

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.

Thursday, Feb. 11, 1897.

Prayer by Rev. Mr. Quimby of Gardiner.

Papers from the Senate disposed of in concurrence.

The following Senate bills were read and assigned:

An act to amend chapter 160 of the Public Laws of 1895, relating to the State liquor commissioner.

An act in relation to suits by organized, unincorporated societies and associations.

An act in addition to chapter 55 of the Revised Statutes, relating to the incorporation of libraries, charitable societies and other like corporations.

The Senate amendment A to this bill was adopted.

Resolve in favor of Cyrus Knapp and John A. Rowell.

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

JUDICIARY.

By Mr. Saunders of Ellsworth—Bill an act to incorporate the Lamoine Beach Water Company.

By Mr. Noble of Lewiston—Bill an act to establish a homeopathic department for the Eastern Maine Insane Hospital; petition of J. M. Prilay and C. M. Johnson, president and secretary of the Maine Homeopathic Medical Society, asking for homeopathic treatment in insane hospital at Bangor; of J. W. Whidden and W. H. Hanscomb and 35 other homeopathic physicians for same; of M. S. Brirery and George P. Jefferds and 40 other homeopathic physicians for same.

By Mr. Fogler of Rockland—Bill an act in relation to limitations of real actions and rights of entry.

LEGAL AFFAIRS.

By Mr. Wilson of Gorham—Remonstrance of Joseph Ridlon and 68 others against abolishing school district number one in Gorham.

By Mr. Burton of Union—Bill an act to incorporate the Union and Warren Electric Light and Power Company.

FEDERAL RELATIONS.

By Mr. Hill of Portland—Resolve requesting the Senators and Representatives in Congress from Maine to exert their influence to secure an appropriation for a dry dock at Portland.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Noble of Lewiston—Bill an act authorizing the insurance commissioners to revoke the license of an insurance agent or broker for cause.

AGRICULTURE.

By Mr. Philbrook of Waterville—Petition of W. P. Stewart and others relating to the inspection of milk.

By Mr. Shaw of Saco—Bill an act to amend section 2 of chapter 194 of the

Public Laws of 1893, relating to contagious diseases among cattle.

INTERIOR WATERS.

By Mr. Dudley of Brookton—Petition of Baskahegan Dam Company, for an increase of tolls on the dam.

By Mr. Palmer of Bangor—Petition of John Ross and others to regulate the sale of prize logs in Penobscot river.

INLAND FISHERIES AND GAME.

By Mr. Burrill of Corinna—Petition of L. A. Ireland and 70 others of Corinna with accompanying bill to prevent the hunting of partridges with dogs.

By Mr. Durgin of Orono—Bill an act to amend section 41 of chapter 40 of the Revised Statutes, relating to the taking of salmon in Penobscot river above water works dam in Bangor.

SHORE FISHERIES.

By Mr. Durgin of Orono—Bill an act to amend section 43, chapter 40, Revised Statutes, relating to the taking of salmon in the rivers of the State.

By Mr. Pierce of Frankfort—Remonstrance of L. P. Hackett and 87 others against changes of law in regard to taking salmon in Penobscot river.

By Mr. Donnell of Bath—Remonstrance of Reed and Hathorn and 43 others against change of law as to the taking of smelts; remonstrance of J. H. Kennersou and 50 others against same; remonstrance of John B. Worth and 150 others against same.

By Mr. Sewall of Bath—Remonstrance of R. T. Bibber and 51 others against same.

TOWNS.

By Mr. Moore of Deering—Remonstrance of J. N. Reed and 1050 others, citizens of Deering, against legislation favoring the annexation of Deering or any part thereof to the city of Portland.

LIBRARY.

By Mr. Guernsey of Dover—Resolve in favor of the Maine State library.

TAXATION.

By Mr. Talbot of Lewiston—Bill an act to amend section 33 of chapter 6 of the Revised Statutes, relating to taxes on stocks of banks and other corporations.

SALARIES.

By Mr. Blanchard of Wilton—Bill an act to fix the compensation of the sheriff of the county of Franklin.

By Mr. Hathorn of Medford—Bill an act to establish the salary of the judge of probate of Piscataquis county.

ORDERS.

On motion of Mr. Holbrook of Brunswick,

Ordered, That when this House adjourns it adjourn to meet tomorrow morning at nine o'clock.

REPORT OF COMMITTEES.

Committee on ways and bridges, on petition of T. P. Austin and others of Hancock county, in the interest of good roads, report that the petition be referred to the committee on judiciary.

