

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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HOUSE

Friday, March 7, 1919.

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

Prayer by the Rev. Mr. Gibson of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to amend Section 37 of Chapter 18 of the Revised Statutes, relating to the penalty for practicing dentistry without certificate.

This bill was passed to be engrossed by the House on February 26. It comes back from the Senate passed to be engrossed as amended by Senate Amendment A.

It was voted to reconsider the vote whereby the bill was passed to be engrossed; and on motion by Mr. Barnes of Houlton it was voted to concur with the Senate in the acceptance of Senate amendment A; and on further motion by the same gentleman, the bill was passed to be engrossed as amended by Senate Amendment A, in concurrence.

By unanimous consent the rules were suspended, and the following Senate order was received out of order:

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Monday, March 10, at 4.30 P. M.

The order received a passage in concurrence.

From the Senate: An Act to amend Section 25 of Chapter 18 of the Revised Statutes, relating to appointments of the members of the Board of Dental Examiners, House Document No. 36.

It was passed to be enacted by the House, and comes from the Senate re-committed to the committee on public health.

On motion by Mr. Barnes of Houlton, it was voted to re-consider the vote whereby the bill was passed to be enacted; and on further motion by the same gentleman, it was voted to concur with the Senate in the re-commitment of the bill to the committee on public health.

Senate Bills in First Reading

Senate 101: An Act to amend Section one of Chapter 8 of the Revised Statutes, relative to the tenure of office of the land agent.

Senate 137: Resolve to reimburse the People's Ferry Company of Bath.

Senate 135: Resolve in favor of the Sagadahoc Agricultural and Horticultural Society.

From the Senate: Communication from the Secretary of the Senate to the Clerk of the House.

On this date, March 6th, the Senate voted that a message be sent to the House of Representatives requesting that the resolve to authorize and instruct the Governor and Council to erect a statue in memory of the sons of Maine who served in the World War, be read in the House before reference to a committee.

The resolve bears this endorsement: "Introduced by Mr. Gannett of Kennebec under suspension of the rules. Motion by Mr. Davies, sent to the House pending reference to committee on military affairs."

The SPEAKER: Inasmuch as this has come from the Senate with a request to read, the Chair can see no harm in its being read. (Resolve read by the clerk.)

Mr. ALLEN of Sanford: Mr. Speaker, I move that it be received and sent back to the Senate for further instructions.

The SPEAKER: The resolve having been read in accordance with the request.

Mr. MAHER of Augusta: What action did the Senate take?

The SPEAKER: The Senate took no action except the request that it be read in the House.

The House then agreed to Mr. Allen's motion that the resolve be sent

back to the Senate for such further action as that body may see fit to take.

The following bills, resolves and petitions were presented and, upon recommendation of the committee on reference of bills, were referred to the following committees:

Agriculture

By Mr. Wilson of Portland: An Act for better protection against adulterated, misbranded or inferior commercial fertilizer. (500 copies ordered printed.)

By Mr. Barnes of Houlton: Petition of Hudson F. Green and 21 others of Hodgdon in favor of an Act for better protection against adulterated, misbranded or inferior commercial fertilizer.

By the same gentleman: Petition of Fred A. Barton of Hodgdon and eight others in favor of same.

By Mr. Washburn of Perry: Petition of J. N. Davis and 15 others of Robbinston in favor of same.

Appropriations and Financial Affairs

By Mr. Foss of Hancock: Resolve to reimburse the committee on State sanatoriums for expenses to Hebron and Fairfield.

Inland Fisheries and Game

By Mr. Phillips of Bar Harbor: An Act to repeal Section 73 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, prohibiting hunting on Sunday.

Judiciary

By Mr. Smith of Skowhegan: An Act to amend Chapter 42 of the Revised Statutes, as amended by Chapter 139 of the Public Laws of 1917, relating to intelligence officers. (500 copies ordered printed.)

By Mr. Garcelon of Auburn: An Act to determine the compensation of special deputy sheriffs in Androscoggin county.

By Mr. Williams of Wells: An Act to amend Section 53 of Chapter 4 of the Revised Statutes, relating to the purposes for which cities and towns may raise money.

