

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Thursday, February 27, 1913.

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

Prayer by the Rev. Mr. Pinkham of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An Act to incorporate the Mount Vernon Water and Electric Company.

An Act to repeal the law providing for a bounty on bears.

An Act to repeal chapter 337 of the Private and Special Laws of 1825 entitled "An Act for the preservation of fish in Piscataqua river."

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

Legal Affairs.

By Mr. Dunbar of Jonesport: An Act to amend section 9 of chapter 83 of the Revised Statutes, relating to the place for bringing actions.

By Mr. Nute of Wiscasset: Remonstrance of John H. McLaughlin of Whitefield and 27 others against the establishment of municipal court in Lincoln county; also remonstrance of Wilbur F. Cate of Dresden and 17 others against same.

Placed on File.

By Mr. Dunton of Belfast: Petition of Alva C. Treat and 23 others of Stockton Springs, relative to teachers' pension bill; also petition of Elva M. Randall of Stockton Springs and six others for same; also petition of E. G. Coombs of Islesboro and 32 others for same.

By Mr. Farrar of Ripley: Petition of Maud Hanson and 24 others in favor of same.

By Mr. Austin of Phillips: Petition of F. W. Atwood and 24 others of Phillips for same.

By Mr. Mathieson of Rangeley: Petition of F. B. Colby and 20 others of Rangeley for same.

Agriculture.

By Mr. Emerson of Island Falls: Pe-

titution of M. A. Peters and 52 others of Island Falls; of J. L. Scamman and 38 others of Old Orchard; of Frank H. Curtis and 19 others of Sherman; of C. W. Frost and two others of Bowdoinham; of John W. Lander and two others of Dover, favoring amendment of section four of chapter 35 of the Public Laws of 1909, relating to the licensing of milk dealers.

Ways and Bridges.

By Mr. Kehoe of Portland: An Act to amend section five of chapter 23 of the Revised Statutes, relating to ways.

Inland Fisheries and Game.

By Mr. Emerson of Island Falls: Remonstrance of Neil Shannon and 23 others against resident hunter's license law.

Sea and Shore Fisheries.

By Mr. Boman of Vinalhaven: Remonstrance of Everett L. Gray and 191 others, fishermen of Brooksville, Camden, Rockland and Owl's Head against any change in the present scallop law.

By Mr. McFadden of Lubec: Remonstrance of W. B. Spearin and 65 others against Act to prohibit the shipment of lobsters out of the State during certain months.

Orders.

Mr. SMITH of Presque Isle: Mr. Speaker, two or three days ago I introduced an order to the effect that the House convene at nine o'clock in the morning. Some of the younger members of the House have informed me that they cannot stand the grief that some of us older gray-headed cusses can, and work all day and sit up all night and not be troubled in the slightest. Now, Mr. Speaker, in deference to their wishes I wish at this time to offer another order.

Mr. Smith then presented the following order:

ORDERED, that during the remainder of the session when the House convenes in the forenoon it shall be at half-past nine o'clock, unless otherwise ordered.

The order received a passage.

Reports of Committees.

Mr. Dunton from the committee on judiciary, reported "ought not to pass" on bill, An Act to amend chapter 64 of

the Acts of 1909, concerning mufflers on motor boats.

Mr. Sanborn from the same committee, reported "ought not to pass" on bill, An Act to amend section 34 of the city charter of the city of Westbrook. (Tabled pending the acceptance of the report on motion by Mr. Scates of Westbrook.)

Mr. Kehoe from the committee on legal affairs, reported "ought not to pass" on bill, An Act to make valid certain acts of the town of Albion and its officers.

Mr. Thombs from the same committee, reported "ought not to pass" on bill, An Act to incorporate the Winn Water Company.

Mr. Connors from the same committee, reported "ought not to pass" on bill, An Act to provide for licensing of stationary engineers.

The reports were accepted.

Mr. Rousseau from the committee on legal affairs, reported "ought to pass" on bill, An Act to incorporate the Lincoln Sewer Company.