Mr. Whiting from the committee on ways and bridges on bill an act to provide for the improvement of highways, reported that the same be referred to the committee on judiciary.

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

Mr. Whiting, from the committee on ways and bridges, on petition, reported a resolve in favor of Lincoln plantation, number 5, range 2, in Oxford county.

Printed under rule.

Mr. Whiting from the committee on ways and bridges, on petition of John Tinkum and others of Anson and Starks, praying that aid be granted in building a road in the towns of Starks and Anson, report that the petition be referred to the committee on State lands and State roads.

Mr. Whiting from the committee on ways and bridges, on bill an act relating to repairs of highways and bridges in towns, reported that the same be referred to the committee on judiciary.

Mr. Davis from the committee on State lands and State roads, reported ought to pass on resolve relating to a settling lot in Drew plantation. Printed under rule.

Mr. Sewall from the committee on education reported in a new draft, bill an act requiring all educational institutions receiving State aid to make reports and to account for receipts and expenditures to the trustees of the State normal schools on penalty of forfeiting such aid, and that it ought to pass. Printed under rule.

Mr. Gowell from the committee on education reported in a new draft, bill an act to repeal that portion of chapter 461 of the Private and Special Laws of 1885, relating to the maintenance of school district number 5, in the town of Kennebunk, and that it ought to pass. Printed under rule.

Mr. Saunders from the committee on railroads, telegraphs and expresses, reported in a new draft, bill an act to extend the charter of the Castine railway and Navigation company and to amend its charter and certain additions thereto, and that it ought to pass. Printed under rule.

Mr. Young from the committee on interior waters reported ought to pass on bill an act to provide for the navigation of the Kennebec river between Shawmut dam and the south line of Skowhegan. Printed under rule.

Mr. Briggs from the committee on agriculture, reported ought to pass on bill an act to establish a bounty on wildcats. Printed under rule.

Mr. Britton from the committee on towns, reported ought to pass on bill an act to incorporate the town of Oakfield. Printed under rule.

READ AND ASSIGNED.

An act additional to and amendatory of an act entitled an act to incorporate

the Maine Telephone Company.

An act additional to and amendatory of chapter 48 of the Private and Special Laws of 1887, entitled an act to incorporate the Winterport Ferry Company.

An act to divide the town of Deer Isle and incorporate the town of Stonington.

An act to regulate the sale and analysis of concentrated commercial feeding stuff.

An act to extend the charter of the Lisbon Water Company for an additional two years.

An act authorizing the city of Lewiston to refund a part of its debt.

Resolve in favor of Lucinda Barrows.

An act enabling the town of Yarmouth to build and maintain a bridge across tide waters between the islands of Cousins and Little Johns in said town of Yarmouth.

An act to incorporate Newfield academy.

An act to ratify and confirm the organization and acts of the New Portland and Eustis Telegraph and Telephone Company, and to make legal and valid certain doings of said company.

PASSED TO BE ENGROSSED.

An act to amend section 13 of chapter 3, of the Revised Statutes, in relation to selection of town officers.

On motion of Mr. Walton of Skowhegan, the bill was laid on the table.

An act to amend chapter 207, of the Private and Special Laws of 1895, relating to the Vinalhaven Telephone and Telegraph Co.

An act to provide for the better protection of public records.

On motion of Mr. Hamilton of Biddeford, this bill was laid on the table pending its third reading.

An act to authorize the Maine Central Railroad Co., its successors and assigns, to construct and maintain a wharf and boat house in Lake Maranacook in the towns of Readfield and Wintrop.

An act concerning the Portland & Rumford Falls Railway and the Rumford Falls & Buckfield Railroad Co.

An act authorizing the construction of a wharf into the tide waters of Casco bay, and bridges over tide water in the town of Harpswell.

PASSED TO BE ENACTED.

An act to provide in part for the expenditures of government.

An act to provide for the preservation of the deeds now in Lincoln county relating to land in Kennebec county in the Kennebec Registry.

Resolve in favor of Horace Nicola, representative of the Penobscot tribe of Indians.

ORDERS OF THE DAY.

On motion of Mr. Whelden of Portland, bill an act to further prevent forest fires and to facilitate the gathering of statistics relative to the amount of inland fish and game killed and taken in the State and for the further protection of inland fish and game, and for the registration of guides, was taken from the table.

Mr. Whelden of Portland—I have carefully examined this bill, and although in my judgment it is not perfection, inasmuch as the able and distinguished commissioner of fish and game believes, and believes thoroughly, that it is a step in the right direction, and inasmuch as those who have the best interests of our fish and game at heart subscribe to his opinion, and inasmuch as I also believe as they do, I now move that the bill take its first reading.

