

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

corporating the Otter Creek Bridge Company.

An Act to provide for the State certification of all teachers in public schools.

An Act to make valid the organization of the Pepperell Association of Kittery, Maine, under Chapter 57 of the Revised Statutes, in the year 1897.

An Act to prohibit the use of automobiles on public roads in the town of Islesboro.

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 Belfast.

An Act to provide a punishment for certain indecent and immoral offenses.

An Act to amend Chapter 154 of the Private and Special Laws of 1895, as amended by Chapter 156 of the Private and Special Laws of 1911, relating to the charter of the Wiscasset Water Company.

An Act to authorize Frank W. Hunt & Company to erect and maintain a bridge across the Mattawamkeag River.

An Act to disorganize Plantation No. 8 in the County of Hancock.

An Act to amend Chapter 30 of the Private and Special Laws of 1911 authorizing the Wiscasset, Waterville & Farmington Railway Company to dispose of the property of said company.

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

An Act in relation to boards of registration of voters.

An Act to provide for the indeterminate sentence and punishment for crime upon conviction thereof, and for the detention and release of persons in prison or detained on such sentence, and for the expense attending the same.

An Act to amend Chapter 292 of the Private and Special Laws of Maine of the year 1909 relating to the Mexico Water Company.

An Act to amend Section 3 of Chapter 60 of the Revised Statutes, as amended by Section 2 of Chapter 98 of the Public Laws of 1909, also to amend

Section 7 of said Chapter 60, relating to the Department of Agriculture.

An Act to amend Section 8 of Chapter 13 of the Private and Special Laws of 1911 entitled, "An Act to create the Bingham Water District."

Finally Passed.

Resolve in favor of Percy F. Jones and Rose L. Jones.

Resolve for military pensions.

Resolve providing means for the examination of claims for State pensions.

Resolution to correct certain errors and omissions which appear in Chapter 72 entitled, "An Act to provide a charter for the city of Gardiner," of the Private and Special Laws of 1911, as printed in volume of the laws of the State of Maine for 1911.

Resolve relating to the documentary history of Maine.

The PRESIDENT: The Chair will state that the Act permitting the use of automobiles in the town of Eden, is in order for passage to be enacted, this morning. The senator from Hancock is unavoidably absent and requested that action be deferred until next week.

On motion by Mr. Morey of Androscoggin, the bill pending passage to be enacted was tabled and assigned for consideration next Tuesday.

Orders of the Day.

The PRESIDENT: The Chair lays before the Senate for consideration the special assignment for today, An Act to create a Public Utilities Commission, prescribe its power and duties, and provide for the regulation and control of public utilities, Senate Document 453

Under the agreement of yesterday, the Chair understands that amendments are now in order to be offered.

Mr. MOREY of Androscoggin: I have prepared some amendments to which I have not added the number as I did not know what the numbers would be. I offer these amendments and ask that they be tabled for printing and ready to be taken with the bill, next Tuesday.

The motion was agreed to, and the amendments were read by the President:

Senate Amendment "E" to Senate Document 453.

Amend Section 1 in the second line thereof by inserting after the word 'commissioners' the following words: 'One of whom shall be a Republican, another a Democrat and the third a Progressive.'

Senate Amendment "F" to Senate Document 453.

Amend Section 9 by striking out the words, 'or stage' in the 54th line and the words 'dams and dykes' in the 125th line thereof, and also by striking out the words 'or other' in the 132nd line. Also amend said Section 9 by adding after the word 'State' in the 137th line the words, 'but the term "Water Company" when used in this act shall not include water companies when owned by municipalities or water districts.'

Senate Amendment "G" to Senate Document 453.

Amend Section 9 by adding after the word "act" in the 138th line the words "Shall not include any kind of a water craft except steamboats engaged in the business of carrying passengers for hire" and striking out all of the remainder of line 138 and the lines 139, 140, 141 and 142.

Senate Amendment "H" to Senate Document 453.

Amend Section 9 further by inserting after the word "used" in the 147th line the words "in connection with any regularly established steamboat line."

Senate Amendment "I" to Senate Document 453.

Amend Section 9 further by inserting after the word "by" in the 146th line the words "Any street railroad, railroad or steamship lines," and striking out all of the remainder of line 156 and lines 157, 158 and 159.

Senate Amendment "J" to Senate Document 453.

Amend Section 9 further by striking out in line 161 the words "common carrier" and inserting in place thereof the words "street railroad, railroad and steamship line."

Senate Amendment "K" to Senate Document 453.

Amend further by striking out all of Section 15.

Senate Amendment "L" to Senate Document 453.

Amend further by striking out Section 29.

Senate Amendment "M" to Senate Document 453.

Amend further by striking out Section 29.

Senate Amendment "N" to Senate Document 453.

Amend Section 41 by striking out after the word "Commission" in the ninth line thereof, the words that the "petitioners are responsible and that a hearing is expedient."

