

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Friday, February 14, 1913.

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father LaRiviere of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Joint resolution relating to measures in regard to legislation for regulation and control of public service corporations and inviting Hon. Robert LaFollette to address the members of the Legislature of Maine upon said subject, in the Hall of the House of Representatives on or about February 26, 1913.

The joint resolution received a passage in concurrence.

From the Senate: Ordered, the House concurring, that when the Senate and House adjourn it be to meet on Monday afternoon, February 17, at half past four o'clock.

The order received a passage in concurrence.

From the Senate: Communication from the secretary of State transmitting a list of public acts approved by the Governor, with the date of approval.

The communication was read and placed on file in concurrence.

From the Senate: An Act to amend section 66 of chapter 51 of the Revised Statutes of Maine, relating to railroad crossings of highways and other ways.

In the House this bill was referred to the committee on judiciary, and came from the Senate referred to the committee on railroads and expresses in non-concurrence.

On motion by Mr. Clark of Portland, the House voted to recede and concur with the Senate in its reference of the bill to the committee on railroads and expresses.

From the Senate: An Act to amend section 65 of chapter 51 of the Re-

vised Statutes, relating to railroad crossings of highways and other public ways.

In the House this bill was referred to the committee on judiciary, and came from the Senate referred to the committee on railroads and expresses in non-concurrence.

On motion by Mr. Clark of Portland, the House voted to recede and concur with the Senate in its reference of the bill to the committee on railroads and expresses.

From the Senate: An Act to amend chapter 188 of the Public Laws of 1907, relating to assessment of taxes for street sprinkling.

In the House this bill was referred to the committee on legal affairs, and came from the Senate referred to the committee on taxation in non-concurrence.

On motion by Mr. Maybury of Saco, the House voted to recede and concur with the Senate in its reference of the bill to the committee on taxation.

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

Judiciary.

By Mr. Sanborn of South Portland: An Act to amend section three of chapter 162 of the Public Laws of 1905, entitled "An Act enlarging the duties and fixing the compensation of the Attorney General." (Tabled for printing pending reference to the committee on motion by Mr. Sanborn.)

By same gentleman: An Act additional to chapter 79 of the Revised Statutes, relating to transfer of actions and other matters to the Law Court in case of death of presiding justice. (Tabled for printing pending reference to the committee on motion by Mr. Sanborn.)

By same gentleman: An Act to amend chapter five of the Revised Statutes, relating to boards of registration.

By Mr. Higgins of Brewer: An Act creating a State board of charities and corrections. (Tabled for printing pending reference to the committee on motion by Mr. Trimble of Calais.)

By Mr. Waterhouse of Kennebunk:

An Act to define and prohibit unfair competition and discrimination, and to define the powers and duties of the Attorney General in regard thereto. (Tabled for printing pending reference to the committee on motion by Mr. Waterhouse.)

By Mr. Sherman of Eden: Petition of O. H. Jellison and 55 others in favor of total repeal of the Eden automobile exclusion law; also petition of F. J. Nash and 52 others for same; also petition of P. H. Joy and 56 others for same.

Placed on File.

By Mr. Spencer of Berwick: Petition of Mrs. J. E. Fickett and 12 others in favor of equal suffrage for women, also petition of E. A. Crowell and 24 others for same; also petition of George W. Noton and 6 others for same; also petition of James A. Anderson and 24 others for same.

By Mr. Twombly of Enfield: Petition of Charles A. Maxwell and 42 others for same; also petition of Ella Morrill and 52 others for same; also petition of Allen E. Wakefield and 68 others for same; also petition of Henry G. Hoyt and 40 others for same; petition of H. D. Bates and 45 others for same.

By Mr. Mitchell of Newport: Petition of Mabel Hersom Jones and 11 others for same; also petition of Kenneth A. Rollins and 24 others for same; also petition of Sarah M. Whittier and 24 others for same.

Legal Affairs.

By Mr. Gallagher of Bangor: An Act authorizing the city of Bangor to supply the town of Hampden with water.