Mr. Palmer of Bangor, offered the following amendment:

"Section 5—The commissioners of inland fisheries and game may prescribe when and how and under what condition the badge shall be worn, and whenever a guide ceases to be a registered guide under this act the badge shall be returned to the commissioners of inland fisheries and game, the penalty for violation being the same as prescribed for the violation of section 1 of this act.

"Section 6—This act shall take effect when approved."

The amendment was adopted and the bill read and assigned.

SPECIAL ASSIGNMENT.

Resolve in favor of the Gorham State Normal school.

Mr. Whelden of Portland—It may be seen from the statement of facts that at one time, and that, too, within the memory of man, the Gorham Normal school possessed a boarding house or dormitory. Unfortunately, in the year 1894, this was destroyed by fire. Two years ago, the Legislature in its wisdom appropriated the sum of \$15,000 toward the rebuilding of this structure. I say "toward" purposely, because I believe that no one at that time supposed or expected that the sum of \$15,000 would be sufficient to rebuild a building suitable for the purpose contemplated. This sum of \$15,000 has since been wisely and judiciously expended. With it they have excavated a cellar and laid the foundation walls for the entire proposed structure and have erected the kitchen wing. But the structure is still in some particulars incomplete. More money is required, and the friends of the institution ask this Legislature to appropriate the sum of \$33,000, \$20,000 to be applied in 1897 and the balance in 1898. They have presented their request to the committee on education, and this committee, after a full and impartial hearing, after careful and wise deliberation, have, I believe, unanimously decided in favor of granting this sum. And now the matter comes before this House and the question is whether we should now grant that amount. Concerning this question I do not propose at this time to long delay the House. Two years ago, the State adopted the policy of rebuilding this structure, so that, therefore, so far as the policy of the matter is concerned, the thing has already been passed upon and determined. Of course money is required, and the question as to when it is to be given, or how much, are properly debatable. As to the latter question, I feel free to say that the only evidence that I have

is the evidence given by the architect and those who have investigated the matter and the evidence of the committee. In their judgment they say that this sum is absolutely needed and required; and in the absence of other testimony who shall say that it is not required. As to the question of time when, with my imperfect vision, I am unable to see in the future a time when this State of Maine will be better able to appropriate this sum than it is at the present time. So, Mr. Speaker, since these things are so, or rather, since I think they are so, I say let us appropriate this sum; let us vote it here and now; let us give old Gorham its desired building; let us enable it to continue its great work of upbuilding and uplifting the character and the minds of the people of the old State of Maine.

Mr. Wilson of Gorham, moved that the bill be now put upon its passage.

Mr. Burns of Westbrook—I wish to second the motion of the gentleman from Portland (Mr. Whelden). From my location for the past 18 years and the position that I have held, I feel somewhat familiar with the school at Gorham.

For 10 years I was principal of the Westbrook High school and sent a great many pupils to that institution. A great part of our teachers are graduates of this institution and are doing admirable work. We feel that our schools in Westbrook will compare favorably with those of other sections, and we attribute their excellence largely to the influence of the Gorham Normal school. The town of Gorham has been extremely liberal to the State. Perhaps we are not all aware that the original buildings that the State now owns at Gorham, were presented to this State by the town of Gorham; and I will say in this connection that the State would not establish a Normal school at Gorham until the town gave the State a dormitory for that school. It was considered that the accommodations of the town were insufficient for boarding these scholars. The town has not grown since that time, and if it was an imperative necessity at that time, it is equally as great today. This dormitory given to the State by the town of Gorham would accommodate people, and that dormitory was burned. At that time the people of Gorham generously opened their houses and attempted to accommodate all students attending school to the best of their ability. It has been found necessary by the principal to hire two houses to accommodate some 30 or 40 of the students, and I am informed that many of the citizens who have taken boarders under the pressing circumstances are very desirous that this building should be completed, that they may be freed from this responsibility further; and the town of Gorham merely asks you to replace what was destroyed. I will say that the committee of education, with one exception, visited the school during this session, and after carefully investigating the case we unanimously reported that this appropriation ought to be granted; and I hope, Mr. Speaker and members of the House, that this appropriation will be made.