Legal Affairs

By Mr. Smith of Skowhegan: An Act to amend Chapter 80, Section 21,

Revised Statutes, relating to distribution of life insurance made payable to an estate. (500 copies ordered printed.)

By the same gentleman: An Act to amend certain sections of Chapter 63 of the Revised Statutes, relating to settlement of estates. (500 copies ordered printed.)

By the same gentleman: An Act to amend certain section of Chapter 92 of the Revised Statutes, relating to the filing of claims against estates of deceased persons. (500 copies ordered printed.)

Mercantile Affairs and Insurance

By Mr. Miller of Auburn: An Act relating to life insurance, and providing for validity of written orders by beneficiary directing payment of sums for funeral expenses.

Public Health

By Mr. Gray of Troy: Petition of J. D. Higgins and 17 others of Thorndike in favor of an act prohibiting the manufacture and sale of cigarettes within the said State of Maine.

(Voted to place the petition on file.)

Taxation

By Mr. Dutton of Bingham: An Act to prevent the illegal assessment of taxes or the abatement thereof.

Mr. DUTTON of Bingham: Mr. Speaker, inasmuch as this measure relates to a persistent violation of the provisions of the Constitution of the State of Maine, I think it would be better to refer it to the judiciary committee, and I move that it be so referred.

The House thereupon voted to reconsider the vote whereby this bill was referred to the committee on taxation, and on motion by Mr. Dutton it was referred to the committee on judiciary.

Ways and Bridges

By Mr. Overlock of Washington: An Act to amend Section 26 of the Revised Statutes relating to highway patrolmen providing that the patrol system shall be optional with towns having a valuation of less than six hundred thousand dollars.

Orders

Mr. Allan of Portland presented the following order:

Ordered, the Senate concurring, that all bills and resolves introduced into the Senate and House of Representatives after 4 o'clock on Tuesday, March 11, 1919, be referred to the next Legislature.

On motion by Mr. Barnes of Houlton, by a viva voce vote, the order was tabled.

Reports of Committees

Mr. Crane, from the committee on banks and banking, reported ought not to pass on bill, An Act to provide for the establishment of a bonding or surety department in connection with trust companies, under certain regulations, and supervision of the bank commissioner and the insurance commissioner.

Same gentleman, from same committee, reported same on bill, An Act to incorporate the Home Trust Company.

Mr. Murch, from the committee on claims, reported same on resolve in favor of Levi H. May of Island Falls.

Mr. Hinckley, from the committee on legal affairs, reported same on bill, An Act to repeal Chapter 13 of the Public Laws of 1917, entitled An Act to provide compensation for town clerks for issuing and recording burial permits.

Mr. Nelson, from the committee on towns, reported same on bill, An Act to secure a correct census of the deaf, dumb, blind, feeble-minded, idiots and insane of this State.

Mr. Clifford, from the committee on claims, on Resolve in favor of Frank Williams, administrator of the estate of Nicola DiNora, late of Boston, state of Massachusetts, reporting that the resolve be referred to the committee on judiciary.

Mr. Dolloff, from the committee on interior waters, on bill, An Act to amend Section 1 of Chapter 71 of Private and Special Laws of 1917, relating to increasing toll rates of Bangor Boom Company, reporting that the proponents have leave to withdraw.

Same gentleman, from the com-

mittee on towns, on petitions of F. W. Douglass and others urging the passage of House Document No. 2, providing for the election of road commissioners by towns, reported that the same be placed on file for reference.

Reports were read and accepted and sent up for concurrence.

Mr. Holley, from the committee on appropriations and financial affairs, reported ought to pass on bill, An Act providing for the preparation of the State Budget; creating a committee on budget; prescribing its powers and duties; making an appropriation to defray the expenses of this committee; and repealing Sections 92, 93, 94 and 95 of Chapter 2 of the Revised Statutes. (On motion by Mr. Barnes of Houlton, the rules were suspended and the bill given its first and second readings, and specially assigned for its third reading, Monday afternoon at 4.30 P. M.)

Same gentleman, from same committee, reported same on resolve in favor of Benjamin H. Varney, secretary of the committee on education.