Mr. Peaks from the same committee, reported in a new draft and "ought to pass" bill, An Act to incorporate the Kennebec Gas and Fuel Company.

Mr. Wheeler from the same committee, reported "ought to pass" on bill, An Act to incorporate the Rumford Chamber of Commerce.

Mr. Thombs from the same committee, reported in a new draft and "ought to pass" bill, An Act relating to changing the name of Gregory's Sanitarium at Boothbay Harbor.

Mr. Thombs from the same committee, reported in a new draft and "ought to pass" bill, An Act to incorporate the Mattawamkeag Water Company.

Mr. Gordon from the committee on claims, reported, "ought to pass" on resolve in favor of John M. Deering of Saco.

Mr. Violette from the committee on library, reported "ought to pass" on resolve in favor of Grenville M. Donham.

Mr. Allen from the same committee, reported "ought to pass" on resolve providing for the purchase of history of the town of Garland.

The reports were accepted and the

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

Mr. Kenoe from the committee on legal affairs, reported "ought to pass" on bill, An Act relating to St. Joseph's Convent and Hospital.

The report was accepted, and this bill having been already printed received its first and second readings and was assigned for tomorrow morning for its third reading.

Mr. Bucklin from the committee on mercantile affairs and insurance, reported "ought to pass" on bill, An Act additional to sections 96, 97, and 98 of chapter 49 of the Revised Statutes, relating to qualifications of insurance agents and brokers.

The report was accepted, and this bill having been already printed received its first and second readings and was assigned for tomorrow morning for its third reading.

Mr. Trimble from the committee on railroad and expresses, reported "ought to pass" on bill, An Act in relation to the Skowhegan and Athens Railway.

The report was accepted, and this bill having been already printed received its first and second readings and was assigned for tomorrow morning for its third reading.

Mr. Trimble from the same committee, reported "ought to pass" on bill, An Act to amend sections 89 and 81 of chapter 52 of the Revised Statutes, relating to provisions for safety in management and operation of steam railroads.

The report was accepted, and this bill having been already printed received its first and second readings and was assigned for tomorrow morning for its third reading.

Mr. Trimble from the same committee, reported "ought to pass" on bill, An Act to amend section 66 of chapter 51 of the Revised Statutes of Maine, relating to railroad crossings of highways and other ways.

The report was accepted, and this bill having been already printed received its first and second readings and was assigned for tomorrow morning for its third reading.

Mr. Trimble from the same committee, reported "ought to pass" on bill, An Act to amend section 65 of chapter

51 of the Revised Statutes, relating to railroad crossings on highways or other public ways.

The report was accepted, and this bill having been already printed received its first and second readings and was assigned for tomorrow morning for its third reading.

First Reading of Printed Bills and Resolves.

An Act to amend section 115 of chapter 15 of the Revised Statutes, relating to appropriations for support of the Normal Training Schools.

An Act relating to the admission of foreign insurance companies, and amending section 78 of chapter 49 of the Revised Statutes.

An Act to incorporate the Pleasant River Gulf Improvement Company.

An Act to repeal chapter 153 of the Public Laws of 1911 entitled "An Act prohibiting the use of gang hooks, so called, when fishing in the inland waters of the State."

Resolve in favor of the Western State Normal School at Gorham for repairs and permanent improvements.

Resolve in favor of the Aroostook State Normal School at Presque Isle.

Resolve making specific appropriations for buildings at the University of Maine.

Resolve in favor of the Western State Normal School at Gorham for purchase of equipment for manual training department.

Resolve in favor of John M. Deering of Saco, Maine, as secretary of the Maine Cattle Commission.

Resolve in favor of the city of Biddeford.

Resolve in favor of the town of New Portland.

Passed to Be Engrossed.

An Act to extend the charter of the Penobscot Lumbering Association for fifteen years.

An Act to change the name of Roach River, First Roach Pond, Second Roach Pond, Third Roach Pond, and Fourth Roach Pond in Piscataquis county.

