

MAINE STATE LEGISLATURE

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

1897.

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SENATE.

Wednesday, Feb. 24, 1897.

The Senate met, according to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Williamson of Augusta.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

Resolve in favor of the Eastern Maine Insane Hospital came from the House indefinitely postponed.

Mr. Weeks of Penobscot, moved that the Senate non-concur, and it was so voted.

The vote was doubted by Mr. Reynolds of Cumberland.

Mr. Engel of Penobscot: Before this vote is put, I wish to state that the motion of my colleague was put for no other purpose than to recommit this matter to the committee. This subject has been talked over, it is a matter that even our governor has spoken of in his inaugural address and is a matter of great importance, and while I am not here to speak upon the merits or demerits of the case, yet I do ask that in courtesy to my colleague you will simply have it recommitment and put in such shape so that we can come up here and have it debated, and at that time we may debate it in accordance with the convictions of our conscience, whether it is right or wrong.

Mr. Reynolds: I do not feel disposed in any way to impeach the courtesies of the Senate, nor to make any speech on this matter, but the action of the House yesterday was so strong, the sentiment there so pronounced, that it seems to me we can do but one thing, and that is to take this bill, which was killed in the House yesterday by their vote, give it a decent burial and start anew. It seems to me that this bill in its present shape had better disappear and all the old alignments disappear, and that we begin anew and see what conclusions we can reach that will better fit the temper of our people. That is my reason for doubting the vote.

Mr. Engel: I never supposed for a minute that a motion to recommit this bill would be doubted. If this matter is brought before the Legislature again in a new bill, by giving notice, you see how much time it will take, when the motion to recommit will do precisely what the gentleman from Cumberland says he wants to have done. If recommitment, this gives the power to the committee to bring in any bill that they see fit. Admitting the ground of the gentleman from Cumberland, I think it must be plain to you that this is precisely the quickest and most business-like way to have it done and is the way my friend does his own private business. And I know that what he does in the conduct of his business affairs he will recommend to us in any public affair.

Mr. Stearns of Caribou: I hope that this motion may prevail, in order that another one may be made to have the bill

recommitted. We of us who heard the discussion in the House yesterday are aware that many members of the House are not opposed to some bill looking to the continuance of the work of construction on this hospital at Bangor, and that several members who were not opposed to the continuance of construction did vote to indefinitely postpone this particular bill, because it did not meet their approval. Now I submit, Mr. President, that the fairest and best, and perhaps the only way to give gentlemen in the House and Senate an opportunity to vote as they would wish would be to have it recommitment. In that case, if the committee report another bill, we may have that discussed and that will enable us not only to vote as we would but perhaps to do justice to a worthy object.

The question being upon the motion to non-concur, the motion prevailed by a vote of 22 affirmative to 7 negative.

On motion by Mr. Weeks, the bill was recommitment to the committee on Eastern Maine Insane Asylum.

HOUSE BILLS READ AND ASSIGNED.

Bill an act to authorize the town of Richmond to purchase the property and franchises of the Richmond Water Company and to incorporate the Richmond Water Commission.

Bill an act to confirm the organization of the Hathorne Fancy Forging Company and to change its name to that of the Hathorne Manufacturing Company.

Bill an act to organize the plantation of Criehaven.

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

TEMPERANCE.

By Mr. Salley of Somerset—Petition of Rev. Geo. L. Witham and 235 others of Pittsfield, urging the passage of a law prohibiting the sale of cigarettes.

By Mr. Heald of Kennebec—Bill an act to prohibit the sale of tobacco to minors.

ORDERS.

On motion by Mr. Hinkley of Franklin, it was ordered, that the committee on judiciary be directed to inquire into the expediency of allowing George N. Coburn, administrator of the estate of Alvin Robinson, late of Weld, deceased, to pay the balance of said estate now in his hands to the heirs of her late husband, John Robinson, and report by bill, resolve or otherwise.

On motion by Mr. Maxwell of Androscoggin, it was ordered, the House concurring, that the commissioners appointed by the governor and council for the construction of the Eastern Maine Insane Hospital plant be directed to produce for the benefit of the joint special committee on said hospital all the books containing the record of their doings and accounts of money expended.

