

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Tuesday, March 4, 1913.

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

Prayer by the Rev. Mr. Quimby of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve in favor of reconstructing bridge at Forest City, Washington county, State of Maine.

In the House this resolve was passed to be engrossed, and came from the Senate recommended to the committees on ways and bridges.

On motion by Mr. Morrison of Corinth, under a suspension of the rules, the vote was reconsidered whereby this resolve was passed to be engrossed, and on further motion by Mr. Morrison the resolve was recommended to the committee on ways and bridges in concurrence with the Senate.

Senate Bills on First Reading.

An Act to relieve the town of Southport from the duty of building, repairing or maintaining roads, streets or ways on Capitol Island.

An Act to punish the making or use of false statements to obtain property or credit.

An Act to amend section 17 of chapter 65 of the Revised Statutes, relating to administering oaths.

An Act to extend and amend the charter of the Eastern Maine Railroad.

An Act to repeal section one of chapter 158 of the Public Laws of 1911 relating to annual examination of savings banks or trust companies.

An Act to extend the charter of the Mattagammon Towboat Company.

Resolve relating to the publication of "The Beginnings of Colonial Maine."

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

Education.

By Mr. Cook of Vassalboro: Remonstrance of George H. Cates and 11 others against any change in the method of apportionment of State common school fund as recommended by the legislative committee authorized to inquire into the same; also remonstrance of George W. Taylor and 26 others against same.

By Mr. Irving of Caribou: Petition of A. A. Garden of Caribou and ten others in favor of the average attendance distribution of mill school tax.

Sea and Shore Fisheries.

By Mr. Boman of Vinalhaven: An Act to amend section one of chapter 41 of the Public Laws of 1903, relating to the duties of commissioner of sea and shore fisheries. (Tabled for printing pending reference to the committee on motion by Mr. Boman.)

By Mr. Harman of Stonington: Remonstrance of Arthur Saunders and 22 others of Otter Creek against law to prohibit shipping of lobsters out of the State; also remonstrance of Fred Fernald and 50 others of West Harbor against same; also remonstrance of E. L. Spurling and 27 others of Cranberry Isle against same.

Reports of Committees.

Mr. Smith of Presque Isle from the committee on judiciary, reported "ought to pass" on bill, An Act providing punishment for certain indecent and immoral offenses.

Mr. Dunton from the same committee, reported "ought to pass" on bill, An Act to authorize the city council of the city of Belfast to grant permission to Matthews Brothers to construct and maintain a suspension bridge over and across Front street in said Belfast.

Mr. Durgin from the same committee, reported in a new draft and "ought to pass" on bill, An Act to amend chapter 30 of the Private and Special Laws of 1911 authorizing the Wiscasset, Waterville and Farmington Company to dispose of part of the property of said company.

Mr. Smith of Auburn from the same committee, reported "ought to pass" on bill, An Act to incorporate the

Pleasant Hill Cemetery Association in the town of Webster.

Mr. Waterhouse from the same committee, reported "ought to pass" on bill, An Act to amend chapter 613 of the Private and Special Laws of 1893 entitled "An Act to establish the Western Hancock Municipal Court."

Same gentleman from same committee, reported in a new draft and "ought to pass" on bill, An Act relating to the inspection of lime casks.

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

Mr. Sanborn from the committee on judiciary, reported "ought to pass" on bill, An Act authorizing the Atlantic Shore Railway Company to increase its capital stock.

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. Smith of Patten from the committee on judiciary, reported "ought to pass" on bill, An Act to repeal Chapter 199 of the Public Laws of 1911 entitled "An Act to provide for the nomination of party candidates by direct primary."

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 the Act which constitutes the police court for the city of Rockland.

An Act to amend Chapter 504 of the Private and Special Laws of 1889, incorporating the Otter Creek Bridge Company.

An Act to amend the charter of the Rumford Falls Light and Power Company.

An Act to incorporate the Harvey Memorial Crittenton Home.

Resolve in favor of Charles Fogg of Norway.

Resolve in favor of Betsy A. Dyer for State pension.

Passed to Be Engrossed.

An Act to amend Section 116 of Chap-

ter 15 of the Revised Statutes relating to instruction for the blind.

An Act to extend the charter of the World's Standard Insurance Company.

An Act for the better regulation of the practice of dentistry in the State of Maine, and to re-organize the Board of Dental Examiners.