An Act to regulate the use of Songo Lock by steamboats, motor boats or other boats.

An Act to extend the charter of the

Penobscot Boom Corporation for fifteen years.

An Act to authorize Kingman Lumber Company to build and maintain piers and booms in Madawamkeag and Molunkus rivers.

An Act to amend sections 41 and 42 of chapter 49 of the Revised Statutes relative to the organization of insurance companies.

An Act to grant Bion M. Pike authority to maintain a ferry between Lubec, North Lubec, Eastport and Campobello.

An Act to amend Section 23 of chapter 18 of the Revised Statutes, relating to the State Laboratory of Hygiene.

An Act to amend Chapter 188 of the Public Laws of 1911 providing for the encouragement of industrial education.

Resolve in aid of the educational work of Greeley Institute.

Resolve, for aid in repairing the Rockland-Rockport trunk line.

Resolve, in aid of navigation on Sebect Lake.

Resolve, in favor of aid in repairing highway in town of Readfield.

Resolve, in favor of reconstructing bridge at Forest City, Washington county, Maine.

Resolve, in aid of building a bridge across the Mattawamkeag river in Moro Plantation.

Resolve, in favor of the Madawaska Training School at Fort Kent.

Resolve, in favor of Wilton Academy.

Resolve, to reimburse Cumberland county for expenses of law court held in Portland in 1910.

Resolve, proposing an amendment to the Constitution of Maine, conferring the right of suffrage on women.

Passed to Be Enacted.

An Act to authorize the Valley Cemetery Company located at Greene in the county of Androscoggin, to take land by right of eminent domain for burial purposes.

An Act to amend section 71 of chapter 83 of the Revised Statutes in regard to release or discharge of attachments.

An Act relative to untrue or misleading advertisements.

An Act to repeal chapter 577 of the Special Laws of 1874 entitled "An Act to prevent the destruction of smelts in the Piscataqua River and its tributaries"

An Act to amend section 14 of chapter 89 of the Revised Statutes, as amended by section one of chapter 186 of the Public Laws of 1907, relating to limitation of actions against executors and administrators.

An Act relating to the taxation of telegraph companies.

An Act to incorporate the Monhegan Water Company.

An Act for the better protection of alewives in Patten's Bay in the town of Surry, in Hancock county.

An Act to confirm the charter of the York Harbor Reading Room, and authorize it to provide for certificates of membership.

An Act to amend section one of chapter 455 of the Private and Special Laws of 1897, authorizing the Good Will Home Association to increase the amount of its real and personal estate.

An Act to amend sections 13 and 14 of chapter 73 of the Revised Statutes, as amended by chapter 37 of the Public Laws of 1907, relating to sales of estates of non-resident owners.

An Act to amend chapter 39 of the Public Laws of 1911, providing for weekly payment of wages.

Orders of the Day.

On motion by Mr. McBride of Mt. Desert, the vote was reconsidered whereby the House accepted the report of the committee on judiciary, reporting "ought not to pass" on bill, An Act to amend section 64 of the Acts of 1909, concerning mufflers on motor boats, and on further motion by Mr. McBride, the bill and report of the committee were tabled pending the acceptance of the report.

On motion by Mr. Plummer of Lisbon, House Document No. 252, bill, An Act to amend section five of chapter 21 of the Revised Statutes of Maine, relating to liens upon sewers, was taken from the table, and on further motion by Mr. Plummer the bill received its third reading and was passed to be engrossed.

Mr. Brennan of St. George moved that the House recall from the committee on sea and shore fisheries bill, An Act for the better protection of cod and other ground fish, for the purpose of printing, and that the same be printed.

The motion was agreed to.

Special Assignment.

The SPEAKER: Specially assigned for today is the consideration of the majority and minority reports of the committee on judiciary to which was referred bill, An Act to repeal chapter 149 of the Resolves of 1911, and to provide for state paper, majority reporting "ought to pass" in new draft, minority reporting, "ought not to pass."

