

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

the gasoline engine, because it does the work much better than the horse power, but knowing that they took the risk themselves the few days the gasoline engine is there, they refused to have an engine in the barn.

I hope this bill will be voted upon favorably by the Senate.

The question being on the substitution of the bill for the report, the yeas and nays were ordered.

Those voting yea were: Messrs. Allan, Dodge, Donigan, Hill, Leach, Mayo, Osborn, Sanborn, Staples,—9. Those voting nay were: Messrs. Blanchard, Boynton, Chandler, Farrington, Foss of Cumberland, Fulton, Kellogg, Milliken, Moulton, Mullen, Noyes, Stearns, Theriault,—13. Absentees: Edwards, Foss of Androscoggin, Gowell, Hamilton, Irving, Pendleton, Smith, Winslow,—8.

And so the motion was lost.

The report of the committee was then accepted and sent down for concurrence.

On motion by Mr. Stearns of Oxford,
Adjourned.

HOUSE.

Friday, February 24, 1911.

Prayer by Rev. Mr. Hope of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Report of the committee on agriculture, reporting in a new draft and ought to pass, Bill, An Act to amend Chapter 247 of the Public Laws of 1909 providing for the uniform grading, packing and branding of apples, came from the Senate indefinitely postponed in that branch.

On motion of Mr. Bisbee of Rumford, the report was tabled.

Senate Bills on First Reading.

An Act to incorporate the New Sharon Water Company.

An Act to amend Section 10 of Chapter 79 of the Revised Statutes, relating to the appointment and fees of masters in chancery.

An Act additional to An Act to incorporate the general conference of

Free Baptists. (Tabled pending third reading on motion of Mr. Sleeper of South Berwick.)

Subsequently Mr. Williamson of Augusta, moved that the bill be taken from the table and recommitted to the committee on judiciary.

The motion was agreed to.

An Act to grant additional powers to the Lubec Sardine Company, came from the Senate with Senate Amendment A adopted.

The amendment was adopted in concurrence.

Mr. Williamson of Augusta, moved that the matter be laid upon the table and the amendment printed.

The motion was agreed to.

An Act to provide a charter for the city of Gardiner.

An Act to abolish the Dover municipal court and the Milo municipal court and to establish the Piscataquis municipal court.

An Act to incorporate the Clark Power Company, came from the Senate amended by Senate Amendment A.

On motion by Mr. Williamson of Augusta, the amendment was tabled for printing.

An Act to amend Sections 11, 12, 14, 15, 16 and 17 of Chapter 17 of the Revised Statutes, relating to registration of physicians and surgeons.

Resolve in favor of the town of Castine.

Resolve in favor of Stockholm plantation, with statement of facts.

An Act to amend Section six, seven and eleven of Chapter eleven 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.

This bill was passed to be engrossed in the House and comes back from the Senate non-concurred in and re-committed to the committee on agriculture. (Tabled on motion of Mr. Chase of York.)

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

Judiciary.

By Mr. Hogan of Portland—An Act

to amend Section 69 of Chapter eight of the Revised Statutes, as amended by Chapter 186 of the Public Laws of 1909, relating to the taxation of collateral inheritances.

By Mr. Austin of Phillips—An Act to amend Section one of Chapter 57 of the Revised Statutes, relating to organization of corporations.

Legal Affairs.

By Mr. Peters of Ellsworth—An Act in relation to the election of directors of corporations organized under general law.

Education.

By Mr. Andrews of Norway—Petition of H. D. Smith and 13 others of Norway, for change in distribution of mill tax for schools.

By Mr. McCann of Poland—Petition of G. L. Sylvester and 15 others of Durnham, for same.

By Mr. Benn of Smyrna—Petition of David F. Adams and 22 others of Littleton, for same.

By Mr. Russell of North Berwick—Petition of F. P. Blanchard and 12 others of Lebanon, for same.

Also, Petition of J. H. Jenkins and 26 others of Lebanon, for same.

