

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## Seventy-Ninth Legislature

OF THE

## STATE OF MAINE

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1919

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**HOUSE**

Monday, March 24, 1919.

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

Prayer by the Rev. Mr. Walch of Augusta.

Journal of previous session read and approved.

(Mr. Berry assumes the Chair).

The Governor's veto message on House Document No. 324, resolve in favor of the trustees of Hartland Academy for State aid for agricultural instruction for the years 1917 and 1918, was received and postponed until tomorrow.

Papers from the Senate disposed of in concurrence.

**Final Reports**

From the Senate: The following committees submitted final reports, stating that they had acted on all matters referred to them:

The joint standing committee on counties.

The joint standing committee on School for Feeble Minded.

The reports were accepted in concurrence.

From the Senate: Report of the committee on judiciary on bill, An Act to amend Sections 49, 50, 51, 53, 54, 55, 59 and 60, and to repeal Sections 50 and 52 of Chapter 64 of the Revised Statutes, relating to the protection of children, as amended by Chapter 297 of the Public Laws of 1917, reporting same in a new draft, under same title, and that it ought to pass.

Tabled by Mr. Cunningham of Patten pending acceptance of report in concurrence.

**Senate Bills in First Reading**

House 425: An Act to amend Section 137 of Chapter 16 of the Revised Statutes, relating to the maintaining of evening schools and to provide for the Americanization and the reducing of illiteracy.

Senate 234: An Act to amend Section 123 of Chapter 16 of the Revised Statutes, relating to the duties of the State superintendent of public schools, and providing for the teaching of common school subjects in the English language.

Senate 203: An Act to amend Section 20 of Chapter 117 of the Revised Statutes, as amended by Chapter 179 of the Public Laws of 1917, relating to the employment of clerks and agents by the State superintendent of public schools.

Senate 106: An Act to amend Section 146 of Chapter 16 of the Revised Statutes, as amended by Chapter 64 of the Public Laws of 1917, relating to the appropriation for the support of normal and training schools.

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

**Appropriations and Financial Affairs**

By Mr. Forbes of Paris: Resolve in favor of Edith B. Wilson, clerk of the House and Senate committees on engrossed bills.

By Mr. Farnsworth of Caribou: Resolve in favor of the stenographer and typewriter to the committee on temperance.

**Orders**

On motion by Mr. Allan of Portland, it was

Ordered, that the use of the hall of the House of Representatives be granted to the committee on taxation for a public hearing Thursday, March 27, at 2 o'clock in the afternoon.

On motion by Mr. Cunningham of Patten, it was

Ordered, that the use of the hall of the House be granted for Thursday evening, March 27, 1919, for an exhibition of views of the State of Maine, showing the scenery and natural resources of the State, including especially the coast region and the region of the Kennebec and the Pe-

nobscot valleys, to which the members of the House and Senate and the public are invited.

#### Reports of Committees

Mr. Farnsworth from the committee on temperance reported ought not to pass on An Act to amend Sections 18 and 21 of Chapter 127 of the Revised Statutes, relating to the manufacture and sale of intoxicating liquors so as to legalize the sale of pasteurized, unfermented cider for use as a beverage.

Report was read and accepted and sent up for concurrence.

Mr. Buzzell from the committee on judiciary on An Act to incorporate the Belfast Water District, reported same in a new draft, under same title, and that it ought to pass.

Mr. Garcelon from the committee on legal affairs on An Act to amend Sections 3, 6, and 8 of Chapter 260 of the Public Laws of 1917, entitled "An Act to establish a Superior Court in the county of Androscoggin", reported same in a new draft, under title of "An Act to amend Sections 3 and 6 of Chapter 260 of the Public Laws of 1917, entitled 'An Act to establish a Superior Court in the County of Androscoggin,'" and that it ought to pass.

Same gentleman from same committee on An Act to amend Section 6 of Chapter 5 of the Revised Statutes, relating to boards of registration, reported same in a new draft, under title of "An Act to amend Section 6 of Chapter 5 of the Revised Statutes, relating to ineligibility of members of boards of registration as candidates for elective offices," and that it ought to pass.

Mr. Mason from the same committee on An Act to amend certain sections of Chapter 92, relating to the filing of claims against estates of deceased persons, reported same in a new draft under same title, and that it ought to pass.

Same gentleman, from same committee, on resolve in favor of Francois X. Belleau of Lewiston in the county of Androscoggin, reported

same in a new draft under same title, and that it ought to pass.

Mr. Farnsworth from the committee on temperance, reported ought to pass on An Act to amend Chapter 294 of the Public Laws of 1917, relating to seizure and forfeiture of vehicles carrying intoxicating liquors. (The rules were suspended and the bill given its two several readings.)