Mr. Newbert of Augusta moved to substitute the minority report for the majority report.

Mr. NEWBERT: Mr. Speaker, I will say just a word in regard to this matter. This Act reported from the judiciary committee by a majority of the committee repeals Chapter 149 of the Resolves of 1911 in the first section. There was a law passed in 1911, Chapter 149, and as it is a very short resolve, I will read it. It reads as follows:

"Resolved, that the New Age, a newspaper printed at Augusta, be and the same is hereby declared to be the state paper of this state. In it shall be published all laws and resolves of a public nature, and also all advertisements, notices and orders required by law to be published in the state paper." That is the resolve which this bill seeks to repeal.

Section two of this act says, "The Portland Daily Press, a newspaper printed at Portland, Maine, is hereby declared to be the state paper of this state."

I haven't very much to say upon this question, but I would like to state a few facts. The present state paper, now the New Age and formerly, I think, The Age, although I am not quite sure, was established in this State in 1831, established by Ira Berry. It then became the state paper of this State in 1831, and it continued to be such for 25 years until 1856. At that time the Weekly Kennebec Journal became the state paper of this State, and

continued such for 55 years, or until 1911.

Now, as you gentlemen all undoubtedly know, the state paper published in the main the advertisements of taxes on wild lands, and to make it well known all over the state during the last two years the New Age has published not only in its columns, but published in papers which are established in the wild land counties the same notices, viz., in the Fort Fairfield Review, in the Ellsworth Enterprise and in the Franklin County Journal.

Now there is no reason, gentlemen, why the statute should be changed at this time, or be changed particularly in regard to the state paper. It is not a very great matter, and it is not a very important issue, and yet since 1831 the state paper has been located in Augusta because of the fact that the Capitol is in Augusta. There is no reason why the state paper of Maine for the first time since 1831 should be taken to Portland, or to any other city; nor can it be well argued that a daily paper is a better medium than a weekly paper. I submit this to you, gentlemen, as a fact that the weekly paper, the New Age, has a wider circulation than has the Portland Daily Press; it is more generally circulated throughout the state than is the Portland Daily Press or any other daily paper. It has a large circulation in its own immediate vicinity. With these few remarks I will leave the question to the House.

Mr. SMITH of Presque Isle: Mr. Speaker, I suppose that when the vote is taken, in order that the gentlemen of the House may register themselves as they feel, it ought to be taken by the yeas and nays; and I would suggest that when the vote is taken it be taken by the yeas and nays.

Mr. PEACOCK of Readfield: Mr. Speaker, before voting upon this question I would like to have a little information for my own benefit, and possibly for the benefit of some other members of the House. I would like to know the circulation of the New Age and the circulation of the Portland Daily Press. I have had some experience in newspaper work and I know that the value of a newspaper depends

largely upon its paid circulation. I will ask the gentleman from Augusta (Mr. Newbert) through the Chair what the circulation of the New Age is.

The SPEAKER: The gentleman from Readfield, Mr. Peacock, make inquiry through the Chair of the gentleman from Augusta, Mr. Newbert, in relation to some facts.

Mr. NEWBERT: I will say, Mr. Speaker, that I know nothing about it. I presume the Portland Daily Press has a wholesome circulation; it is a strong newspaper, and it is published in the western part of the State, and its circulation in a large part is in that part of the State. I doubt very much if the people of the eastern part of the State, in Hancock county, Aroostook county, Washington county and Piscataquis county ever see the Portland Press as a daily paper. That is not the question at issue at all. The New Age is an old weekly paper and has had for years and year a State-wide circulation. I don't know how large a circulation it has, but it is State-wide. It is circulated through the wild-land counties, so that no one will suffer because they do not happen to see a wild-land advertisement. I take it that there is nothing in these sections in the way of news to the public through a daily paper; there is nothing for a daily paper to publish; it is a State paper for these advertisements, put in to satisfy the law as I understand it.