By Mr. Cowan of Hampden—Petition of C. W. Miller and 14 others of Hampden, for same.

By Mr. Littlefield of Bluehill—Petition of Otis H. Carter and 51 others of Surry, for same.

By Mr. Campbell of Cherryfield—Petition of E. S. Stewart and eight others of Cherryfield, for same.

Also, Petition of A. H. Morris and 10 others of Steuben, for same.

By Mr. Wilson of Auburn—Petition of R. E. Davis and 14 others of Auburn, for same.

Inland Fisheries and Game.

By Mr. Berry of Fayette—Remonstrance of James Tebbetts and 59 others of Belgrade, against ice fishing in Snow pond, so-called.

Shore Fisheries.

By Mr. Harmon of Stonington—Remonstrance of E. P. Cooper and 41 others of Crie Haven against any law to prohibit fishermen catching herring for bait.

Reports of Committees.

Mr. Wilkins from the committee on towns reported "ought not to pass" on Bill, An Act to set off a part of the town of Rangeley and incorporate it as Oquosoc Plantation.

Mr. Sleeper from the committee on inland fisheries and game, on Remonstrance against a close time on bull moose, by C. C. Libby and 52 others, reported that the same be placed on file, as the subject matter of said remonstrance has already been reported upon by this committee.

The reports were accepted.

Mr. Pelletier from the committee on legal affairs reported "ought to pass" on Bill, An Act to extend the charter of the Winter Harbor and Eastern Railway Company.

Mr. Allen from the committee on education reported "ought to pass" on Bill, An Act to amend Section 96 of Chapter 15 of the Revised Statutes, as amended by Chapter 87 of the Public Laws of 1909, relating to agents of schools in unorganized townships.

Same gentleman from same committee reported same on Bill, An Act to amend Chapter 15 of the Revised Statutes relating to public school attendance.

Mr. Smith from the committee on mercantile affairs and insurance reported same on Bill, An Act to incorporate L'Association d'Epargnes de Waterville.

Mr. Allen from the committee on education, on Bill, An Act to provide for the State certification of all teachers of public schools, reported same in a new draft, under the title of "An Act to provide for the State certification of all teachers of public schools" and that it ought to pass.

Mr. Sleeper from the committee on inland fisheries and game, on Bill, An Act relating to fishing in the inlets to Jim pond and in Jim brook, in Jim Pond township, so-called, in the county of Franklin, reported same in a new draft, under title of "An Act to regulate fishing in the tributaries to Jim pond and in Jim brook, in Township No. 1, Range 5, W. B. K. P., or Jim Pond Township, so-called, in the

county of Franklin," and that it ought to pass.

Same gentleman from same committee, on Bill, An Act to prohibit the throwing of sawdust or other mill waste into the outlet of Worthley pond, in the town of Peru, in the county of Oxford, also petition of L. O. Babb and others for same, reported same in a new draft, under title of "An Act to prohibit the throwing of sawdust or other mill waste into the outlet of Worthley pond, in the town of Peru, in the county of Oxford," and that it ought to pass.

Mr. Tucker from the committee on ways and bridges, on Bill, An Act to incorporate the Saint John River Toll Bridge Company, reported same in a new draft, under the title of "An Act to incorporate the Fort Kent and Clairs Toll Bridge Company," and that it ought to pass.

Mr. Allen from the committee on education reported "ought to pass" on Resolve in favor of providing plans for school buildings.

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

First Reading of Printed Bills.

An Act to amend and unify the laws regulating the sale of agricultural seeds, commercial feeding stuffs, commercial fertilizers, drugs, foods, fungicides and insecticides. (Tabled pending first reading on motion of Mr. Austin of Phillips.)

An Act to amend Section four of Chapter 102 of the Public Laws of 1905 relating to the Penobscot tribe of Indians. (Tabled pending first reading on motion of Mr. Murphy of Portland.)

An Act to amend Section 12 of Chapter 200 of the Private and Special Laws of the year 1899, entitled "An Act to incorporate the Kennebec Water District."