READ AND ASSIGNED.

An act relating to the Old Town municipal court.

REPORTS OF COMMITTEES.

Mr. Stearns for the committee on judiciary reported ought to pass on bill in new draft, an act in relation to the Rumford Falls and Buckfield Railroad Company. Report accepted and tabled for printing under rule.

Mr. Drummond for the same committee reported ought to pass on bill, an act relating to appeals in cases of damages for lands taken for ways. Report accepted and tabled for printing under rule.

Mr. Savage for the same committee reported ought to pass on bill, an act to amend chapter 30 of the Public Laws of 1885 relating to a lien on buildings. Report accepted and tabled for printing under rule.

Mr. Drummond for the same committee reported ought to pass on bill, an act to confirm the organization of the New York Machine Company and for other purposes. Report accepted and tabled for printing under rule.

Mr. Savage for the same committee reported ought not to pass on bill, an act to amend section 1 of chapter 30 of the Public Laws approved Feb. 21, 1885, and to revise sections 31, 32, 33, 34, 35, 36 and 37 of chapter 91 of the Revised Statutes. Report accepted.

Mr. Walls for the committee on education reported ought to pass on bill an act to establish a Maine School for the Deaf. Report accepted and tabled for printing under rule.

Mr. McCullough for the committee on railroads, telegraphs and expresses reported ought to pass on bill, an act relating to the organization of the Washington County Railroad. Report accepted and tabled for printing under rule.

Mr. Poor for the committee on towns reported ought to pass on bill, an act to incorporate the town of Swan's Island. Report accepted and tabled for printing under rule.

Mr. Poor for the committee on ways and bridges reported ought to pass on bill, an act to amend chapter 298 of the Private and Special Laws of 1880 entitled an act to incorporate the Canton Bridge Company. Report accepted. Upon motion by Mr. Poor, the bill was read twice under suspension of rules and passed to be engrossed.

PASSED TO BE ENGROSSED.

An act to establish a board of fire commissioners for the city of Auburn.

An act to amend section 44, of the chapter 27, of the Revised Statutes, as amended by chapter 253, of the Public Laws of 1893, relating to intoxicating liquors.

Resolve in favor of Simon B. Gates.

An act to enable the town of Dexter to establish a system of water works and sewerage.

Resolve in favor of the Maine Insane hospital.

Resolve making an appropriation for the Penobscot tribe of Indians.

An act to create a lien on leather.

An act relating to the incorporation of the Portland Female Provident Association.

An act to regulate the taking of eels and whitefish.

Resolve relating to the publication of a map of the State of Maine.

An act to extend the rights and powers of the corporation organized, Dec. 16, 1892, under the Revised Statutes of Maine, chapter 55, as the Bangor General Hospital, and now named Eastern Maine General hospital.

Mr. Savage of Androscoggin, offered amendment A. Amend by striking out section 4, re-number section 5 as section 4. The amendment was adopted and the bill passed to be engrossed as amended.

An act relating to the staff of the commander-in-chief.

PASSED TO BE ENACTED.

An act relating to service of process on foreign corporations acting as trustees under mortgages.

An act in relation to voluntary trusts.

An act to permit inland game to be taken for park purposes in this State.

An act to amend section 7, chapter 136, of the Revised Statutes, as amended by section 1, of chapter 308, of the Public Laws of 1885, relating to fines and forfeitures collected by trial justices and judges of the municipal and police courts.

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

An act to incorporate the town of Oakfield.

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

An act to authorize the Dexter & Newport Railroad Co. to issue bonds and to make a mortgage secure in the same; and to authorize the Maine Central Railroad Co. to guarantee the payment of said bonds.

An act additional to and amendatory of an act entitled an act to incorporate the Maine Telephone Co.

An act to extend the powers of the International North and South American Transportation and Express Co.

An act to incorporate the Livermore Falls Water Co.

An act in addition to an act to incorporate the Laconia Co.

An act to appeal so much of chapter 461, of the Private and Special Laws of 1885, entitled an act granting additional powers to the inhabitants of School District No. 5, in the town of Kennebunk, and acts additional to and amendatory thereof, as relates to the maintenance of schools and schoolhouses.