By Mr. Sanborn of South Portland: An Act relating to liens on motor vehicles and trucks. (Tabled for printing pending reference to the committee on motion by Mr. Sanborn.)

By Mr. Harman of Stonington: Petition of Bert Simpson and 36 others of Stonington asking for a license law for stationery engineers.

Education.

By Mr. Rolfe of Portland: Petition of Ralph Woodbury and 16 others in favor of teachers' pension bill; also petition of Walter H. Dresser and six

others for same; also petition of Scott Wilson and 39 others for same. (Placed on file.)

By Mr. Haskell of Portland: Petition of E. M. Lang, Jr., and five others for same. (Placed on file.)

By Mr. Clark of Portland: Petition of Lewis A. Goudy and 52 others for same; also petition of Florence M. Knight and three other Portland teachers for same. (Placed on file.)

By Mr. Sargent of Portland: Petition of William K. Neal and 67 others for same; also petition of Edward A. Hay and 54 others for same; also petition of Joseph H. Hutchins and 191 others for same. (Placed on file.)

By Mr. Clark of Portland: Petition of Edward A. Noyes and 51 others for same. (Placed on file.)

By Mr. Haskell of Portland: Petition of W. G. Thomas and eight others of Portland for same. (Placed on file.)

By Mr. Stuart of Livermore Falls: Petition of Frederick Newport and 23 others for same. (Placed on file.)

By Mr. Boland of Biddeford: Petition of Cornelius Horrigan and 300 others of Biddeford for same. (Placed on file.)

By Mr. Currier of Camden: Petition of Albert C. Whitman and 23 others of Appleton for same. (Placed on file.)

Agriculture.

By Mr. Farrar of Ripley: An Act relative to weights and measures.

By same gentleman: An Act relative to sealing milk bottles and jars.

By Mr. Jones of China: Remonstrance of Martin Webber and 18 others of China against any change in the present law relating to the uniform grading and packing of apples. (Placed on file.)

By same gentleman: Remonstrance of H. N. Randall and 23 others against same. (Placed on file.)

Military Affairs.

By Mr. Peaks of Dover: An Act to amend chapter 206 of the Public Laws of 1909, relating to military laws of State of Maine.

Ways and Bridges.

By Mr. McBride of Mount Desert: Petition of A. E. Mace and 17 others in

favor of an appropriation for road around Chick Hill.

Inland Fisheries and Game.

By Mr. Jones of China: Petition of Fred M. Plaisted and 32 others of South China for open season to ice fishing in China Lake.

By Mr. Eastman of Benton: Petition of Robert Stobie and 56 others to repeal chapter 153 of the Public Laws of 1911 entitled "An Act to prohibit the use of gang hooks"; also petition of J. E. McGinnis and 55 others for same.

By Mr. Peacock of Readfield: Petition of M. K. Lincoln of Wayne and 46 others to have Androscoggin Lake closed to ice fishing.

Sea and Shore Fisheries.

By Mr. Farnham of Bath: An Act prohibiting the shipment of lobsters out of the State during certain months.

(Tabled for printing pending reference to the committee on motion by Mr. Farnham.)

Temperance.

By Mr. Sturgis of Auburn: An Act to amend section 40 of chapter 29 of the Revised Statutes, relating to the sale of intoxicating liquor. (Tabled for printing pending reference to the committee on motion by Mr. Sturgis.)

Taxation.

By Mr. Plummer of Lisbon: Resolve for an amendment of the constitution providing for local option in taxation. (Tabled for printing pending reference to the committee on motion by Mr. Plummer of Lisbon.)

Orders.

Mr. SMITH of Presque Isle: It will be remembered, Mr. Speaker, that Mr. Ramsay, the representative from Blaine, was obliged to go home in the early days of the session on account of sickness of himself. Mr. Ramsay hoped to be able to return later and attend the sessions of the House, but I am sorry to say that his condition is unimproved, and I fear that he never will be any better in health; at the present time he is seriously sick and confined to his home, and in view of that situation I wish to present an order and ask that the House give it a passage.

Mr. Smith then presented the following order:

Ordered, That Representative John M. Ramsay of Blaine, on account of illness be excused from further attendance at this session, and that his pay and mileage be made up to the end of the session.