Mr. PEACOCK of Readfield: I assume, then, that it makes no difference whether we read our State advertisements; and I also presume that advertisements were for the benefit of the people. It is a well-known fact that the advertising rates charged by newspapers are based upon the circulation of those newspapers. Now, if this is only to subsidize some paper I would vote without any further knowledge or information upon the merits of the case; but it seems only fair to this House that we know whether our advertisements for which we pay good money go into a paper that has a good, substantial circulation, or one that has not. If it is only for the matter or form we might just as well print these advertisements on a piece of paper, and stick them up on

the side of some house, as to put in some paper that has only a small circulation. I would like, for my own knowledge, to know the circulation of the New Age, and it seems to me, as the publisher is here, we may be able to have that.

Mr. NEWBERT of Augusta: I presume we could get some information from Mr. Bigelow, who is present, and Governor Plaisted; but I doubt if those men care to be drawn into this controversy. Newspaper men on the whole talk pretty large. Now, the gentleman from Readfield must have known, as he always reads these advertisements, that the weekly Kennebec Journal—I think before he was born, and up to two years ago—carried these advertisements; and it has always had a smaller circulation than the New Age, and has so small a circulation now that it is going to die; but had it been continued to be the State paper, as it was asked to be continued, I apprehend Brother Peacock would not have raised any question because it was small. It is something like the Hancock County matter, yesterday. I did not intend to raise this question; but you can smell politics here. There is some in me, and I admit it; and I think there is some in the other fellow.

Mr. WHEELER of South Paris: I am in sympathy, to a certain extent, with the inquiry presented by the gentleman from Readfield. If this matter is to be discussed with all the dignity that this House possesses to settle its merits of course there is no question in the mind of anybody but that the progressive Lewiston Journal would in general be entitled to the State paper. (Applause.) As one of the Progressives I should be pleased to vote for the Lewiston Journal for that reason; but it is pretty evident to every one of us that this is not to be settled upon its merits. I believe that the State paper should be in the Capital City, and under certain circumstances I should be willing to vote for the Kennebec Journal to be continued in that place. Those reasons I need not go into. I do not see any good reason for making a change in the statute at the present time. I be-

lieve that the State paper—State organ containing State matter—has certain rights. There are men who are accustomed to go to State papers for information in regard to State taxes, and I do not believe it is good policy for the State of Maine to have this vacillate back and forth every period of two years; so if the Lewiston Journal cannot be the State paper I, for one, and I believe other Progressives are with me, would vote to keep the statute as it is now. That means the minority report. If the matter is to be opened up and a new hearing allowed on the matter of circulation I should like the privilege of appearing before the committee.

Mr. SMITH of Patten: I do not propose to enter into this discussion. I desire simply to make a statement about the service to be rendered by the State paper. The law requires us to establish a State paper because under the statutes of the State there are many things—more noticeably the question of wild lands—which are, under the statute, to be published; and there are some other matters that perhaps are published in the State paper. In order to do that we have to establish a State paper. Now, it is immaterial where that paper is established so long as it is known as the State paper. It is not like a matter of legislative printing where we have to get proof in and the returns immediately. These are made up and sent to the State papers and quick time is not essential. As suggested by Mr. Wheeler, the people look for advertisements in the State paper. Now, in addition to that, as a practical proposition, and as also bearing upon the question of the location of the State paper, I will say for the information of members of the House who do not understand it, that these advertisements are published in other papers in localities affected by them. For instance, the sale of timber lands is being published in the State paper and in the timberland counties like Aroostook County, Penobscot, Piscataquis and Somerset, where there are holdings of timber, and that is the method of operation. It is not impor-

tant as to the matter of location where the State paper is established.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I would like to ask one question. Has there been any inconvenience experienced in the matter by any of the members of the House, or any complaints made while the New Age has been the State paper during the past year?