An Act to prohibit the use of automobiles on public roads in the town of Islesboro. (Tabled pending its third reading on motion by Mr. Twombly of Enfield.)

An Act to incorporate the Rockland Public Utilities District.

An Act to amend Chapter 100 of the Private and Special Laws of 1891 as amended by Chapter 506 of Private and Special Laws of 1903, relating to drains and common sewers in the city of Rockland.

An Act relating to the entry of nolle prosequi in criminal cases.

An Act to authorize a union of towns in maintaining town farms.

An Act to amend Sections 1, 2, 6 and 10 of An Act entitled "An Act to incorporate the Madison Water Company."

An Act relating to the use of automobiles in the town of Mount Desert, Hancock county, State of Maine. (Tabled pending its third reading on motion by Mr. McBride of Mount Desert.)

An Act to amend Section 75, Chapter 10 of the Revised Statutes relating to the sale of land for taxes in incorporated places.

An Act to amend the charter of the Livermore Falls Light and Power Company.

An Act to incorporate the Waterville Chamber of Commerce.

An Act to extend and enlarge the charter of the Ocean and Northern Railroad Company.

An Act to amend Section 2 of Chapter 353 of the Private and Special Laws of 1905, relating to the Wiscasset Bridge.

An Act permitting the use of automobiles in the town of Eden. (Tabled pending its third reading and specially assigned for consideration, on Thursday, of this week on motion by Mr. Twombly of Enfield.)

An Act to incorporate the Corinna Water Company.

Resolve in favor of Peter W. Ranco, representative of Penobscot Tribe of Indians.

Resolve in favor of Peter J. Newell representative of the Passamaquoddy Tribe of Indians.

Resolve in favor of repairing road-way leading from town of Greenville to Lily Bay Bridge, in county of Piscataquis.

Resolve in favor of the city of Saco.

Resolve in favor of the city of Waterville for reimbursement for State paupers.

Resolve in favor of building a highway bridge across Crooked River between the towns of Saco and Naples, in the county of Cumberland.

Resolve in relation to the repair of the Wiscasset Bridge.

Finally Passed.

The SPEAKER: The Chair will lay before the House on its final passage resolve making appropriations for the Passamaquoddy tribe of Indians. This resolve carries the emergency clause, and under the Constitution requires a vote of two-thirds of the members elected to this House, or 101 votes. All those in favor of the final passage of this resolve will rise and stand until counted.

A division being had,

Ninety-two members voted in favor of the final passage of the resolve.

The SPEAKER: This resolve not having received the necessary two-thirds vote, fails of a final passage.

Mr. Newbert of Augusta moved that the House reconsider its action whereby this resolve failed to receive a final passage.

The motion was agreed to.

On motion by Mr. Newbert the resolve was then laid upon the table.

Mr. NEWBERT of Augusta: Mr. Speaker, I ask the unanimous consent of the House for the introduction at this time of a special Act relating solely to the city of Augusta, and in which my colleague, Mr. Swift, also from this city, joins. I will read the Act, and then I would like to make just a brief statement in connection with it.

"Section 1. In all municipal elections hereafter held in the city of Augusta the

persons receiving the highest number of votes cast for the respective offices of mayor, aldermen, common councilmen, wardens, ward clerks and constables shall be deemed and declared respectively elected to said office.

Section 2. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Section 3. This Act shall take effect when approved by the Governor."

I want to say that next Monday our city is supposed to hold its annual municipal election, and for the first time, I think, for at least 34 years there will be three parties in the field. I understand about 34 years ago the occasion did arise when there were three parties; but many are dead who were then living, and I think no man in Augusta, layman or lawyer, knew until last Saturday, or possibly Friday, that a certain provision existed in our city charter, namely, that for the election of mayor, or any ward office down to constable, there must be obtained a majority vote. Our charter also goes on to provide that in case there is no election by majority vote on the first day that for mayor a new election shall be ordered, and at that election there must be a majority vote. If that is not obtained on that day a new election must again be ordered within four days, and that last election, after we have all become exhausted and spent all our money, and all the city's money, the charter is satisfied with a plurality; and in the case of our ward tickets, even relating to the office of constable, in case there is no election next Monday our ward officers shall meet again at 6 o'clock on Tuesday morning and the people vote all day again, and if there is no choice by majority that day, then all wards of the city will gather again at 6 o'clock on Wednesday morning and vote all day, and then on the third election they may be chosen by plurality vote. Now this has escaped the attention of the men who made the revision of our charter eight or nine years ago. It came over from the old charter. It was not changed when our State law was changed, and it is entirely out of date and archaic. I do not believe this provision exists in any charter in the State of Maine. Our neighboring city of Hallowell has stricken it out long ago. Auburn yesterday voted by