The order received a passage.

Reports of Committees.

Mr. Spencer from the committee on ways and bridges, reported in a new draft and "ought to pass" on bill, An Act to authorize the employment of county prisoners on highways.

Mr. Butler from the same committee, reported in a new draft and "ought to pass" on resolve in favor of aiding the town of Kingman in repairing bridge in said town across the Mattawamkeag River.

Mr. Spencer from the same committee, reported "ought to pass" on resolve in favor of the towns of Enfield and Howland.

Mr. Umphrey from the same committee, reported "ought to pass" on bill, An Act relating to ditches, drains and gutters in public ways.

Mr. Scates from the same committee, reported "ought to pass" on resolve in favor of the town of Howland.

Mr. Merrill from the committee on pensions, reported "ought to pass" on resolve in favor of E. J. C. Owen.

Mr. Sprague from the same committee, reported in a new draft and "ought to pass" on resolve in favor of William H. Richardson, a soldier of the war with Spain.

Mr. Hagerthy from the same committee, reported in a new draft and "ought to pass" on resolve in favor of Gerry M. Garland.

Mr. Jenkins from same committee, reported "ought to pass" on resolve in favor of Elizabeth G. Dow of Buxton.

Mr. Ramsay from same committee, reported "ought to pass" on resolve in favor of Maria A. Sylvester.

Mr. Merrill from same committee, reported "ought to pass" on bill, An Act to amend section one of chapter 145, relating to State pension law.

The reports were accepted and the

several bills and resolves tabled for printing under the joint rules.

Mr. Morrison from the committee on ways and bridges, which was instructed by order of the Legislature to inquire into the expediency of order relating to equalizing State aid for highways, reported legislation thereon inexpedient.

Same gentleman from same committee, on resolve in favor of the town of Trescott, reported legislation thereon inexpedient as the subject matter is included in resolve now before the committee.

Mr. Irving from the committee on banks and banking, on bill, An Act to amend section 54 of chapter eight, relating to taxation of savings banks, reported that the same be referred to the committee on taxation.

Mr. Morse from the same committee, on bill, An Act to amend section 54 of chapter eight, relating to mortgages on savings banks, reported legislation inexpedient as the subject matter is included in a bill now before the committee on taxation.

Mr. Spencer from the committee on ways and bridges, reported "ought not to pass" on resolve in favor of Letter E Plantation and Sandy River Plantation, in Franklin county for repair and permanent improvement of highways.

Same gentleman from same committee, reported "ought not to pass" on resolve in favor of aid in building road from Roach River to Grant Farm.

Same gentleman from same committee, reported "ought not to pass" on resolve in favor of Sourdahunk Road.

Mr. Morrison from same committee, reported "ought not to pass" on bill, An Act to incorporate the Rumford Bridge Company.

Same gentleman from same committee, reported "ought not to pass" on resolve in favor of aid for building road to Pittston Farm.

Mr. Merrill from the committee on pensions, reported "ought not to pass" on bill, An Act to amend chapter 145, relating to State pensions.

Mr. Winchenbaugh from the same committee, reported "ought not to

pass" on resolve in favor of U. Grant Shepard of Bowdoinham.

Mr. Irving from the committee on banks and banking, reported "ought not to pass" on bill, An Act to amend section 13 of chapter 96 of the Laws of 1907, relating to directors of trust companies.

The reports were accepted.

Majority and minority reports of the committee on labor, on bill, An Act to repeal section 51 of chapter 40 of the Revised Statutes, relating to employment of adults and minors, majority report "ought not to pass" signed by Messrs. Mitchell, Stuart, Eastman, Emerson, Umphrey, Smith, Allen and O'Connor, and minority report, "ought to pass," signed by Mr. Descoteaux.

On motion by Mr. Descoteaux of Biddeford, both reports, pending the acceptance of either, were laid upon the table, and specially assigned for consideration on Thursday of next week.

First Reading of Printed Bills and Resolves.

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

An Act to extend the charter of the Rumford Falls & Bethel Street Railway.