Mr. DURGIN of Milo: Mr. Speaker, I have no wish to prolong discussion upon this matter, but it occurs to me that some of these gentlemen who are so anxious that the State paper should remain at the State Capital now were not so anxious two years ago. The gentleman from Augusta (Mr. Newbert) sees politics in it at this time. I presume he saw none two years ago when the Kennebec Journal was the State paper.

As the gentleman from Patten (Mr. Smith) suggested, as far as the discussion has gone it seems to me that it makes no material difference whether the State paper is located here or in Portland but it does seem to me to make a material difference whether there is a very limited circulation or whether the circulation is large and there is no question in this instance at all about the circulation being very much larger in the case of the Portland Press than it is in the case of the New Age.

The SPEAKER: Is the House ready for the question. The House will recall that there are two reports before it, one of the majority of the committee reporting the bill in a new draft, establishing the Portland Daily Press as the State paper; the other being the minority report, reporting that the bill "ought not to pass" in any form. The motion is made by the gentleman from Augusta, Mr. Newbert, that the minority report be substituted for the majority report, and be adopted as the opinion of the House. Those voting yes will vote for the acceptance of the minority report "ought not to pass"; those voting no will vote for the establishment of a State paper at Portland, the Portland Press. In other words, those voting

yes will vote against any change; those voting no will vote for the establishment of the Portland Press as the State paper. The gentleman from Presque Isle, Mr. Smith, has demanded the yeas and nays. All those favoring the demand will rise in their places.

A sufficient number having arisen, The yeas and nays were ordered.

The SPEAKER: The clerk will call the roll.

YEA:—Boland, Boman, Brennan, Brown, Bucklin, Chadbourne, Churchil, Clark of Portland, Clark of New Portland, Cochran, Connors, Cook, Crowell, Currier, Cyr, Davis, Descoteaux, Doherty, Donovan, Dresser, Dunbar, Dunton, Eaton, Eldridge, Elliott, Estes, Farnham, Folsom, Gallagher, Gamache, Gardner, Goodwin, Gordon, Hancock, Harman, Harriman, Haskell, Hodsdon, Hogan, Jennings, Kehoe, Kenneher of Portland, Kelleher of Waterville, Lawry, Leader, Leary, LeBel, Leveille, Libby, Mason, Mathieson, Maybury, Mildon, Morgan, Newbert, Packard, Pitcher, Plummer, Price, Putnam, Quinn, Reynolds, Richardson, Robinson, Rolfe, Sanderson, Sargent, Scates, Sherman, Snow, Sprague, Stanley, Stetson, Stuart, Swett, Wheeler, Winchenbaugh, Yeaton—78.

NAY:—Allen, Austin, Bass, Benn, Benton, Bither, Bowler, Bragdon of Sullivan, Bragdon of York, Butler, Chick, Durgin, Eastman, Emerson, Farrar, Greenleaf of Auburn, Greenleaf of Otisfield, Haines, Harper, Higgins, Hutchins, Irving, Jenkins, Johnson, Jones, Kimball, Marston, McBride, McFadden, Merrill, Metcalf, Mitchell of Kittery, Mitchell of Newport, Mooers, Morrison, Morse, Nute, Peacock, Peaks, Peters, Peterson, Ricker, Roberts, Rousseau, Sanborn, Skelton, Skillin, Smith of Auburn, Smith of Patten, Smith of Presque Isle, Spencer, Sturgis, Swift, Taylor, Thombs, Tobey, Trimble, Tryon, Twombly, Violette, Washburn, Waterhouse—62.

ABSENT:—Franck, Maxwell, Morneau, O'Connell, Pendleton, Ramsay, Smith of Pittsfield, Stevens, Thompson, Umphrey, Wise—11.

The SPEAKER: Seventy-eight having voted in the affirmative and 62 in the negative, the motion of the gentleman from Augusta, Mr. Newbert, prevails and the minority report is substituted for the majority report.

Mr. Newbert of Augusta moved that the minority report be accepted.

The motion was agreed to.

On motion by Mr. Mitchell of Kittery,

Adjourned until half past nine o'clock tomorrow morning.