Same gentleman, from same committee, reported same on resolve in favor of Alfred D. Sawyer.

Mr. Rounds, from the committee on claims, on resolve in favor of John G. Fleming, reported the same in a new draft, under same title, and that it ought to pass.

Same gentleman from same committee, on Resolve reimbursing the town of Lyman for expenses on account of State paupers, reported same in a new draft, under same title, and that it ought to pass;

Mr. Perkins from same committee, reported ought to pass on Resolve in favor of Elizabeth J. Pierce;

Same gentleman from same committee, reported same on Resolve in favor of the town of Brownfield;

Mr. Austin from the committee on Indian affairs, on bill, "An Act relating to sale of standing wood and timber on Islands within the limits of the Indian reservation of the Penobscot Tribe of Indians," reported same in a new draft, under same title, and that it ought to pass.

Mr. Dolloff from the committee on interior waters, on bill, "An Act authoriz-

ing the American Realty Company to erect and maintain piers and booms in the Aroostock river," reported same in a new draft, under same title, and that it ought to pass.

Mr. Fagan from the committee on legal affairs, reported ought to pass on bill "An Act to amend Section 4 of Chapter 40 of the Revised Statutes, relating to the filing of examination questions with the State librarian for public reference."

Same gentleman from same committee, on bill "An Act to make valid municipal elections of the city of Rockland," reported same in a new draft, under same title, and that it ought to pass.

Mr. Hussey from same committee, reported ought to pass on bill "An Act to amend Section 8 of Chapter 6 of the Revised Statutes relating to ballots in primary elections and providing that the order of the names of candidates on said ballots be determined by lot."

(Tabled by Mr. Dutton of Bingham, the rules as to printing being suspended.)

Mr. Lanpher from same committee, reported same on bill "An Act to amend Section 51 of Chapter 4 of the Revised Statutes, as amended by Chapter 59 of the Public Laws of 1917, relating to the payment by the State of the burial expenses of honorably discharged soldiers and sailors."

(On motion of Mr. Lanpher of Sebec, the rules were suspended and the bill given its first and second readings, and for its third reading, specially assigned for Monday, March 10, at 4.30 P. M.)

Mr. Mason from same committee, reported same on bill "An Act to amend Section 127 of Chapter 87 of the Revised Statutes, relating to affidavits of plaintiffs."

Mr. Berry from the committee on military affairs, on bill "An Act to provide for draft, when necessary, to maintain the minimum number required by law for organizations of the National Guard in time of peace," reported same in a new draft, under same title, and that it ought to pass.

Mr. Stanley from the committee on pensions, reported ought to pass on Re-

solve providing for a State pension for Mrs. Alfred Polk of Lewiston.

Same gentleman from same committee, reported same on Resolve providing a State pension for Caroline Davis.

Mr. Wilson from the committee on public utilities, on bill "An Act to provide for the removal of electric wires and poles when necessary for the repair of streets or removal of buildings," reported same in a new draft, under same title, and that it ought to pass.

Mr. Washburn from the committee on ways and bridges, reported ought to pass on bill "An Act to amend Section 36 of the Revised Statutes as enacted in Chapter 258 of the Public Laws of 1917, and to provide for the construction of third-class highways."

(The rules were suspended and the bill given its three several readings and passed to be engrossed.)

Reports were read and accepted and bills and resolves ordered printed under the joint rules.

First Reading of Printed Bills and Resolves

House 334: "An Act to authorize Horace Cleland to erect and maintain a fish weir in tide waters in front of his land in the town of Perry."

(Tabled by Mr. Washburn of Perry pending second reading for the purpose of offering an amendment.)

House 341: "An Act to amend Section 67 of Chapter 56 of the Revised Statutes of 1916, relating to crossings." (New draft.)

House 342: "An Act to extend the charter of the Livermore and Augusta Railway Company." (New draft.)

House 343: "An Act to incorporate the Skowhegan Water District." (New draft.)

House 344: "An Act to amend Section 29 of Chapter 68 of the Revised Statutes, concerning the granting of administration without bond under certain conditions."

House 337: Resolve, for extra pay to the Maine volunteers in the war with Spain.

