

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

Senate Amendment A to House Document 84 was adopted, and the bill as amended was passed to be engrossed and sent down for concurrence.

On motion by Mr. Gowell of York.
Adjourned.

HOUSE.

Tuesday, February 21, 1911.

Prayer by Rev. Fr. LaRiviere of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Resolve proposing a memorial to Congress in favor of the Sulloway pension bill, came from the Senate having received passage in that branch. On motion of Mr. Wilson of Auburn, the rules were suspended, the resolve received its two readings and was passed to be engrossed in concurrence.

An Act to authorize the York Light and Heat Company to acquire additional properties, having been passed to be engrossed in the House, came from the Senate passed to be engrossed as amended by Senate amendment A.

The vote was reconsidered whereby this bill was passed to be engrossed, Senate amendment A was adopted, and the bill was passed to be engrossed as amended in concurrence.

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

Inland Fisheries.

By Mr. Miller of Hartland—Remonstrance of W. H. Watson and 54 others against fishing in Frost Brook and Bragg Brook, so called.

The following petitions, bills, etc., were presented and referred in accordance with the privilege granted by the Speaker at the session of yesterday.

Judiciary.

By Mr. Colby of Bingham—An Act to amend chapter 526 of the private and special laws of 1871 entitled "An Act to confirm the doings of the Maine

Missionary Society and to incorporate said society."

By Mr. Clark of Portland—An Act relating to the salary of the judge of probate for the county of Cumberland.

By Mr. Phillips of Shirley—An Act to incorporate the Monson Water Company.

Banks and Banking.

By Mr. Hersey of Houlton—An Act to incorporate the People's Trust Company.

Shore Fisheries.

By Mr. McCurdy of Lubec—An Act to prevent the destruction of smelts in the waters of the towns of Lubec and Trescott in the county of Washington.

Also, An Act to protect lobsters in the waters adjacent to the shores of the towns of Lubec and Trescott.

Claims.

By Mr. Mace of Great Pond—Resolve in favor of the town of Waltham.

Pensions.

By Mr. Lawry of Fairfield—Resolve in favor of John Bradbury.

Report of Committees.

Mr. Scates from the Committee on Legal Affairs reported "ought to pass" on Bill, An Act to amend Section one of Chapter 84 of the Revised Statutes, relating to orders and notices by the Supreme Judicial Court.

Mr. Murphy from the Committee on Education reported same on Bill, An Act to amend Section 97 of Chapter 15 of the Revised Statutes, as amended, relating to the appropriation for the schooling in unorganized townships.

Mr. Lawry from the committee on Ways and Bridges reported same on Bill, An Act to repeal Chapter 404 of the Private and Special Laws of 1909, relating to the reconstruction of Portland Bridge.

First Reading of Printed Bills.

An Act additional to Chapter 406 of the Private and Special Laws of 1850, entitled "An Act creating the Norway Village Corporation," as amended by Chapter 451 of the Private and Special Laws of 1851, Chapter 314 of the Private and Special Laws of 1870, Chap-

ter 185 of the Private and Special Laws of 1875, Chapter 309 of the Private and Special Laws of 1901, Chapter 214 of the Private and Special Laws of 1905, relating to a public sewer for said corporation.

Passed to Be Engrossed.

An Act additional to Chapter 17 of the Public Laws of 1905, as amended by Chapter 89 of the Public Laws of 1907, regulating the practices of veterinary surgery, medicine and dentistry.

An Act to repeal Section 75 of Chapter 2 of the Revised Statutes, relating to compensation of clerks in the office of State treasurer.

An Act relating to the compensation of the trustees of the University of Maine and the trustees of the State Normal Schools.

Mr. Allen of Jonesboro, offered House Amendment A: From the bill, An Act relating to the compensation of the trustees of the University of Maine and the trustees of the State Normal Schools, cut out the portion relating to the compensation of the trustees of State Normal Schools.

Mr. HERSEY of Houlton: Mr. Speaker, I move that the amendment lie on the table. I do not think it is in form.

The motion was agreed to.

An Act to revive and extend the charter of the Lily Water Company.

An Act to amend Chapter 219 of the Private and Special Laws of 1903, relating to the appointment of a recorder of the Eastport municipal court.

An Act in favor of the Brewer Water Company.

