

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
Sixty-Eighth Legislature
OF THE
STATE OF MAINE.

1897.

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HOUSE.

Wednesday, Feb. 3, 1897.

Prayer by Rev. Mr. Coombs of Lowell.

Papers from the Senate disposed of in concurrence.

The Senate referred in non-concurrence to the committee on agriculture the petitions of Charles F. Johnson and 50 others for amendment to the law relating to inspection of milk; of G. A. Kennison and 42 others for same.

The House receded and concurred in the reference.

The following Senate bill was read and assigned:

An act relating to a branch railroad track in Ashland and Sheridan plantation.

The following bills, petitions and resolves were presented and referred:

JUDICIARY.

By Mr. Moore of Deering—Resolve by the board of trade of Deering, relating to certain laws of 1895 relating to the transmission and distribution of electricity.

By Mr. Burse of Pittsfield—Petition of O. H. Drake and 45 others of Pittsfield, to raise the age of protection for girls from the age of 14 to the age of 18.

By Mr. Currier of Farmington—Bill an act to amend an act entitled an act to incorporate the Farmington village corporation.

LEGAL AFFAIRS.

By Mr. Rodick of Eden—Bill an act to increase the efficiency of the board of health of the town of Eden.

By Mr. Rowell of Kittery—Bill an act to authorize Frederick A. Staples to build and maintain a wharf in the tide waters of Piscataqua river in the town of Eliot in the county of York.

By Mr. Tolman of Carroll—Petition of F. W. Meserve and 16 others prohibiting the use of fire arms to boys under eighteen years of age.

By Mr. Hill of Portland—Bill an act to amend an act entitled an act incorporating the trustees of the fund for the support of the Episcopate of the Protestant Episcopal church in the diocese of Maine as found in chapter 229 of the Private and Special Laws of

1849 as amended by chapter 311 of the laws of 1864 and chapter 214 of the laws of 1880.

By Mr. Hamilton of Biddeford—Bill an act regulating the use of bicycles by the municipal officers of towns.

FEDERAL RELATIONS.

By Mr. Newcomb of Eastport—A communication relating to the independence of Cuba; also a communication relative to the arbitration treaty now before the U. S. Senate.

By Mr. Blanchard of Wilton—Bill an act to incorporate the Kingfield Water Company.

EDUCATION.

By Mr. Day of Turner—Petition of R. D. Leavitt and others of Turner in favor of Leavitt Institute.

By Mr. Pattangall of Machias—Bill an act to increase the efficiency of free high schools and to equalize the amount of State aid for preparatory schools, amending sections 28 and 31 of chapter 11 of the Revised Statutes as at present amended.

By Mr. Tolman of Carroll—Petition of Asa Jones and 54 others, in favor of Springfield normal school and to renew chapter 68 of the Resolves of 1891.

By Mr. Knowlton of Newburg—Petition of D. A. Sylvester and 22 others for equalization of school tax; of George A. Friend and 32 others of Etna, for same.

By Mr. Currier of Farmington—Petition of B. F. Neal and 36 others of New Sharon, for same.

By Mr. Larrabee of Sebago—Resolve in favor of Potter academy of Sebago.

By Mr. Hamilton of Mattawamkeag—Petition of George H. Haines and 19 others of Chester, asking for appropriation to aid in erecting a high school building in said town.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Shepard of Buxton—Bill an act to amend an act incorporating the Saco River Telegraph and Telephone Company.

By Mr. Cook of Casco—Petition of E. B. Jackson and 18 others asking for a charter for a railroad from Westbrook to Waterford, the motive power of

which shall be electrical or animal power or compressed air; petition of A. E. Mayberry and 63 others of Otisfield, for same.

By Mr. Burns of Westbrook—Petition of Elbridge Lord and others of Westbrook, in favor of the Westbrook, Windham and Harrison Railroad, of the municipal officers of the city of Westbrook for same.

By Mr. Currier of Farmington—Petition of R. J. Swift and 34 others in favor of granting a charter for the Franklin, Somerset and Kennebec Railroad; of H. B. Prescott and others for same.