An act to amend section 5, of chapter 108, of the Private and Special Laws of 1869, relating to the organization of parishes of the Protestant Episcopal church.

FINALLY PASSED.

Resolve in favor of the town of Linneus.

Resolve in favor of Farmington State Normal school.

Resolve in favor of the chairman of the committee on inland fisheries and game.

Resolve in favor of the committee on education.

Resolve in favor of the joint standing committee on labor.

Resolve in favor of the Legislative committee and members of the Senate authorized to visit the State College of Agriculture and Mechanic Arts.

Resolve in favor of a settling lot in Drew plantation.

Resolve for payment of back salary of a guard at the State prison.

Resolve in favor of the town of Forest City to aid in building one-half of bridge between Maine and New Brunswick in Forest City.

TABLED.

Bill an act to amend sections 1 and 2, of chapter 355, of the Private and Special Laws of 1885, relating to the salary of the treasurer of the county of Waldo, came up for its second reading, and on motion of Mr. Clason of Kennebec, was laid on the table pending its passage to be engrossed.

ORDERS OF THE DAY.

On motion of Mr. Billings of Waldo, resolve in favor of George M. Coombs was taken from the table.

Mr. Billings said:

I had this laid on the table, yesterday, for the purpose of getting some information in regard to the resolve, and by looking the matter over, that if we granted this \$4800 which the resolve calls for, the State is paying some \$13,000 or \$14,000 for the plans of this Eastern Maine Insane asylum. The amount seemed large to me, and wishing to get some information on that point, I had the resolve laid on the table so that we might understand well what we are called upon to do. If this resolution in favor of Mr. Coombs is right, there must be something wrong somewhere. If it is right that we pay him \$4800 in addition to the \$1500 he has already received, it must be evident to every member of this Senate that there is something wrong after it; that it certainly is not necessary or right to pay between \$13,000 and \$14,000 for the draft of any building in the State of Maine. I know that "us fellows that comes from the country deestricks" look upon a thousand dollars as a big thing. But when it gets up to between \$13,000 and \$14,000, I wish to have it explained, and I have no doubt it can be explained by the judiciary committee, by whom this resolve was considered, why they reported that the resolve should pass. I, for one, need some information.

Mr. Savage of Androscoggin:

I think if the Senate will carefully read the statement of facts which accompanies the resolve, they will get in brief compass the history of the affairs connected with the Eastern Maine Insane hospital, so far as Mr. Coombs is concerned. There may have been some other facts developed before the committee which it may be of interest to speak about, and I will detain the Senate for a moment in giving so far as I know the history of this matter.

The Legislature of 1889, by chapter 207 of the Resolves, provided that "the Governor with the advice and consent of the Council should appoint the board of three commissioners whose duty it should be to select and prepare an eligible site at or

near the city of Bangor, in the county of Penobscot, for an insane hospital, to be known as the Eastern Maine Insane hospital," and said commissioners were authorized and empowered to procure a good and sufficient title and conveyance of said site to the State. "And whenever a site shall have been provided as aforesaid," as the resolve goes on to say, "said commissioners shall cause plans and specifications to be made for suitable buildings to be erected on said site; said plans and specifications to be made according to the most recent approved models for such an institution. And said commissioners are also hereby authorized and empowered to cause said site to be graded and put in condition suitable for the erection of buildings, according to the plans and specifications accepted by them. All the acts of the said commissioners shall be subject to the approval of the Governor and Council."