An Act to authorize Walter Hadlock and his assigns to erect, extend and maintain a wharf into the tide waters of Hadlock's Cove at Islesford, town of Cranberry Isles.

An Act to extend and amend the charter of the Waterville and Winslow Bridge Company.

An Act to amend Section 23 of Chapter 114 of the Revised Statutes, as amended by Chapter 249 of the Public Laws of 1909, relating to relief of poor debtors.

An Act to extend the close time on caribou.

An Act to amend Sections 6, 7 and 11 of Chapter 15 of the Public Laws of 1907, relating to the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases, as amended by Chapter 34 of the Public Laws of 1909.

An Act to repeal Chapter 340 of the Private and Special Laws of 1907, regulating the use of a certain road in the town of Readfield.

Mr. Plummer of Lisbon, offered House Amendment A, that the bill be amended by adding thereto the following: "Provided that the majority of the legal voters present and voting of the town of Mount Vernon and Readfield, at a special meeting called within 90 days after the adjournment of this Legislature for that purpose shall vote to accept the provisions of this Act."

The amendment was adopted.

On motion of Mr. Austin of Phillips, the bill as amended was tabled pending its third reading.

An Act to repeal Chapter 126 of the Public Laws of 1909, relating to the powers of the board of prison and jail inspectors.

An Act to amend Chapter 313 of the Private Laws of the year 1909 entitled "An Act to abolish Rines hill grade crossing at Augusta."

An Act to incorporate the Maine Power Company.

An Act to extend the provisions of Chapter 315 of the Private and Special Laws of 1909, being An Act to incorporate the Penobscot Bay Water Company, to March 26, 1913.

An Act to prohibit the use of automobiles and motor vehicles on one of the ways in the town of Waterford for two years.

An Act to extend the charter of the Fairfield and Skowhegan Railway Company.

An Act in relation to the Belfast and Liberty Electric Railroad Company. (Tabled pending its third reading on motion of Mr. Pattangall of Waterville.)

An Act to improve certain State lands.

An Act to authorize the Virginia Spring Water Company to take land for the purposes of its incorporation.

Passed to Be Enacted.

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 regulate fishing in Little Pushaw pond, so called, in the town of Hudson, county of Penobscot.

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

An Act to provide for trapping of bob cats, loup cervier 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, muskrats and fisher.

An Act to authorize the improvement of Fall brook in the towns of Bingham and Brighton.

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 Crosbyville stream, so called, in the towns of Avon, Phillips, Freeman and Strong in the county of Franklin.

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 regulate the hunting of deer in Waldo county.

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

Finally Passed.

Resolve in favor of Edward E. Chase, Jr., of Bluehill.

Orders of the Day.

On motion of Mr. Otis of Rockland, Senate order relating to purchase of Maine Year Book, was taken from the table.

Mr. Otis offered House Amendment A: If the delivery of the books for either year is delayed more than 45 days after the time named in this order, the State shall not receive or pay for the same.

The amendment was adopted, and on

further motion by Mr. Otis the order was given a passage as amended.

On motion of Mr. Benn of Smyrna, bill, An Act to incorporate the town of Merrill, was taken from the table.

Mr. Benn offered Amendment A by adding to the bill the following section, Section 4: "And persons hereafter becoming chargeable as paupers within the limits of said town shall be chargeable to said town of Merrill excepting those that are now State paupers."

The amendment was adopted, the bill received its two readings as amended and was assigned for tomorrow morning.

On motion of Mr. Cronin of Lewiston,

Ordered, that the clerk of the House be instructed to have printed 200 copies of House Bill No. 196 for the use of the members of the House.

On motion of Mr. Bearce of Eddington the Senate Order directing the removal of the commissioner of agriculture from his present location, was taken from the table.

Mr. BEARCE: Mr. Speaker, I now move the indefinite postponement of this order. Two years ago I voted and worked against the resolve appropriating \$350,000 for the enlargement of the State House. We came here at this time and I wish to place myself on record as saying that I am happily disappointed. I wish to thank the commission for the nice House they have given us, and I wish also to thank them for building this structure within the appropriation which I very much doubted at the time they could do; but I find that on that commission the farmers of the State were not represented except by the Governor who at times posed as a farmer. I find that the farmers' rights have been trodden on somewhat, and they want to move the department of agriculture from the place where it has stood so many years and on the second floor of the Capitol where we could all find it so easily, into that upper part where there is no room and no ventilation and no nothing, on the back side of the building. I really believe it is a

wrong to the farmers and I believe the department should be retained right in its own place. I think there are other departments that can be moved easier and more to the liking of the people of the State; and I hope the gentlemen of this House will vote to indefinitely postpone this order.