House 338: Resolve, to reimburse certain cities and towns for money expended for the support of dependent families of members of the National Guard. (New Draft.)

House 339: Resolve in favor of Rachel Stanley:

House 340: Resolve, in favor of Mary S. Hillman.

Passed to Be Engrossed

Senate 134: "An Act to authorize the commissioner of agriculture to group the various bureaus and lines of work in the department of agriculture into divisions."

Senate 139: "An Act to amend 57 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the protection of wild birds." (Tabled by Mr. Smith of Skowhegan pending passage to be engrossed.)

Senate 143: "An Act to amend Chapter 195 of the Public Laws of 1917, creating the board of prison commissioners." (Tabled by Mr. Pike of Eastport pending passage to be engrossed.)

Senate 145: "An Act to incorporate the Island Falls Water Company."

Senate 121: Resolve in favor of the University of Maine for maintenance.

Senate 136. Resolve in favor of Morrison Libby of Oakland.

Senate 138: Resolve in favor of Harry S. Coombs for preparing sketches and estimates and attendance before Legislative hearings, making changes in said sketches and other expenses, for the board of trustees for the Maine State school for girls.

Senate 141: Resolve in favor of the National Conference of commissioners of uniform State laws, and of the commissioners from Maine, for the promotion of uniformity of Legislation in the United States.

House 26: "An Act to amend Section 51 of Chapter 55 of the Revised Statutes, relating to the appointment of examiners to perform certain duties for the public utilities commission."

House 29: "An Act to secure information relating to the yearly cut of timber from the wild land townships."

House 321: "An Act to enlarge the purposes and powers of the Utterback-Gleason Company, Incorporated, of Bangor, Maine."

House 323: "An Act to amend Section 21 of Chapter 83 of the Revised Statutes, as amended by Chapter 56 of the Public Laws of 1917, relating to temporary loans by the county commissioners." (Tabled by Mr. Allan of Portland pending third reading.)

House 322: Resolve authorizing Michael Burns to bring a suit at law against the State of Maine.

House 324: Resolve in favor of the trustees of Hartland Academy for State aid for agricultural instruction for the year 1817-1918.

Finally Passed

Resolve, appropriating money for further public instruction in forestry.

Resolve, in favor of John P. Haney of Bangor, Penobscot county, State of Maine, for teacher's pension.

Resolve, appropriating money for the purpose of operating the fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the report of the commissioner of Inland Fisheries and game, and other expenses incident to the administration of the department of inland fisheries and game.

Resolve, appropriating money for further maintenance of the State forest nursery.

Resolve appropriating money for continuance of white pine blister rust control.

Resolve providing for the completion of the book of plans of Waldo county and appropriating money therefor.

Passed to Be Enacted

An Act to authorize the town of Southport to rebuild and maintain a bridge across Nelson's mill pond, so-called.

An Act regulating the taking of clams in the town of Swan's Island.

An Act to amend Chapter 372 of the Private and Special Laws of 1905, entitled An Act for the protection of clams in parts of the county of Sagadahoc.

An Act to extend the charter of the Salisbury Cove Water Company.

An Act to extend the charter of the Boothbay Harbor Water District.

An Act relating to Martin's Point bridge, so called, in the county of Cumberland.

(Tabled by Mr. Allan of Portland pending passage to be enacted.)

An Act to provide an appropriation for general forestry purposes.

An Act to repeal Sections 54 and 55 of Chapter 142 of the Revised Statutes, relating to appropriations for the State prison.

An Act to authorize the Brunswick and Topsham Water District to adjust a claim for overcharge.

Orders of the Day

Mr. BARNES of Houlton: Mr. Speaker, House Document No. 264, creating a budget committee, was among the bills in the committee reports. I move that we reconsider the vote last taken and that it be laid upon the table for there is apparently a constitutional defect and an amendment will be necessary.

The SPEAKER: The Chair recalls that it was a report of the committee on appropriations and financial affairs, and that the report was accepted.

Mr. BARNES: Mr. Speaker, yes.