plurality vote of three parties; so did the city of Lewiston, and so did the city of South Portland; and I apprehend elsewhere if there were three parties in the field. These three elections which our charter provides for in our city will cost our tax payers not less than \$1500, and nothing availed as the result of all the trouble and expense. Now, this matter can be put through this week if we can expedite matters and allow it to be done here. It relates only to our own city. I believe every citizen here, so far as they know about it now, would say to Mr. Swift and me, it is your duty, gentlemen, as representing us in the Legislature, to stop this thing if you can. Unless we do stop it the same thing will happen next spring.

Mr. SWIFT of Augusta: The situation has been pretty generally covered by my colleague, and I agree with him that this portion of our city charter is archaic; and I think, so far as I have been able to ascertain, that it is the general consensus of opinion that it should be changed. Coming as it does at this time just before our municipal election it may have some bearing upon the election, and I feel that it should be the unanimous action of all parties. Frankly, I am strongly in favor of the passage of this resolve. I talked with the Progressive candidate, Mr. Thompson, yesterday, and at that time he was undecided and did not express any opinion; but I assume from my colleague, Mr. Newbert, that this change is agreeable to Mr. Thompson, the Progressive candidate. I think in fairness it should be agreed to by all the interested parties. Personally, I am certainly in favor of the passage of this resolve.

The SPEAKER: The gentleman from Augusta, Mr. Newbert, asks the unanimous consent for the introduction at this time of a private bill, and moves that the rules be suspended and that this bill receive its three several readings and be passed to be engrossed without reference to a committee. Is that the pleasure of the House?

The motion was agreed to, the rules were suspended and the bill, An Act relative to municipal elections in the city of Augusta, was received.

The bill received its first and second readings, and on motion by Mr. Newbert

the bill then received its third reading and was passed to be engrossed under a suspension of the rules.

Orders of the Day.

The SPEAKER: By special assignment, there comes up for consideration at this time, bill, An Act to increase the efficiency of the public schools of Maine by retiring teachers of long service with pensions.

Mr. Mathieson of Rangeley moved that this bill be taken from the table. The motion was agreed to.

Mr. Mathieson further moved that the bill be re-assigned for further consideration on Thursday of this week.

The motion was agreed to.

On motion by Mr. Kehoe of Portland, House Document No. 369, bill, An Act relative to interrogatories in civil actions, was taken from the table, and on further motion by Mr. Kehoe the bill was referred to the committee on legal affairs.

Mr. SPENCER of Berwick: Mr. Speaker, as the subject matter has been satisfactorily determined by the parties in interest, I move that the resolve to determine and establish the liability of the Portland & Rochester Railroad Company, its lessees and successors in interest, for the future repair and maintenance of Horne's bridge, so-called, with the approaches thereto, situated in the town of Lebanon, county of York, be recalled from the committee on railroads and expresses, and that the same be returned to the House for the purpose of indefinite postponement.

The motion was agreed to.

The SPEAKER: There also comes up at this time by special assignment the matter of majority and minority reports of the committee on legal affairs to which was referred resolve relating to changing date of State election from September to November, majority reporting "ought not to pass," minority reporting "ought to pass."

Mr. NEWBERT of Augusta: Mr. Speaker, the gentleman from Westbrook, Mr. Scates, is interested in this matter, and I happen to know that he

intended to discuss the same, this morning, at some length. He is not here at this time, either because he may be ill or may have lost his train, and the members of the Portland Delegation do not seem to know what has become of him. In view of this situation, and in justice to the gentleman from Westbrook (Mr. Scates), I trust the House will be willing to re-assign this matter for tomorrow, and I make that motion.

The motion was agreed to, and the matter was specially assigned for con-

sideration tomorrow.

On motion by Mr. Swett of Bath, House Document No. 372, bill, An Act to repeal Section 99 of Chapter 30 of the Revised Statutes, relating to renewal fee for registration of apothecaries, was taken from the table, and on further motion by Mr. Swett the bill was referred to the committee on legal affairs.

On motion by Mr. Stuart of East Liv-
ermore,

Adjourned.