By Mr. Greenleaf of Southport—Bill an act to incorporate the Southport and Boothbay Harbor Telephone and Telegraph Company.

BANKS AND BANKING.

By Mr. Hill of Portland—Bill an act to revive the charter of the Portland Loan Company.

AGRICULTURE.

By Mr. Murray of Pembroke—Bill an act instructing assessors to enumerate poultry.

MILITARY AFFAIRS.

By Mr. Fogler of Rockland—Petition of the Third Army Corps Union of Portland, for the erection of a monument to the memory of Maj. Gen. Hiram G. Berry; petition of Seventeenth Maine Regiment Association of Portland, for the erection of a monument to the memory of Maj. Gen. Hiram G. Berry.

INTERIOR WATERS.

By Mr. Golder of Belgrade—Remonstrance of S. G. Davis and 157 others of Winthrop and Readfield against authorizing the Maine Central Railroad Company to erect and maintain a wharf and boat house on Lake Maranacook in Winthrop and Readfield.

By Mr. Hamilton of Mattawamkeag—Bill an act to incorporate the Nahmakanta Navigation Company.

STATE LANDS AND STATE ROADS.

By Mr. Sewall of Bath—Resolve relating to the publication of a map of the State of Maine.

By Mr. Newcomb of Eastport—A communication relating to road improvement.

INLAND FISHERIES AND GAME.

By Mr. Whelden of Portland—Bill an act for the protection of fish in Duck pond.

By Mr. Boynton of Sullivan—Bill an act to repeal chapter 268 of the Private and Special Laws of 1895 relating to the taking of fish in Little Tunk pond, Hancock county; bill an act to amend section 31, chapter 40, Revised Statutes, as amended by chapter 260 of the Public Laws of 1885 and subsequent acts.

By Mr. Guernsey of Dover—Remonstrance of A. M. Robinson, C. W. Ellis and others, against act relating to sawdust from mills on Wilson stream.

SHORE FISHERIES.

By Mr. York of Nobleboro—Remonstrance of G. M. Croker and 40 others of Edgecomb, against change of smelt law on Damariscotta river; of W. H. Miller of Waldoboro and 58 others against same; of Augustus Hitchcock and 85 citizens of Damariscotta, of S. S. Hall and 225 others of Newcastle; of W. S. Peasley and 4 others of Wiscasset; of A. H. Dodge and 80 others of North Newcastle; of J. W. Hackett and 27 others of Damariscotta Mills—all against same.

TAXATION.

By Mr. Martin of Liberty—Petition of D. O. Bowen and 20 others of Morrill for equalization of school tax; of J. K. Dickey and 29 others of Morrill in favor of school tax bill.

By Mr. Holman of Addison—Petition of B. C. Plummer and 32 others of Addison asking for change in school taxation.

SALARIES.

By Mr. Currier of Farmington—Petition of C. N. Soule and 10 others, to establish a salary for the sheriff of Franklin county; of A. W. Pottle and 43 others, for same.

Mr. King of Caribou, presented a resolve in favor of Athean Lewy, representative of the Passamaquoddy tribe of Indians, and moved that the rules be suspended and the resolve receive its two several readings at the present time and be passed to be engrossed. The motion was agreed to.

Mr. King also presented a resolve in favor of Horace Nicola, representative of the Penobscot tribe of Indians, and

moved that it be laid on the table. The motion was agreed to.

ORDERS.

On motion of Mr. Walton of Skowhegan,

Ordered, The Senate concurring, that the secretaries of the different committees be directed to furnish to the clerk of the House and secretary of the Senate forthwith a list of all measures now pending before their various committees calling for appropriations of money with amounts specified, to enable the clerk to comply with the order passed January 22, 1897, and the secretary to comply with the order passed January 26, 1897.

REPORT OF COMMITTEES.

Mr. Boynton, from the committee on legal affairs, reported ought to pass on bill, an act to amend the charter of the city of Westbrook. Printed under rule.