Resolve in favor of the Penobscot tribe of Indians. (Tabled pending second reading on motion of Mr. Murphy of Portland.)

An Act to authorize the town of York to construct a way across the tide water of Barrell's mill pond, in York harbor.

Passed to Be Engrossed.

House Bill, No. 252, An Act relating to holidays.

House Bill, No. 254, An Act relating to the merger of the Portland Trust Company into the Fidelity Trust Company.

House Bill, No. 255, An Act to establish the Houlton municipal court.

House Bill, No. 256, An Act relating to order of notice by the supreme judicial court.

House Bill, No. 257, An Act relating to the appropriation for schooling in unorganized townships.

House Bill, No. 258, An Act relating to the reconstruction of Portland bridge.

Passed to Be Enacted.

An Act to amend Chapter 243 of the Public Laws of 1909, relating to the election of assessors in towns.

An Act to incorporate the Bluehill Water Company.

An Act to amend Chapter 54 of the Special Laws of 1895, as amended by Chapter 60 of the Special Laws of 1903, enlarging the territory of the Rumford Falls Village Corporation.

An Act to amend the charter of the city of South Portland.

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 fire department in said city.

An Act relating to the Southwest Harbor Water Company.

Finally Passed.

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

Resolve in favor of Lewis Mitchell, representative of the Passamaquoddy tribe of Indians.

Resolve in favor of the New England Fruit Show.

Resolve for the introduction of the Hungarian partridge in the State of Maine.

From the Senate: Ordered, the House concurring, that when the Senate and House adjourns they adjourn to meet on Monday, February 27, at half past four in the afternoon.

The order was given a passage in concurrence.

Orders of the Day.

On motion by Mr. Strickland of Bangor, Bill, An Act fixing the liability of a bank to its depositors for payment of forged or raised checks, was taken from the table, and on further motion by the same gentleman it was referred to the committee on legal affairs.

Resolve in favor of Lola Cola, representative of the Penobscot tribe of Indians, came from the Senate amended by Senate Amendment A.

The House reconsidered the vote whereby the resolve was passed to be engrossed, Senate Amendment A was adopted and the resolve was then passed to be engrossed as amended in concurrence.

On motion of Mr. Davies of Yarmouth, Bill, An Act for the better protection of shell fish in the town of Yarmouth, was taken from the table.

Mr. DAVIES: Mr. Speaker, I move that this bill be re-committed to the committee on shore fisheries.

Mr. NOYES of Falmouth: Mr. Speaker, in reference to that bill I will say that when it was before the committee there was a very good representation of the people from Cumberland who were interested in the Act and no one appeared in opposition to it. It was the unanimous report of the committee that the act be repealed, and I will say further that to recommit this bill to that committee will necessitate travel and loss of time of very many people who are in such a condition financially that they cannot afford the time and expense to come here for another hearing; and as it was the unanimous report of the committee that the act be repealed I wish that the Legislature would so vote.

Mr. DAVIES: Mr. Speaker, I desire to say just a word in this connection. I have spoken with the gentleman from Bath, Mr. Percy, the House chairman of the committee on shore fisheries, and I also have spoken with the senator from Hancock, Mr. Mayo, and they approved of the motion to recommit.

Mr. HODGKINS of Damariscotta: Mr. Speaker, as one of the committee which reported unanimously on this

bill, I think the bill is all right and that it should go along.

The question being, shall this bill be recommitted to the committee on shore fisheries, Mr. Noyes of Falmouth moved that the vote be taken by the yeas and nays.

The motion was agreed to.

Mr. HERSEY of Houlton: Mr. Speaker, after a committee reports unanimsously on a bill some of us land-lubbers would like to know the reason for recommitting it.

Mr. DAVIES: Mr. Speaker, I did not think at the time the motion was made it was necessary to go into any discussion of the merits or demerits of the matter involved in the bill. I do not remember any session of the Legislature where a motion to recommit to a committee was denied. If it ever has been denied it has entirely slipped my mind; and it seems to me it was somewhat of a formal motion.