Resolve appropriating money for expenses of Electoral College.

Resolve in favor of the town of Castine.

Resolve in favor of the Maine Industrial School for Girls at Hallowell to provide for the payment of interest on trust funds deposited in the State treasury.

Resolve in favor of the Maine Industrial School for Girls at Hallowell to provide for the payment of unused interest on trust funds.

Resolve in favor of the State School for Boys at South Portland for permanent improvements and insurance.

Resolve in favor of the State School for Boys at South Portland for general maintenance.

Resolve in favor of the Eastern Maine Insane Hospital for storage house and cold storage plant, repairs on buildings C and E, washing machine for laundry, fire mains and hydrants and high pressure pumps, accompanied by statement of facts.

Passed to Be Engrossed.

An Act to create Royal River Manufacturing & Power Company.

An Act to change the burden of proof in certain negligence cases in which contributory negligence is a defense.

Resolve in favor of Benjamin F. Towne of Waterville, in the county of Kennebec and State of Maine. (Tabled pending second reading on motion by Mr. Jones of China.)

Resolve in favor of the town of Norway.

Resolve in favor of the town of Newport.

Resolve in favor of the town of Newport.

Resolve in favor of repairing the bridge across the Kennebec River between the Plantations of West Forks and The Forks.

Resolve in favor of repair of bridge in the town of Norridgewock.

Resolve in favor of the officers of the Senate at the organization of that body, January 1, 1913.

Resolve for the appointment of delegates to the conferences of the National Tax Association.

Orders of the Day.

Mr. MAYBURY of Saco: Mr. Speaker, through the courtesy of the gentlemen from Augusta, Mr. Newbert, I move that we take from the table order in relation to investigating the cost of producing electric energy in the state of Maine.

The motion was agreed to.

Mr. MAYBURY: And in order that we may clear up the docket of this House I wish to make a brief statement so that the gentlemen of the House will understand my persistency in the matter, and in order that the friends of the order, for whom it was introduced, will understand my persistency.

When the matter came up in the House yesterday I supposed it was as dead as Julius Caesar, and that the powers of all the eight doctors in the House could not resuscitate it, but I found that was not the case. You are all familiar with the several gyrations that this order has made in its attempted passage through the two branches of this Legislature; and

when it was tabled in the Senate at the instigation of the attorneys for the electric light companies, the next day gentlemen from the Senate came to me and we discussed the disposition of the order, and it was agreed that we should leave the matter to the joint committee of legal affairs and judiciary, who were to consider the public utilities bill, under which this matter would naturally come. That was a gentleman's agreement. I did not take their signatures in black and white and have attached thereto one of Dr. Plummer's red seals. Despite that gentleman's agreement, when they took the matter from the table they voted to indefinitely postpone it. For my own part, I would much rather have seen it die a natural death than to have been thus uncerimoniously strangled in the Senate. Now, in order to give it a Christian burial, I move that we recede and concur with the Senate in its action.

The motion was agreed to, and the House receded and concurred with the Senate in the indefinite postponement of the order.

Mr. PEACOCK of Readfield: Mr. Speaker, through an oversight yesterday, bill, An Act to repeal Chapter 340 of the Public Laws of 1907, relating to road in Readfield, was overlooked. This matter was tabled at my suggestion during my absence from the House. It was not tabled for the purpose of encumbering the docket of the House, but there is one other matter pending before this body which should be taken in connection with this particular matter. The other matter has not as yet been acted upon, and for that reason I move that this matter be laid upon the table, and I will take it up at the earliest possible moment.

Mr. AUSTIN of Phillips: Mr. Speaker, I would like to ask the gentleman from Readfield, Mr. Peacock, through the Chair, if it was not agreed that this matter should be assigned for next Tuesday, after the adjournment yesterday.

Mr. PEACOCK: Mr. Speaker and gentlemen, I will say at the time I supposed that the other matter to which I have referred would have been acted upon so that I would know

about it; but I have had due inquiry and have found out that probably that matter will not be reported into the House until sometime next week, possibly not before Thursday of next week. As I indicated before, I have no desire to hamper legislation or to encumber the docket of this House; but as a matter of courtesy I would like to have this matter lay upon the table until the other matter has been duly reported.