#### First Reading of Printed Bills and Resolves

House 462: An Act additional to Chapter 8 of the Revised Statutes relating to the burning of brush. (Tabled by Mr. Lanpher of Sebec pending second reading.)

House 463: An Act to amend Section 2 of Chapter 56 of the Private and Special Laws of 1895 as amended by Chapter 203 of the Private and Special Laws of 1903, relative to water supply of Boothbay harbor. (Tabled by Mr. Allan of Portland pending second reading, and specially assigned for tomorrow morning.)

House 469: An Act to prohibit the use of trawls of more than 4000 hooks, or more than ten nets, within the following waters.

House 470: An Act to provide aid for assistance of towns in maintaining town highways. (New draft.)

House 475: An Act for the care and preservation of shade and ornamental trees. (New draft.)

House 476: An Act to amend Chapter 151 of the Public Laws of 1917, entitled An Act to provide State aid for the construction of highways extending continuously through three or more towns.

House 478: An Act to amend Section 49 of Chapter 117 of the Revised Statutes, relating to the board of registration in medicine.

House 479: An Act authorizing the Penobscot Development Company to construct and maintain booms and piers in the Aroostook river in the town of Ashland. (New draft.)

House 480: An Act granting Bradbury Smith the right to establish and maintain a ferry between the towns of Sullivan and Hancock. (New draft.)

House 481: An Act to amend Section

32 of Chapter 67 of the Revised Statutes, concerning probate appeals. (New draft.)

House 432: An Act to amend Section 3 and Section 12 of Chapter 36 of the Revised Statutes, relating to marking packages of agricultural seeds.

House 433: An Act to authorize the payment of additional sums for cooperative agriculture.

House 484: An Act additional to Chapter 48 of the Revised Statutes, relating to the State sealer of weights and measures.

House 485: An Act to prevent and punish the desecration, mutilation or improper use of the flag of the United States of America, and of this State, and of any flag, standard, color, ensign or shield authorized by law and to make uniform the law relating thereto.

House 486: An Act relating to life insurance, and providing for validity of written orders by beneficiary directing payment of sums for funeral expenses.

(Tabled by Mr. Cunningham of Patten pending commitment to committee on bills in third reading.)

House 466: Resolve in favor of the commissioners of pharmacy of the State of Maine.

House 467: Resolve in favor of the State auditor.

House 468: Resolve in favor of the board of veterinary examiners.

House 471: Resolve to continue the Resolve under Chapter 90 of the Resolves of 1917 for the North Yarmouth Academy Grant, Township Number 1, Range 4, Aroostook county.

House 472: Resolve, continuing unexpended balance of appropriation provided by Chapter 321 of the Resolves of 1913, entitled "Resolve in favor of aid in the construction of a highway bridge across the St. John River between Fort Kent, Maine, and St. Francis, New Brunswick." (New Draft.)

(Tabled by Mr. Washburn of Perry pending second reading.)

House 473: Resolve, in favor of the Penn Mutual Life Insurance Company of Philadelphia, Pennsylvania.

House 474: Resolve, in favor of the Fidelity Mutual Life Insurance Company of Philadelphia, Pennsylvania.

House 477: Resolve, in favor of the Provident Life and Trust Company of Philadelphia, Pennsylvania.

(Speaker Farrington assumes the Chair.)

#### Passed to be Engrossed

Senate 230: An Act to amend Section 1 of Chapter 319 of the Public Laws of 1915 as amended by Chapter 304 of the Public Laws of 1917, entitled An Act to provide for State and county aid in the construction of highway bridges.

Senate 175: Resolve in favor of the Bangor State Hospital for purposes herein enumerated for the years 1919 and 1920 was read the second time, and passed to be engrossed as amended by Senate Amendment B in concurrence.

(Tabled by Mr. Holly of North Anson pending second reading.)

House 116: An Act to provide for the collection of agricultural statistics by assessors.

House 319: Bill An Act relating to inspection and recount of ballots cast at primary elections.

House 182: Resolve, making an appropriation for the control of contagious diseases among domestic animals.

Mr. BEAN of Minot: Mr. Speaker, I would like to inquire if any statement of facts comes back with this resolve.

The SPEAKER: The Chair will state that there does not appear to be.

Mr. BEAN: In view of the fact that there are several matters before the committee on agriculture advertised for hearing on Wednesday, and also as no statement of facts accompany this resolve, I move that it be tabled until Friday morning.

A viva voce vote being taken, the motion to table failed of passage.