The facts are these, that at the time of the hearing on this bill there were a number of people from our town who made some mistake or were misinformed as to the matter of the date set for the hearing, and while the matter was gone into by the people who appeared as the proponents of the bill rather exhaustively and a number of points were touched upon by the proponents, we were not represented at that time for the reason that we did not have knowledge—I am speaking for the inhabitants of my town—as to the matter of the hearing, and that occurred under a misapprehension of facts; and the purpose for recommitting the bill is that they may have a further hearing on it and that the inhabitants of the town of Falmouth may be heard in opposition to the passage of the Act.

Mr. BOMAN of Vinalhaven: Mr. Speaker, it seems to me that the bill was recommended by the entire committee and was advertised for a hearing and it seems to me it would be a hardship on the parties who came to the hearing that they should come again; and being a member of the committee, Mr. Speaker, I object to its being recommitted.

The SPEAKER: The clerk will call the roll.

On motion of Mr. Clearwater of Lowell that gentleman was excused from voting.

Mr. Wilkins of Jay asked permission to be excused from voting.

The motion was lost. (Applause and laughter.)

YEA—Allen of Jonesboro, Andrews, Bearce, Benn, Berry, Bisbee, Bogue, Brown, Buzzell, Campbell, Chase, Colby, Couture, Cowan, Davies, Deering of Waldo, Dufour, Dunn, Dutton, Gamache, Harmon, Heffron, Knight, Lawry, LeBel, Littlefield of Bluehill, Littlefield of Wells, Mace, Macomber, McBride, McCann, McCready, Merrifield, Merrill, Miller of Hartland, Monroe, Morse of Belfast, Patten, Pelletier, Perkins of Mechanic Falls, Peters, Pike, Pinkham, Plummer, Pollard, Porter of Mapleton, Porter of Pembroke, Powers, Quimby, Robinson of Lagrange, Robinson of Peru, Russell, Sawyer, Smith, Active I. Snow, Alvah Snow, Snow of Bucksport, Soule, Stetson, Strickland, Trafton, Trask, Trimble, Weston, Whitney, Wilcox, Woodside—67.

NAY—Allen of Columbia Falls, Ames, Austin, Boman, Burkett, Connors, Cope, land, Cyr, Davis, Descoteaux, Dow, Doyle, Dresser, Drummond, Emerson, Farnham, Files, Gross, Hastings, Hedman, Hersey, Hodgkins, Hogan, Johnson, Kelley, Kingsbury, Lambert, Libby, Mather, McCurdy, Morse of Waterford, Mower, Murphy, Newcomb, Noyes, Otis, Packard, Pattangall, Perkins of Kennebunk,

Phillips, Putnam, Shea, Skehan, Sleeper, Small, Stinson, Thompson of Presque Isle, Thompson of Skowhegan, Wheeler, Wilkins, Williamson, Wilson—52.
ABSENT—Anderson, Averill, Bowker, Briggs, Clark, Cronin, Deering of Portland, Emery, Fenderson, Frank, Goodwin, Greenwood, Hartwell, Hodgman, Jordan, Kelleher, Kennard, Mallet, Marriner, McAllister, Mitchell, Percy, Ross, Scates, Trim, Tucker, Turner, Waldron, Weymouth—29.

So the motion prevailed.

Mr. Trafton of Fort Fairfield announced that Representative-elect Hedman from New Sweden had taken and subscribed the oaths necessary to qualify him to enter upon the discharge of his official duties as a member of the House.

On motion of Mr. Otis of Rockland, bill to divide the town of Bristol and to incorporate the town of South Bristol, was taken from the table, and on further motion by Mr. Otis the report, ought not to pass, was accepted in concurrence.

On motion of Mr. Kelley of Boothbay the rules were suspended and that gentleman introduced a remonstrance of 416 citizens of Boothbay against an act to incorporate the Bayville Village Corporation. (Referred to the committee on judiciary.)

On motion of Mr. Wilson of Auburn, Adjourned.