Mr. HERSEY of Houlton: Mr. Speaker, shortly before the Legislature met I saw by great headlines in the daily papers that there was a war on here at the Capitol between the genial, social agreeable old commissioner and some of the parties who have control of the State House and the assignment of the departments. Knowing the old commissioner as I did for many years, an old friend of mine, knowing his social and agreeable disposition, I wondered how he could go to war. When I arrived here for the legislative session and came up here to the State House and looked it over and found out where his department was to be moved I went in and saw Uncle Gus and said to him, "Uncle Gus, bully for you. Don't you move." And he said, "Hersey, don't you worry about me, I am going to stay here just as long as I have a right to stay, and maintain the dignity of the agricultural department of Maine." And the other day when the new commissioner whom I had never met braced up and said he would not go up stairs, up in the attic, and an order came in here to move him up, I said, "The new commissioner is all right and I will stand by him." A short time ago we Republicans, only a few of us, had a caucus. We wanted a secret caucus. We wanted a caucus where no Democrats would be around, where no reporter would prowl around and find us, where nobody would disturb us at night or in the daytime; and after getting together and finding the way they went up to this agricultural room that has been assigned by the commissioners for the agricultural department of Maine, and we were perfectly safe. (Laughter and applause.) Not a thing came out of the caucus that night that the Democrats could find out about or any reporter.

Mr. Speaker, some years ago

when a boy I came down to Augusta and went up here as a boy naturally would to see the Capitol. I went in the front door and there met my eyes for the first time the old battle flags of the State, and the agricultural department. And then I remember as a boy how the school-marm used to drill me on what was the principal occupation or business or employment in Maine, and I would answer back "agriculture;" and she would say, "Right, take your place at the head." (Laughter.) Now I hope the time will never come when the agricultural department of Maine will be anything but the first. I hope the time will never come when the farmers of Maine will be relegated to the rear and their department taken away from them. When I am at home if there is anything I don't want to use, my wife puts it up in the attic where I never can find it. I hope the time is not coming when the department of agriculture is going to be put up attic. It should stay with the old battle flags that meet the eye when one first comes into this Capitol; and when you move that department up attic you will make a change in the personnel of this Legislature. There are 59 farmers sitting in this Legislature. If you put that agricultural department up attic, in two years from now there will be one hundred farmers in the House of Representatives. (Applause.)

Mr. AUSTIN of Phillips: Mr. Speaker, as I looked at the matter at first I was decidedly opposed to putting the agricultural department up attic; but if, as my friend from Houlton says, it will bring about the advent of a hundred farmers into this House two years from now I think I will vote that it goes up attic. (Applause.)

Mr. GOODWIN of Biddeford: Mr. Speaker, if it is in order I would like to amend the order so that it shall read that the agricultural department shall remain where it is and that the room in the attic be set apart for the Republican members of this Legislature for their caucuses. (Laughter and applause.)

The question being on the indefi-

nate' postponement of the order,

The motion was unanimously agreed to. (Applause.)

Today assigned: Hcuse bill No. 36, An Act to annex the town of Isle au Haut to the county of Knox.

Mr. PETERS of Ellsworth: Mr. Speaker, the gentleman from Rockland (Mr. Otis) who is interested in this matter desires that the consideration of it be postponed, and therefore in accordance with his request I move that this be reassigned for Thursday. And I make a similar motion in regard to House Bill No. 37.

The motion was agreed to.

On motion of Mr. Plummer of Lisbon, House Bill No. 231, An Act requiring employers to permit the use of chairs or stools in establishments employing women or girls, was taken from the table.

Mr. Plummer offered an amendment to strike out in the title the words "Permit the use of," and substituting in place thereof the word "provide," also amend Section one by striking out the words "permit the use of," in lines four and five, and substituting the word "provide."