On motion by Mr. Barnes of Houlton it was voted to reconsider the vote whereby the bill was assigned to have its third reading Monday afternoon, March 10; and on further motion by the same gentleman the bill was laid on the table.

Mr. WEATHERBEE of Lincoln: Mr. Speaker, I move you that the rules be suspended to permit me to introduce a bill out of order.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The gentleman from Lincoln, Mr. Weatherbee, presents out of order the following bill: An Act to amend and correct certain clerical errors in Chapter 33 of the Revised Statutes, as amended by Chapters 219 and 244 of the Public Laws of 1917, relating to inland fisheries and game, and the same gentleman moves that this be referred to the committee on inland fisheries and game and that 500 copies be printed.

A viva voce vote being taken, the motion prevailed.

Mr. ALLAN of Portland: Mr. Speaker, I move that we take from the table

House Document No. 295, An Act to extend the charter of the R. & T. Cement Railroad, tabled by me pending its third reading, and I have an amendment to offer.

A viva voce vote being taken, the motion prevailed.

Mr. ALLAN of Portland: Mr. Speaker, I would state this is a revival and extension of the charter under an amendment.

The SPEAKER: The gentleman from Portland, Mr. Allan, presents House Amendment A to House Document No. 295: Section 2. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in concurrence with all the applicable provisions of Chapter 55 of the Revised Statutes, and acts amendatory thereof and additional thereto.

A viva voce vote being taken the amendment was adopted. The bill was then given its third reading and passed to be engrossed.

On motion by Mr. Allan of Portland, it was voted to take from the table Senate document No. 144, An Act relating to the appointment of probation officers, tabled pending commitment to committee on bills in third reading; and on further motion by the same gentleman the bill was specially assigned for its third reading Monday afternoon, March 10.

The SPEAKER: The Chair will lay before the House at this time Senate Document No. 115 in new draft, being an Act to establish the Lubeck and Machias Railway Company. By oversight the House did not act upon the Senate amendment which came along with this bill.

A viva voce vote being taken, the House voted to reconsider the vote whereby the bill was passed to be engrossed as amended by House Amendment A.

The SPEAKER: The Chair will read Senate Amendment A to Senate Document No. 115: Amending Section 4 of said document by striking out in the 7th, 8th, 9th and 10th lines of

said section the following words: So far as the same is consistent with the provisions of this chapter, and where inconsistent, or at variance with this charter, the charter shall control, so that said section as amended shall read as follows:

On motion by Mr. Barnes of Houlton the further reading of the amendment in detail was dispensed with; and on further motion by the same gentleman Senate Amendment A was adopted in concurrence; and on further motion by the same gentleman the bill was passed to be engrossed as amended by House Amendment A and Senate Amendment A.

On motion by Mr. Smith of Skowhegan, it was voted to take from the table House Document No. 99, An Act to provide for the election of road commissioners by towns, tabled by Mr. Granville of Parsonsfield, pending passage to be engrossed; and on further motion by the same gentleman the bill was passed to be engrossed.

On motion by Mr. Smith of Skowhegan, it was voted to take from the table Senate Document No. 139, An Act to amend Section 57 of Chapter 33 of the Revised Statutes, relating to the protection of wild birds; and on further motion by the same gentleman, the bill having received its third reading was passed to be engrossed.

Mr. ALLAN of Portland: Mr. Speaker, I do not know whether I am in order or not, but I would like the instruction of the House as to how far in advance we may assign hearings at the present time. The committee on taxation now has two bills that have not been heard by the committee. They will have to be assigned for a week from next Thursday, if the usual notice is given. Some of us are in doubt how to proceed in order to facilitate the business of the House.

The SPEAKER: The Chair would suggest that the matter had best be left with the committee and to their own good judgment. The order that was put in this morning that all matters after a certain date be referred to the next Legislature, it seems to me was wisely tabled on account of the fact that the attendance is not very large, a great many having gone home expecting that no matters of any particular importance would come up. Unless there is an order limiting and referring to the next Legislature matters which come in, committees will have to continue to advertise hearings on such bills as may come before them. The Chair states this informally.

On motion by Mr. Barnes of Houlton,

Adjourned until Monday afternoon, March 10, at 4.30 P. M.