Mr. Dickey of Fort Kent—Years ago I

attended the Gorham Normal school and the town presented the buildings of that school to the State. Governor Connor was present, and my friend, Governor Robie, made the presentation of those buildings, and Governor Connor assured them that the State would care for them and that if they were burned they would rebuild them. They have the pledge of our ex-Governor, and those buildings ought to be rebuilt. Parents don't like to send their scholars into a strange place unless they know they are cared for by somebody, and in that dormitory they are cared for by the teachers who dwell there and live there, and without this proposed dormitory the school must dwindle. Gorham is not like Farmington. Farmington has a world of houses with but very few people living in them, and they rent their rooms and they don't need a dormitory there at all, because many of the houses are occupied almost entirely by scholars and they board themselves; they make one of their number a cook, and they get along cheaply because there are plenty of places. It is all provided for by nature, but Gorham is not; and I hope there will be no objection to granting this appropriation.

Mr. King of Caribou—In reference to this matter I wish the Gorham Normal school to have fair play, but I think the representatives here are entitled to know what this money is to be expended for. I have been told by parties more or less interested that this money is to be laid out to build a very nice building, something in the nature of a palace, with quartered oak furnishings and other things, and while I am in favor of education and in favor of the school, I think this House is entitled to know what this money is to be expended for further than this statement of facts shows; and I move that the matter lie upon the table.

Mr. Pattangall of Machias—The committee on education visited the Gorham Normal school and found that we had inherited from the last Legislature a portion of the building. To complete that building certain sums of money were necessary, and on the most careful investigation that we could make, the sum asked for was shown to be absolutely necessary. It is not now a question before this House as to whether we want a dormitory or not, for the dormitory has been begun and \$15,000 has been laid out on it already. It would seem to me that it was important for the people of Gorham and for all the people interested in Normal schools to know as early as possible whether the buildings that they have begun can be completed or not, and for this matter to lie on the table would be an injustice to them and no benefit to any member of this House. I would therefore call for the yeas and nays.

The question being on the motion of Mr. King of Caribou, to lay this resolve on the table pending its passage to be engrossed, the yeas and nays were ordered and the motion was lost by a vote of 25 to 108.

Yea—Austin, Ayer, Burrill, Chandler, Coffin of Thorndike, Cook, Cox, Daggett, Day, Fogler, Goodrich, Hamilton of Mat-

tawamkeag, Holbrook, Hurd, Hutchins, King, Kinsman, Kneeland, Lane, Longley, McIntire, Moore of Moscow, Weeks, Williams, York.—25

Nay—Bither, Blanchard, Boynton, Briggs, Britton, Brown, Burnham, Burns, Burton, Chatt, Coffin, of Shapleigh, Conant, Cram, Currier, Davis, Dickey, Donnell, Dudley, Durgin, Fernald of Levant, Fernald of Poland, Floyd, Fogg, Fuller, Furbush, Gagnon, Gardner, Garvin, Gilman, Goodwin, Gowell, Greenleaf, Guernsey, Hamilton of Biddeford, Hancock, Hathaway, Hathorn, Hill, Holmes, Houghton, Hussey, Hutchinson, Jewell, Jones, Kaler, Knowlton of Newburg, Knowlton of Portland, Larrabee of Sebago, Levensaler, Lincoln, Littlefield of Kennebunk, Littlefield of Vinalhaven, Luce, Macomber, Mason, Maxcy, Maxwell, Merrill of Bluehill, Merrill of Portland, Mitchell, Moore of Deering, Murphy, Murray, Newcomb, Noble, Palmer, Pattangall, Patten, Pearl, Pierce, Penley, Philbrook, Plummer, Pope, Prince, Reed, Robinson, Rodick, Rounds, Rowell of East Livermore, Rowell of Kittery, Sanborn, Saunders, Searis, Sewall, Shaw of Cumberland, Shaw of Saco, Sheparu, Smith of Hampden, Smith of Masarais, Smith of Presque Isle, Spear, Staples, Starbird, Stetson, Stevens, Talbot, Tarbell, Thompson, Thurston, Tolman, Walton, Wheeler, Whelden, Whiting, Wilson, Winslow, Young.—108.

Absent—Ames, Andrews, Burse, Cushman, Edmunds, Forest, Golder, Littlefield of Belfast, Martin, Murchie, O'Neil, Pratt, Purinton, Sawyer, Simpson, Tarrow, Violette.—17.

The resolve was then passed to be engrossed.

On motion of Mr. Sanborn of Sanford, bill an act additional to chapter 51 of the Revised Statutes, relating to railroads, was taken from the table, and on further motion by the same gentleman it was read and assigned.

On motion of Mr. Hamilton of Biddeford, the vote was reconsidered whereby resolve relating to the Children's Home at Bangor was laid on the table and assigned.

On motion of Mr. Pearl of Bangor, the resolve was re-committed to the committee on financial affairs.