Mr. PLUMMER: Mr. Speaker, the amendment practically puts the bill back where it was when it was introduced. It went to the committee and there was a hearing and the committee has reported the bill as printed in House Document 231, which practically emasculates it; it is absolutely of no use now whatever. It provides that these proprietors shall permit chairs to be placed for the employes, instead of requiring them to provide. I suppose in a majority of instances at present hardly any proprietors would object to their employes bringing chairs and stools with them if they thought it would not interfere with their duties and there was plenty of room; and if the use of chairs interferes with the duty of the employes by the bill as amended and as in the original draft, the employes could not rightfully use them under the law. Now it seems to me that the committee should either have killed the bill outright, reported unfavorably on it, or else left it sub-

stantially as it was instead of practically nullifying the effect of it. The women and girls and working people of the State have asked for bread, and so far as this bill is concerned which is now before us we have given them a stone. I have here a list of the states which already have a law of this kind on the statute books and it comprises a great many of them. I have not all the bills here from the various states, but this bill as amended will be practically and in effect I think word for word the same as the bill in Kansas which provides that they "shall provide chairs," not permit the use of. The statute in Minnesota says "shall provide and maintain suitable seats in the room where they work." The law in the District of Columbia says "it shall be required to provide proper and suitable seats." In Delaware it says "shall provide suitable seats." All of these states, a list of which I have here, make this requirement the same as this bill did originally and as it will if amended.

I don't think there is anything further to say. I might call attention to this fact. It is of course well known to all the members of this Legislature that women at times, and some of them all the time, have troubles to which the male portion of mankind are not liable, and that the use of seats when opportunity is given to sit down is beyond question of advantage to the health of the women; and with these few remarks I have no more to say at present.

Mr. OTIS of Rockland: Mr. Speaker, as a member of the committee which reported this bill in the new draft I wish to heartily second and endorse the proposition to amend it and restore it to its original condition, and in the meantime I wish to explain how the bill happens to be changed to its present form. The bill as originally introduced by the gentleman from Lisbon was given a hearing and there were a large number of gentlemen who appeared representing the various industries throughout the State, many of whom represented industries to which this bill might to some extent apply, and for more than an hour a desultory

discussion went on in which many of them appeared to feel that the bill would be inimical to their interests. Finally one gentleman happened to state what would be his view of the effect of the bill. When I called his attention to the fact that there was nothing in the bill such as he had mentioned, it then transpired that he had not read the bill at all and had not seen it and did not know what it was; and I found that most of the gentlemen who had spoken on the bill in opposition to it at that time did not really know what the bill was. I then called the attention of one gentleman, who was quite prominent in manufacturing industries and who had mills to which this bill would apply, and I asked him to read the bill. He read it through several times very carefully and at the close he said to the committee that he found nothing whatever that was objectionable in the bill; and, as I understood, all the gentlemen who were present agreed to that. As soon as they knew what the bill was and saw how reasonable and how unobjectionable it was they withdrew their opposition to the bill and it went to the committee without any opposition. The amendment was made in executive session, and I presume it will not be proper for me to allude to what occurred there; but may say this, that it was not a large representation of the committee. I think if I remember right there were only five, or possibly six, members of the committee there when that vote was taken. I do not think it was fairly considered in executive session when the change was made. I do not think the members realized what would be the effect of it, that it would be to destroy the real purpose of the bill.

The distinction has been very plainly pointed out by the gentleman from Lisbon. The bill as it originally was

and as it will stand if this amendment is adopted, requires employers in certain cases to furnish seats for women when they are not actively employed in their duties. It does not require the mills or the stores to give them time to sit down but merely requires that if they do have an opportunity to rest they may be permitted to sit down and they should have seats provided so they can do so and not make them stand around like statues as many girl clerks in the department stores are obliged to do when waiting for customers; and, Mr. Speaker, it seems to me that this bill, in the form proposed by the gentleman from Lisbon, commends itself to the good sense of this House, as I believe it would to that of the committee if they had fairly considered it.

The question being on the adoption of the amendment,

The amendment was adopted.

The bill then received its two readings and was assigned for tomorrow morning.

On motion of Mr. Pattangall of Waverly, House Bill, No. 12, An Act in relation to the Belfast and Liberty Railway Company, was taken from the table.

Mr. PATTANGALL: Mr. Speaker, I have conferred with a portion of the railroad committee since tabling that bill and they thought there were some matters contained in it which should be stricken out. At the suggestion of the committee I move to recommit the bill in order that the committee may make such changes as they deem necessary.

The motion was agreed to.

On motion of Mr. Connors of Bangor,

Adjourned.