Senate Amendment "O" to Senate Document 453.

Amend further by adding to Section 44 at the end thereof the following, "If after such public hearing the Commission decides that the complaint against the public utility was maliciously or frivolously brought, it may order the complaint to pay the costs of such hearing; but, if the Commission decides that the complaint was justified it shall order the public utility to pay the costs of such hearing."

Senate Amendment "P" to Senate Document 453.

Amend further by striking out section 70.

Senate Amendment "Q" to Senate Document 453.

Amend Section 27 by striking out the words "person or association" in the twelfth line thereof and by striking out the words "person or association" in the fifteenth and sixteenth lines thereof.

Also amend by adding after the word "commission" in fourteenth line thereof the words "or by special act of the legislature."

Senate Amendment "R" to Senate Document 453.

Amend Section 71 by striking out in thirteenth line thereof the words "or of" and in the fourteenth line the words "the State Water Storage Commission."

Senate Amendment "S" to Senate Document 453.

Amend Section 72 by striking out the word "and" in the second line thereof and the words "State Water Storage Commission" in the third line thereof.

Senate Amendment "T" to Senate Document 453.

Amend Section 72 by striking out the words "or before the State Water Storage Commission" in the tenth and eleventh lines thereof and the words "and the State Water Storage Commission" in the nineteenth and twentieth lines thereof.

The PRESIDENT: The Chair will state that each amendment will be printed as a separate document.

Mr. DUTTON of Kennebec: Mr. President, I desire to offer some amendments which I have been requested to introduce. Most of them are slight verbal amendments which will readily commend themselves to the senators. Others will require full consideration.

I move that the amendments be tabled for printing and assigned for consideration, next Tuesday.

The motion was agreed to.

The amendments offered by the senator were read by the President, as follows:

Senate Amendment "U" to Senate Document 453.

Amend Section 15 by striking out said section and inserting in the place thereof 'every public utility shall keep such books, accounts, papers or records of its business transacted as may be prescribed or approved by the commission.'

Senate Amendment "V" to Senate Document 453.

Amend Section 19 by inserting after the word "therewith" in the eighth line the words "within the State."

Senate Amendment "W" to Senate Document 453.

Amend Section 28 by inserting after the word "consent" in the first line the words "and no license, permit or franchise."

Senate Amendment "X" to Senate Document 453.

Amend Section 29 by adding at the end thereof the words "or authorized by such laws to do business in this State."

Senate Amendment "Y" to Senate Document 453.

Amend Section 32 by striking out the word "and" before the word "benevolent" in the fifteenth line and inserting after the word "benevolent" the words "and municipal."

Senate Amendment "Z" to Senate Document 453.

Amend Section 32 by inserting after the word "service" in the eighteenth line the words "nor shall the furnishing by any public utility of any product or service at the rates and upon the terms and conditions provided for in any contract in existence, January 1, 1913, be construed as constituting a discrimination, or undue or unreasonable preference, or advantage within the meaning specified; provided, however, that when any such contract or contracts are or become terminable by notice of such utility the commission shall have power in its discretion to direct by order that such contract or contracts shall be terminated by such utility as and when directed by such order."

Senate Amendment "A 1" to Senate Document 453.

Amend Section 36 by inserting after the word "issue" in the first line the words "under the provision of the preceding section."

Senate Amendment "B 1" to Senate Document 453.

Amend Section 38 by inserting after the word "value" in the twenty-sixth line the words "nothing in this section shall apply to the property, franchises, permits or rights of any utility owned or exercised outside this State."

Senate Amendment "C 1" to Senate Document 453.

Amend Section 38 by adding at the end thereof "or to prevent the acquiring of additional stock by a public utility which now owns a majority of the stock of such other utility."

Senate Amendment "D 1" to Senate Document 453.

Amend Section 39 by striking out the words "except where the purpose of such connection is primarily to secure the transmission of local me-

sages or conversations between points within the same city or town," in the fourteenth, fifteenth, sixteenth and seventeenth lines and inserting in the place thereof the words "between different localities which cannot be communicated with or reached by the lines of either company alone."

Mr. BURLEIGH of Aroostook: Mr. President, I have some amendments to offer. I move that they be tabbed for printing and assigned for consideration, next Tuesday.

The motion was agreed to.

The amendments were read by the President, as follows:

Senate Amendment "E 1" to Senate Document 453.

Senate Document No. 453 is hereby amended by striking out all of Section 9 and inserting in place thereof the following:

"Sec. 9. The term "public utility" as used in this act shall mean and embrace every individual, association of individuals, corporation, company, city, town, village, municipality or quasi municipal corporation, their lessees, trustees or receivers that now or hereafter may own, operate, manage or control any boat or vessel on inland waters or railroad, either operated for freight business or otherwise; or may conduct a parlor, sleeping, heating or refrigerator car business; or that may conduct an express business or be engaged in the conveyance of telephone or telegraph messages or the production, transmission, delivery or furnishing of gas, electricity, heat, light, water or power, to the public."

