.

Mr. WILLIAMSON of Augusta: Mr. Speaker, I would like to have the House examine document 107 which we are now considering and compare it with House bill 151 which I think has already taken its third reading. If I understand the matter correctly House bill 151 makes a general open time in the county of Waldo from the 15th of November to the 15th of December. Now there is a present statute enacted in 1909 relative to the town of Searsmont which permits the hunting of deer during the month of November. If I understand the matter correctly the postponement of House bill 107 will not leave the close time in the town of Searsmont the same as in the rest of Waldo county. I understand that in order that the close time may be the same in the town of Searsmont as in the rest of Waldo county the bill Chapter 318 of the Private and Special Laws of 1909 should be repealed. If that is the case, then I think that House bill 107 should pass because I believe the close time throughout the whole of Waldo county should be the same, and doubtless the committee intended it to be the same.

Therefore it seems to me that this matter should not be indefinitely postponed this morning but should be laid on the table in order that that fact can be ascertained and the exact result of our action determined. I therefore move that it lie on the table.

Mr. AUSTIN of Phillips: Mr. Speaker, although the motion of the gentleman from Augusta may not be debatable, I would say for the information of the House, as I remember the matter this bill 107 was put up before the committee on inland fisheries and game so that the town of Searsmont might be relieved from this perpetual close time from which it suffers under Chapter 318 of the Private and Special Laws of 1909. If the gentleman will read that he will find that Section 1 gives a close time for three years on the towns of Camden, Rockport and Hope, in Knox county, and Lincolnville and Searsmont in Waldo county. Now the purpose of the committee I think in the passage of the bill 107 was to relieve the town of Searsmont in Waldo county from this perpetual close time of three years. After that another bill came up, House document 151, as to which the concurrence of opinion in the fish and game committee was that we would make a general open time for the whole county of Waldo from Nov. 15 to Dec. 15. I think this was why Senator Donigan in the Senate moved to indefinitely postpone House bill.

Mr. WILLIAMSON: Mr. Speaker, I would like to ask the gentleman from Phillips, through the Chair, if the indefinite postponement of House bill 107 will leave the close time in the town of Searsmont exactly the same as it is in the rest of the county of Waldo? If it does, I will withdraw my motion; but if it does not, I think the matter should lie on the table in order that it may be further considered.

Mr. AUSTIN: Mr. Speaker, I think it would be well enough for the matter to be tabled anyway for the better understanding of the members of the House. That is the purpose of it, whether it effects that purpose or not I am not able to say.

The question being, shall the matter lie on the table until tomorrow.

It was agreed to.

Mr. PATTANGALL: Mr. Speaker, I move to reconsider the vote whereby House bill 146, An Act relating to the taxation of telegraph companies, was passed to be engrossed. I do it for the purpose of offering an amendment which the taxation committee desire

offered. I haven't the amendment prepared in writing, so if the vote to reconsider passes I shall simply move that it lie on the table until tomorrow.

The motion was agreed to.

The bill was then tabled.

On motion of Mr. Tucker of Wiscasset,

Adjourned.