Mr. Walton, from the committee on legal affairs, reported in a new draft and ought to pass on bill, an act to amend chapter 298, of the Public Laws of 1889, relating to hawkers and peddlers. Printed under rule.

Mr. Burse, from the committee on financial affairs, reported ought to pass on resolve in favor of the Maine Eye and Ear Infirmary. Printed under rule.

Mr. Furbush, from the same committee, reported in a new draft and ought to pass on resolve in favor of the Central Maine General Hospital. Printed under rule.

Mr. Stetson, from the same committee, reported ought to pass on resolve in favor of the Childrens' Home at Bangor. Printed under rule.

Mr. Pearl, from the committee on mercantile affairs and insurance, reported in a new draft and ought to pass on bill, an act to amend section 8, chapter 49, of the Revised Statutes, providing for investments of the capital and other assets of the stock insurance companies incorporated in this State. Printed under rule.

A majority of the committee on inland fisheries and game, reported in a new draft and ought to pass on bill, an act to further prevent forest fires and to facilitate the gathering of statistics relative to the amount of inland fish and game taken in the State and for the further propagation of inland

fish and game killed and taken in the State and for the further propagation of inland fish and game and for the registration of guides. Heald, Parsons, Durgin, Patten, Sewall, Davis, Staples, Cushman and Smith, for the committee.

Mr. Sewall of Bath, moved that the rules be suspended and that the bill receive its two readings at the present time.

On motion of Mr. Hutchins of Penobscot, the bill was laid on the table.

Mr. Durgin, from the same committee, reported ought to pass on resolve to secure the proper enforcement of the inland fish and game law and to aid in the propagation of inland fish and game. Printed under rule.

Mr. Mason, from the committee on shore fisheries, on petition of James C. Rierdon and others of Edgecomb with bill accompanying praying that Erastus Cunningham be empowered to build a fish way in Lily pond in Edgecomb, reported leave to withdraw.

Mr. King, from the committee on Indian affairs, on petition of the members of the Penobscot tribe of Indians, reported a resolve in favor of the Penobscot tribe of Indians and that it ought to pass. Printed under rule.

Mr. Plummer, from the committee on salaries, reported ought to pass on bill, an act to increase the salary of the judge of probate of Knox county. Printed under rule.

READ AND ASSIGNED.

Resolve for an appropriation for marking the position held by the Fourth Regiment of Infantry, Maine Volunteers, on the Battlefield of Gettysburg.

Mr. Hamilton of Biddeford, moved that the bill be referred to the committee on financial affairs.

Mr. Fogler of Rockland: This bill has been before the military affairs committee and was fully explained to that committee. The facts were these, that the Gettysburg military commission were authorized by the State to erect monuments for all the Maine organizations that took part in the battle of Gettysburg, and also to mark by proper markers the position which each regiment held during that battle. The positions of every regiment had been

marked except the positions held on the last day of the battle, at the time of Longstreet's charge, by the Third Maine and Fourth Maine Regiments. At the time of Longstreet's charge a division of the Third Corps, in which these regiments and the Seventeenth regiment were, were ordered up to support the Second Corps, at the most critical moment of the battle. The position of the Seventeenth was marked by the commission, but the fact was overlooked that the Third and Fourth Maine had held that position, because probably there was no one to look after it. Now the Gettysburg commission petition to have the sum of \$200 for each marker to mark the positions of those two regiments, and that will complete the work of the Gettysburg commission on the battlefield. It was an oversight; it would have been done by the commission originally if it had not been overlooked. It seems to me to be but just to those two gallant regiments that that important position held by them should be marked and justice to history that they should be marked; because the general government and the different states have undertaken to record upon the battlefield itself its history in stone and marble. I can see no reason for referring the matter to the finance committee, the matter having been examined carefully before the military affairs committee.