Senate Amendment "F 1" to Senate Document 453.

Senate Document No. 453 is hereby amended by striking out in Section 17 all after the words "items" so that said section as amended shall read as follows:

"Sec. 17. The commission shall provide for the examination and audit of all accounts."

Senate Amendment "G 1" to Senate Document 453.

Senate Document No. 453 is hereby amended by inserting the word "other"

after the word "any" in the fifty-fourth line, page eight, and striking out all after the word "carrier" in the fifty-fourth and fifty-fifth lines.

Mr. COLE of York: Mr. President, I offer certain amendments to this bill in behalf of various persons, and I wish to say as a member of the committee, that the committee reserves the right to oppose amendments offered by the committee.

I move that these amendments be tabbed for printing and be specially assigned for consideration next Tuesday.

The motion was agreed to.

The amendments were read by the President, as follows:

Senate Amendment "H 1" to Senate Document 453.

Amend Section 37 by striking out the words "or any" in the third line.

Senate Amendment "I 1" to Senate Document 453.

Amend Section 45 by striking out in line six the words "without the approval of the commission" and inserting in the place thereof "for such period of time not exceeding two years, as shall be prescribed in the order of the commission unless the same shall be altered, modified, amended or rescinded by the commission, or be vacated, amended or set aside by a court of competent jurisdiction."

Senate Amendment "J 1" to Senate Document 453.

Amend Section 54 by striking out the words "no injunction shall issue suspending or staying any order of the commission and" in the third and fourth lines; also by inserting after the word "commission" in the ninth line the words "or the court upon notice to the commission and hearing."

Senate Amendment "K 1" to Senate Document 453.

Amend Section 67 by inserting after the word "shall" in the second line the word "wilfully."

Senate Amendment "L 1" to Senate Document 453.

Amend Section 5 by striking out the words "or any person or persons employed by the commission for that purpose" in the first, second and third

lines; also by striking out the sentence "any person other than one of said commissioners who shall make such demand shall produce his authority to make such inspection," in the sixth, seventh and eighth lines; also by striking out the sentence "such person or persons so employed shall not directly or indirectly divulge any information so derived to any one except to the commission or under direction of the commission," in the eighth, ninth, tenth and eleventh lines and inserting in the place thereof "any person or persons employed by the commission shall not directly or indirectly divulge any information derived by them through their employment to any one except to the commission or under the direction of the commission.

Senate Amendment "M 1" to Senate Document 453.

To amend Section 35 of Senate Document No. 453 by striking out the word "or" in the twenty-second line thereof and inserting in place thereof the word "and."

Mr. HERSEY of Aroostook: Mr. President, I could not keep track of them as they went along, but I would like to ask if the title of the bill has been amended?

I move that the bill and amendments be tabled, the amendments for printing, and specially assigned for consideration next Tuesday.

The motion was agreed to.

On motion by Mr. Wing of Franklin, unanimous consent was given and that senator presented out of order the report of the committee on mercantile affairs and insurance, on an Act relating to standard provisions for accident and health policies, reporting a new draft under the same title and that it "ought to pass."

The report was accepted and the bill tabled for printing under the joint rules.

On motion by the same senator, unanimous consent was given, and that senator presented out of order the report of the committee on mercantile affairs and insurance, "ought to pass" on an act relating to fire inspectors and the removal of fire hazard.

The report was accepted and the bill tabled for printing under the joint rules.

The PRESIDENT: The Chair will state that Senate Amendment A, B, C and D to Senate Document 453, have been printed and are on the table unassigned. Without objection these will be taken from the table and assigned for consideration next Tuesday when the Chair understands that the amendments are to be considered in the order of the lettering.

On motion by Mr. Packard of Knox, Senate Document 472, Resolve in favor of the Maine Insane Hospital, was taken from the table, and on further motion by the same senator, was referred to the committee on insane hospitals.

On motion by Mr. Stearns of Oxford, Senate Document 28, An Act to incorporate the York & Oxford Railroad, was taken from the table.

Mr. STEARNS: Mr. President, I now yield to the senator from York, Senator Emery, who desires to offer an amendment.

Mr. EMERY: Mr. President, I offer Senate Amendment A to Senate Document 398, "Amend Section 3 by striking out all of said section after the word 'town' in the fifth line."

I also offer Senate Amendment B to Senate Document 398, "Amend Section 7 by striking out in the fifth and sixth lines the words "and for electricity it may sell."

I also offer Senate Amendment C to Senate Document 398, amend Section 9 by striking out the words "and for public use" in the last line.

Mr. STEARNS: Mr. President, I move that these several amendments to Senate Document 398, Senate Amendments A, B and C, be adopted.

The PRESIDENT: Is there any objection to the consideration of the three amendments together?

There being no objection the several amendments were adopted and the bill, as amended, was assigned for second reading next Monday afternoon.

On motion by Mr. Conant of Waldo