On motion by Mr. Holley of North Anson, a viva voce vote being taken, the bill was tabled until tomorrow, pending passage to be engrossed.

#### Passed to be Enacted

An Act to incorporate the Calais Power Company.

An Act to amend Section 3 of Chapter 253 of the Public Laws of 1917,

relating to the collection of delinquent taxes.

An Act to amend Paragraph 9 of Section 6 of Chapter 10 of the Revised Statutes, in reference to the assessment of taxes on the estates of soldiers and sailors.

An Act to amend Section 61 of Chapter 142 of the Revised Statutes, relating to the commitment of women to the Reformatory for Women.

An Act to amend Section 65 of Chapter 142 of the Revised Statutes, relating to the care of children of women committed to the Reformatory for Women.

An Act to amend Section 40 of Chapter 127 of the Revised Statutes, relating to prosecutions, how commenced and conducted.

An Act to amend Paragraph 7 of Section 45 of Chapter 91 of the Revised Statutes, relating to trustee process.

An Act to regulate the taking of smelts and tomcods in the waters of Whitten Parritt stream, in the town of Gouldsboro, in Hancock county, Tunk stream and all waters tributary to Steuben bay and Joys bay, above Lobster Island narrows in the town of Steuben, in Washington county.

An Act granting to women the right to vote for presidential electors.

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.

An Act for better protection against adulterated, misbranded or inferior commercial fertilizers.

An Act to amend Sections 1 and 2 of Chapter 148 of the Revised Statutes, relating to state pensions.

An Act to grant additional corporate power to Maine Title and Utility Company.

An Act to amend Sections 53, 54 and 55 of Chapter 8 of the Revised Statutes, requiring a permit for the burning of brush or slash near woodlands, and providing for the better enforcement of the "slash law."

An Act to amend Section 2 of Chapter 5 of the Revised Statutes, relating to qualifications of voters.

An Act to amend Section 52 of Chapter 4 of the Revised Statutes, as amended by Chapter 59 of the Public Laws of 1917, relating to certificates for reimbursement of towns for burial expenses of honorably discharged soldiers and sailors.

An Act to amend Section 39 of Chapter 55 of the Revised Statutes, relating to increase or decrease of capital stock, or stock, bond or scrip dividend.

An Act to amend Section 1 of Chapter 145 of the Public Laws of 1917, relating to automatic signals.

An Act to abolish the common council of the city of Lewiston.

An Act to amend Chapter 289 of the Private and Special Laws of 1907, entitled An Act to incorporate the Livermore Falls Sewer District.

An Act to amend Chapter 34 of the Private and Special Laws of 1915, relating to the Eastport municipal court.

An Act to amend Section 104 of Chapter 16 of the Revised Statutes, relating to the reports of academies and private schools.

An Act amending the charter of the People's Ferry Company.

### Finally Passed

Resolve in favor of several academies, institutes, seminaries and colleges for maintenance and for repairs and improvements.

Resolve increasing pension of Catherine Nelligan of Brewer.

Resolve appropriating money for the erection of a fish screen at the outlet of Sebago lake.

Resolve to appropriate money for the maintenance of the Reformatory for Women at Skowhegan.

Resolve in favor of the Bath Military and Naval Orphan asylum for maintenance and other purposes for the years 1919 and 1920.

Resolve in favor of the Maine School for Feeble Minded, for additions and improvements for the years 1919 and 1920.

Resolve authorizing the treasurer of state to receive one one thousand dollar United States Second Liberty Loan, 4 per cent. bond, in full release and discharge of a legacy of one thousand

dollars, bequeathed to the Central Maine Sanatorium by the will of the late John Prescott.

Resolve authorizing the treasurer of State to receive the sum of five hundred dollars bequeathed to the Central Maine Sanatorium by the will of the late Valora Chase.

Resolve in favor of the Maine School for the Deaf.

Resolve in favor of the Augusta State hospital for maintenance and other purposes for the years 1919 and 1920.

Resolve in favor of the State tuberculosis sanatoriums for maintenance and other purposes for the years 1919 and 1920.

Resolve providing for a seal of the State.

Resolve reimbursing the town of Norridgewock for money expended for State paupers.

Resolve in favor of the Maine School for the Feeble Minded for maintenance for the years 1919 and 1920.

Resolve to reimburse the committee on insane hospitals for expenses to Bangor.

Resolve to reimburse the committee on State sanatoriums for expenses to Hebron and Fairfield.

#### Orders of the Day

The SPEAKER: There is one matter specially assigned, which the Chair will lay before the House, House Document No. 386. Resolve to appropriate money for the erection of buildings for the Reformatory for Women, tabled by the gentleman from North Anson, Mr. Holley, pending its second reading.