Under that resolve, Col. Joseph W. Porter and Dr. D. A. Robinson of Bangor, and Col. Jasper Hutchins of Brewer, were appointed by the Governor as a committee to carry into effect the purposes of the resolve. The sum of \$25,000 was appropriated for these purposes. A site was purchased in the city of Bangor, that was deemed to be fair and suitable within the terms of the resolve. The commission, then, carrying out the purposes of the resolve, and as instructed by the resolve, caused plans and specifications to be made for the buildings. The two members of the commission who are now living, Col. Hutchins having died, were present and testified before the judiciary committee. It appeared from their testimony that they made inquiry among a good many architects to ascertain rates, prices, etc., and they learned that the usual architect's fee for preparing the plans and specifications and doing the work which is incident to that part of the architect's duty, is 1 per cent. As I remember, one of the commissioners expressed it in the hearing before the judiciary committee, they found that Mr. Coombs was as cheap as anybody anywhere. That is, that there is a uniform fee for that kind of work of 1 per cent. Having ascertained the price charged by all architects, they employed Mr. Coombs to do this work, and Mr. Coombs undertook the duties assigned him by the commission, under the contract which they made, which they accepted, and which he understood to be a contract at 1 per cent. for the preliminary work of making the plans and specifications, prior to the erection of the building. He went with them into other states and there examined with them hospitals and institutions of a like nature so as to be enabled to embody in his draft the most approved ideas with regard to modern insane hospitals. He had been for many years in the employ of the trustees of the insane hospital across the river here at Augusta, and had been the architect of all the recent additions and wards which had been built over there. So that, at the time they employed him, he was a man of experience in this particular kind of business. He set his draughtsmen to work

and went to work himself, and he tells the committee that in the services of draughtsmen and expenses paid out by him in making and perfecting the plans in accordance with his contract with the commissioners, he expended over \$3000, and anyone who saw the plans when they were exhibited here at two sessions of the Legislature, will not doubt the statement. Those plans were presented to the commissioners and accepted by them as the resolve provides, and approved by the Governor and Council as the resolve provides, and then became the property of the State.

If I am correct, the commission found it desirable to purchase an additional lot of land more than was contemplated when the original lot was purchased, and owing to the limited amount of the appropriation, they told him that out of the appropriation they would be able to allow him only \$1500. But both the commissioners and Mr. Coombs testified that it was the expectation and belief and understanding of all the parties that that same commission was to continue the work of building the Eastern Maine Insane Hospital, and that whenever the appropriations were made, as they expected they would be made, then the matter of the balance of the compensation would be made up to Mr. Coombs. They did pay him the \$1500 out of the first appropriation, as it was understood they should do. Now those plans and specifications were here at Augusta in 1891. They were before the Legislature and examined by everybody. They were here again in 1893 and Mr. Coombs was called before the committees who had the matter in charge as the architect of the commission, and made such explanation and suggestions in regard to the plans as seemed to be called for, he, expecting and believing as the commission did, that they would be continued to do the work for which they had been appointed. But in 1895 the Legislature passed a resolve appropriating \$150,000 authorizing the appointment of a commission and a new commission was appointed. The new commission after their appointment, I think without consulting Mr. Coombs at all, advertised for architects to put in their specifications, making it a competitive examination, so to speak. Mr. Coombs who had done this work for the State, and whose plans had been accepted by the State, wrote to the commission calling their attention to the fact that plans had been prepared and accepted by the State and offered if the new commission saw fit to continue the architect who had already been engaged, to make any changes or alterations, or new plans or specifications, free of expense. They employed another architect and the other architect did not pay him, but that should not affect Mr. Coombs. He has done precisely the work authorized by the Legislature of this State, he did precisely the work which another architect has done since in a different way, and got his pay for it. That is the position from the testimony before the commission, and on the part of Mr. Coombs, a contract was made between

him and the commission who had authority under the resolve, and the work was done under that contract. That being so, it seems to me there is nothing else to do but to pay our bills. If other commissions have not seen fit to utilize the work of Mr. Coombs, that is not Mr. Coombs' fault. Under the contract which he made with the original commission, he is entitled to one per cent, and the appropriation is for the balance of that one per cent over and above the amount which he has received from the State.

Mr. Billings: I wish to say that from the explanation made by the senator from Androscoggin, it is evident to my mind that a contract was made in good faith between Mr. Coombs and the parties representing the State. That he fulfilled his part of the contract that he was their adviser and architect and the man they talked with in 1895, and at that time the change took place. I feel myself that the State of Maine cannot go back on its contract although I think it is a pretty hard trade for the State of Maine. I think that the case presented here by the senator from Androscoggin is plain and concise. I, for one, feel that this matter has been thoroughly looked into. I understand better about it and I understand that the principle that lies right back here is the honor of the State. For who would make a contract with the State of Maine hereafter if the subsequent commission can break that contract and do them any damage.