Mr. Hamilton of Biddeford: My purpose in referring this to the committee on finance was this—there are a great many of these bills for appropriating money and we want to get round to a solid basis somewhere and know how much money we have got to appropriate and how much money we shall have left at home when we get home; and I believe it is proper that this resolve should be referred to the committee on financial affairs, and then if it comes up and it is proper, as suggested by the gentleman from Rockland, it will be all right and no one will object; but at this time I think it is best for us to go safe.

The question being on the motion to refer the resolve to the committee on financial affairs, the motion was lost.

The resolve was then laid on the

table to take its second reading on Wednesday of next week.

Resolve for an appropriation for marking the position held by the Third Regiment of Infantry, Maine Volunteers, on the battlefield of Gettysburg.

On motion of Mr. Hamilton of Biddeford the resolve was laid on the table.

Resolve in favor of the Eastern Maine Insane Hospital.

PASS TO BE ENGROSSED.

Resolve in relation to the claim of the State of Maine for indemnity for expenses incurred by it in defence of the United States.

Resolve making an appropriation to cover deficiency for cattle killed on account of tuberculosis for the year 1896.

Resolve in favor of the town of Brunswick.

On motion of Mr. Hamilton of Biddeford, this resolve was laid on the table.

Resolve in favor of aid in building a highway bridge across the Mattawamkeag river at Kingman.

On motion of Mr. Maxwell of Richmond, this resolve was laid on the table and Wednesday, February 10, was assigned for its consideration.

Resolve in favor of the town of Jefferson.

On motion of Mr. Hamilton of Biddeford, this resolve was laid on the table.

An act to amend the Private and Special Laws of 1893, relating to the Glidden Water Company.

An act authorizing the "Draper Company" to issue preferred stock and to hold stock and bonds of other corporations.

An act to authorize the United Gas and Electric Company of New Hampshire to hold property and do business in Maine.

An act to amend section 38 of chapter 63 of the Revised Statutes, relative to notice in probate proceedings.

ORDERS OF THE DAY.

On motion of Mr. Merrill of Portland, an act additional to the act of 1868, chapter 43, to establish a ferry across the Penobscot river between Ayer's falls and Marsh rips, as amend-

ed by act of 1880, chapter 221, was taken from the table.

Mr. Merrill offered amendment A, to strike out the word "twenty," in the second line of section 1, and insert the word "ten."

The amendment was adopted, the bill was read a third time and passed to be engrossed as amended.

On motion of Mr. Hutchins of Penobscot, the bill in relation to forest fires and registration of guides, etc., was taken from the table.

Mr. Hutchins moved that the rules be suspended and that it receive its several readings and be put on its passage.

On motion of Mr. Whelden of Portland, the bill was again laid on the table.

On motion of Mr. Hamilton of Biddeford, the resolve for an appropriation for marking the position held by the Third Regiment of Infantry, Maine Volunteers, on the battlefield of Gettysburg, was taken from the table.

The resolve was then read the first time.

On motion of Mr. Hamilton, the rules were suspended, the resolve was read a second time and was passed to be engrossed.

On motion of Mr. Fogler of Rockland, the vote was reconsidered whereby Wednesday of next week was assigned for the second reading of resolve for an appropriation for marking the position held by the Fourth Regiment of Infantry, Maine Volunteers, on the battlefield of Gettysburg, and on further motion by the same gentleman the rules were suspended, the resolve was read a second time and was passed to be engrossed.

Mr. Longley of Old Town presented the following credentials addressed to the Governor and Legislature:

This is to certify that at an election duly held by the Penobscot tribe of Indians at Old Town, Indian Island, November 3, 1896, Horace Nicola was chosen as their representative to appear before you in the interests of the tribe.

(Signed) GEORGE H. HUNT,

Agent.

The credentials were placed on file.

On motion of Mr. King of Caribou, resolve in favor of Horace Nicola, representative of the Penobscot tribe of Indians, was taken from the table.

The resolve was then read the first time.

On further motion by Mr. King, the rules were suspended, the resolve was read a second time and was passed to be engrossed.

On motion of Mr. Furbush of Lewiston,

Adjourned.