Mr. HOLLEY of North Anson: Mr. Speaker, in the absence of Mr. Smith, who introduced this resolve, I will ask that it be retabled until tomorrow morning, at which time we will take it up.

A viva voce vote being taken, the motion by Mr. Holley of North Anson that the resolve be retabled until Tuesday, March 25th, prevailed.

Mr. PIKE of Eastport: Mr. Speaker, I move that we reconsider the vote whereby we passed to be enacted House Bill No. 453 Saturday morning. I think

The SPEAKER: Will the gentleman from Eastport, Mr. Pike, state the title of the bill?

Mr. PIKE: Mr. Speaker, An Act amendatory and additional to Chapter 197 of the Public Laws of 1917, and Chapter 301 of the Public Laws of 1917, relating to the State department of health.

The SPEAKER: Will the gentleman from Eastport, Mr. Pike, explain to the House the condition of the bill? It does not appear to be on the table.

Mr. PIKE: Mr. Speaker, I have been informed that the bill was passed to be enacted Saturday morning.

The SPEAKER: The Chair will state that no enacters were handled at all Saturday morning.

Mr. PIKE: Mr. Speaker, or passed to be engrossed?

The SPEAKER: It does not appear to be in the hands of the clerk. It probably is in the engrossing office, or else it went to the Senate.

Mr. PIKE: Mr. Speaker, I should like to make the motion that it lie on the table and be specially assigned for tomorrow morning.

The SPEAKER: The Chair will state that in the absence of the papers themselves, which do not appear to be here, the Chair is unable to entertain the motion.

Mr. BRAGDON of Perham: Mr. Speaker, I would say in regard to that bill that I think it was passed to be engrossed Saturday.

The SPEAKER: The Chair will inquire if it was a House bill?

Mr. PIKE: House Bill No. 453.

The SPEAKER: The Chair would say that it is probably in the possession of the Senate.

On motion by Mr. Holley of North Anson it was voted to take from the table House Document No. 449, Resolve in favor of Frank Williams, administrator of the estate of Nicola DiNora, tabled pending its passage to be engrossed.

Mr. HOLLEY of North Anson: Mr. Speaker, I yield to the gentleman from Houlton, Mr. Barnes.

Mr. BARNES of Houlton: Mr. Speaker, I offer House Amendment A to House Document No. 449, which I will ask the clerk to read, and also a statement of facts to accompany the resolve; and should the amendment be adopted, I will move that the resolve, with the amendment and statements of facts, be tabled for printing.

Thereupon the clerk read the following: Amendment "A" to House Document No. 449. Amend House Document No. 449 by inserting after the words "(\$1250)" in the seventh line thereof the following: "The above amount shall be paid out of any moneys in the State treasury not otherwise appropriated."

#### STATEMENT OF FACTS

Nicola DiNora on October 11th, 1915, was in the employ of A. Williams, of Revere, Mass., a contractor who was building state highways and bridges in the town of Whiting, Washington county, Maine, and while at work a short distance from the center of the village on the road leading from that town to the town of Edmunds he was killed.

At the time of the accident which caused the death of said Nicola DiNora, workmen for the town of Whiting and said deceased were hoisting granite from the flats to the road by means of a derrick which was supported or held in position by several wire cables. Each cable in turn was made up of many pieces of wire of small calibre. The work of the deceased at that time was to handle the guy of the boom of said derrick. Without the slightest warning one of the wire cables broke and the whole derrick collapsed, DiNora being

struck by the boom itself or the block on the end of it and instantly killed. His skull was fractured on the right side and he also sustained fractures of right humerus, scapula and clavicle. Upon examination of the broken cable by the medical examiner of Washington county, he found the small wires of which it was made rusty and brittle. The job, or work on which the deceased was killed was being constructed by the town of Whiting under the direction and control of the State Highway Commission. The deceased had been sent from the work of A. Williams & Company by the State highway civil engineer to the job of the town of Whiting to remove certain granite blocks which had been left there by a man working for the Highway Commission who misunderstood his orders and instead of leaving the granite on the job of A. Williams Co. dropped it at the place where the town of Whiting crew were working.

Nicola DiNora had been employed before his death for several years on highway construction in Maine, and was receiving at the time of his death \$24 a week in wages, and was sending to his aged father and mother between \$25 and \$30 a month for their support."

A viva voce vote being taken, the amendment was adopted, and on further motion by the same gentleman, the resolve, as amended, and the statement of facts were tabled for printing.

On motion by Mr. Barnes of Houlton,

Adjourned until tomorrow morning at 9 o'clock.