Mr. Hutchins of Penobscot, moved to take from the table the bill relating to hawkers and peddlers.

Mr. Holmes of Addison, said he would like to have more time to consider the bill.

The question being on the motion of Mr. Hutchins to take the bill from the table, the motion was lost.

On motion of Mr. Hamilton of Biddeford, resolve in favor of the town of Brunswick, was taken from the table.

Mr. Hamilton of Biddeford—I move that the resolve be indefinitely postponed. I don't wish to do any injustice to the town of Brunswick or to the member from that town, but I want to call the attention of the House to this bill; for I believe that it establishes a dangerous precedent. By the Revised Statutes this seems to be a matter that should go before the Governor and Council, and the Governor and

Council are to determine whether the claim is correct in that a party committed to the insane hospital is not a resident of the town. They are to determine that. When that is determined the statute is clear and plain. It is true that this comes here with a statement of facts that the Governor and Council refused to draw their warrant because they had no funds with which to meet it. By the general appropriation bill you will see that the House has passed to be engrossed in that bill \$66,000 for just that purpose. You will see that this bill commences back in 1891; and if that is to be the policy of the State, if that is correct, I should be very happy, because in the city of Biddeford we have had and have now a large number of people that have no residence in that city. They have been there for a long time, and because we have neglected to take advantage of this statute, we regard ourselves as out of court, and that we cannot receive this amount of money from the Governor and Council. Now, the town of Brunswick, had they pursued the proper course, would have been in court and they would have been entitled to this money, but as they have passed along from 1891 until now, I say it is a dangerous precedent to establish. I can see my friend from Lewiston smile, and all those fellows from the manufacturing towns will be glad if we can make an assault upon the treasury in this way; and that is why I make the motion I do for the indefinite postponement of this resolve.

Mr. Holbrook of Brunswick—This resolve has already been passed upon by the Governor and Council, and by the statement of facts you can see that there were not sufficient funds to enable them to draw a warrant. After investigation it was the opinion of the Council that the State ought to assume the bill. It is not a question of law, but it is a question of equity. The town of Brunswick had those paupers, aliens, who had no residence in the State, and after investigation by the selectmen they sent their bill to the Governor and Council, and they passed upon it and said that it ought to be paid. The committee on financial affairs acquiesced and reported accordingly. It is merely an equitable bill to reimburse the town of Brunswick for money they have already paid out.

Mr. Furbush of Lewiston—This bill came to our committee, and our committee received it and took it directly to the Council chamber and there got such information as we could from the hold-over members of the last Council, who assured us that they thought the bill was equitable and should be paid. It came before Mr. Shepard's department. Mr. Shepard appeared before the committee and said that the bill was just and proper and that they should have paid it, if they had had money in their hands with which to do so, and therefore it was reported by our committee to this body as being a bill that ought to pass. I think the bill is all right and should receive a passage.

Mr. Hamilton of Biddeford—This commences back in 1891. They let that bill slumber from 1891 until the present time.

The statutes state what they should do. I have no doubt but what it is a bill that they paid and incurred. It is not a question of equity, but it is a question of right. If this bill should pass, every member of us will go home and hunt up our town records and see how many we can find for the last 20 years that were not legal residents of our towns or cities, and then this Legislature will be flooded with bills just like this. We have already passed an appropriation which just covers this matter, and if their bill is a just bill and an equitable bill, as my friend says it is, then let them go to the Governor and Council, where the statute says they shall go. This seems to me like an additional appropriation to the town of Brunswick. That town is not a pauper town; they are wealthy; and I repeat that the passage of this resolve as it now is only opens the gates for another and an additional assault upon the treasury by all the cities and all the towns in the State. I submit to you, and I ask the gentleman from Brunswick, if he is willing to submit his bill to the Governor and Council now that they have the money. I believe they will act justly and fairly on the statute. This is but a manner and a way to get so much additional appropriation, and it is to take care of the town of Brunswick because the selectmen, from oversight, did not take care of them when they ought to.

Mr. Fogler of Rockland—I would like to inquire of the gentleman from Lewiston if there is any reason why the bill should not go to the Governor and Council instead of being acted on by the Legislature.

Mr. Furbush of Lewiston—I have no objection to the bill being referred back to the Governor and Council. Whether the resolve passes this body or is referred back, I have no particular preference in the matter.

The question being on the motion of Mr. Hamilton of Biddeford, to indefinitely postpone the resolve, a division being had the motion was agreed to by a vote of 57 to 32.

On motion of Mr. Newcomb of Eastport,
Adjourned.