Mr. AUSTIN: Mr. Speaker, I know this is a very small matter, but in the absence of the gentleman from Westbrook, Mr. Scates, who is a member of the committee on ways and bridges, I feel that something should be said at this time. This matter was assigned for consideration yesterday, and through a natural inadvertence it was overlooked until after adjournment of the House yesterday. The gentleman from Readfield, Mr. Peacock, with the gentleman from Westbrook, Mr. Scates, and myself agreed with the Speaker that this matter should be tabled until next Tuesday.

Now, personally, I do not care whether it is tabled until next Tuesday or until a week from next Tuesday, but in the absence of the gentleman from Westbrook, it would seem to be a little fairer proposition for the gentleman from Readfield to table this matter until next Tuesday and then, if at that time he was not ready for its consideration, take it from the table again and reassign it for another date. As I say, personally I have no interest in the matter as to whether it is tabled until next Tuesday or until a week from next Tuesday.

Mr. PEACOCK: Mr. Speaker, I haven't the least objection to doing this sort of thing, only I thought that if the matter could lay upon the table until the other matter was acted upon it would be better than to keep taking it off of the table and getting it back upon the table, for it might possibly get worn out in the process. I did agree to have this matter considered last Tuesday, but it was before my consultation with the members of the other committee, from

whom I ascertained that no report would be made until later. I am perfectly willing to stand by my agreement, and I only laid it upon the table without assigning a definite day for its consideration for the simple reason that I thought it would save a little time. If my brother insists, I am perfectly willing to assign it for next Tuesday.

The question being on the motion to assign the matter, relating to highway in the town of Readfield, for special consideration on Tuesday of next week,

The motion was agreed to.

On motion by Mr. Durgin of Milo, House Document No. 223, bill, An Act additional to chapter four of the Revised Statutes, relating to appointment of town auditors, was taken from the table, and on further motion by Mr. Durgin the bill was referred to the committee on judiciary.

On motion by Mr. McBride of Mount Desert, bill, An Act to incorporate the Blue Hill Water Company, was taken from the table, and on further motion by Mr. McEride the bill was referred to the committee on judiciary.

Mr. PLUMMER of Lisbon: Mr. Speaker, I move to reconsider the vote whereby the House voted to accept the report of the judiciary committee, reporting "ought not to pass," on bill, An Act relating to the use of seals.

Mr. BOWMAN of Vinalhaven: Mr. Speaker, I move that the motion of the gentleman from Lisbon, Mr. Plummer, lay upon the table.

Mr. PLUMMER: Will the gentleman from Vinalhaven, Mr. Bowman, assign a date for the consideration of the question?

Mr. BOWMAN: Mr. Speaker, I will assign next Tuesday for its consideration.

The motion was agreed to, and the motion of Mr. Plummer of Lisbon to reconsider the vote whereby the House accepted the report of the judiciary committee was laid upon the table and specially assigned for consideration on Tuesday of next week.

On motion by Mr. Kimball of Bridgton, resolve for the screening of the outlet of Peabody Pond, situated in the towns of Naples, Sebago and Bridgton, was taken from the table, and on further motion by Mr. Kimball, a statement of facts having been inserted, the resolve was referred to the committee on inland fisheries and game.

On motion by Mr. Smith of Auburn, bbl, An Act to provide a charter for the city of Auburn, was taken from the table, and on further motion by Mr. Smith the bill was tabled for printing pending reference to a committee.

On motion by Mr. Hodsdon of North Yarmouth, the House reconsidered its vote whereby it passed to be engrossed bill An Act to amend specification one of section 13 of chapter nine of the Revised Statutes as amended by chapter four of the Public Laws of 1969 and chapter 140 of the Laws of 1911 relating to taxation of personal property and on further motion by Mr. Hodsdon the bill was re-committed to the committee on taxation.

On motion by Mr. Peacock of Readfield,

Adjournment until Monday afternoon, February 17, at 4.30 o'clock.