The resolve was then given its second reading and passed to be engrossed.

On motion by Mr. Merrill of Androscoggin, the resolve to secure the proper enforcement of the Inland Fish and Game laws and to aid in the propagation of inland fish and game, was taken from the table.

Mr. Merrill: Mr. President—I only ask the courtesy of the Senate for one moment while I explain my position in regard to this matter. At the time when this was tabled, the order calling for the amounts appropriated for various purposes had not been complied with. I, in company with others, felt that it was unwise for this Senate to enter upon the important matter of voting appropriations blindfolded, and some of us decided that we would table every appropriation until this information were given us. One week ago we got the first schedule. Today we have another. I cannot say, Mr. President, as I look them over that there is anything there very encouraging in the way of voting large appropriations. I felt, and I still feel, that under the existing circumstances all over this State, realizing that no trader has made a dollar in the last four years; that you can find no manufacturer but that has been doing business at a loss; that the farmers are driven almost to the wall; I feel that we ought to be exceedingly careful in this matter of appropriations. Probably the most of us come here with feelings of economy, but where can we cut? We realize that the knife must be applied somewhere, but still I feel that the knife should be ap-

plied, not as the butcher would apply it, but as the skillful surgeon, who does it for the good of the patient.

Now I did hope, Mr. President, that perhaps \$10,000 might be saved in this appropriation, but on looking the matter over thoroughly and taking the advice of the senators here who have studied the matter more than I have, I feel today that if we non-concur with the House in this matter and cut this down to the figure where they just put it, that we shall simply have provided for our hatcheries and left practically nothing for the enforcement of the law. While I still think that perhaps some scheme for the protection of the taxpayers is as necessary as the protection of fish and game, still I do not oppose this appropriation and I move that we now concur with the House in the adoption of amendment C. and that the bill take its second reading.

Amendment C was adopted, the bill read the second time and passed to be engrossed.

On motion by Mr. Savage of Androscoggin, bill an act to authorize the Auburn and Turner Railroad Company to make a loan, was taken from the table, the vote was reconsidered whereby the bill was passed to be engrossed.

Mr. Savage offered amendment A. Add after the word "electricity" in line 11 of the printed bill the words "for the purpose of operating its road."

The amendment was adopted and bill passed to be engrossed as amended.

On motion by Mr. Pike of York, the Senate adjourned.

HOUSE.

Wednesday, Feb. 24, 1897.

Prayer by Rev. Mr. Williamson of Augusta.

Papers from the Senate disposed of in concurrence.

The following Senate bills were read and assigned.

Resolve in aid of repairing the bridge across the Narraguagus river in the town of Milbridge.

An act to extend the charter of the Waterville and Wiscasset Railroad Company.

An act authorizing towns and cities to establish sinking funds.

An act relating to the extension of time of charter of the Bluehill Trust and Banking Company.

An act to incorporate the South Branch Improvement Company.

This bill came from the Senate amended by Senate amendment "A." The House receded from its action whereby it passed the bill with House amendment "A" to be engrossed, and adopted Senate amendment "A" in concurrence, and the bill was then passed to be engrossed as amended.

The speaker read the following telegram from Belfast:

Representative William L. Littlefield, whom the papers have had dead, is up travelling around the house. He is now sitting at his window enjoying himself

and wishes to be remembered to all.

The reading of the telegram was received with applause.

Petitions, bills, etc., presented and referred.

JUDICIARY.

By Mr. O'Neil of Biddeford—Bill an act to amend section 34 of chapter 3 of the Revised Statutes as amended by chapter 166 of the Public Laws of 1895.

By Mr. Whelden of Portland—Petition of R. Blake and 159 others relating to the police officers of the city of Portland; of George Libby and 21 others relating to the same.

LEGAL AFFAIRS.

By Mr. Pattangall of Machias—Bill an act to amend section 11 of chapter 63 of the Revised Statutes.

By Mr. Boynton of Sullivan—Petition of John W. Hall and others for passage of a law compelling the use of wide tires on team wagons.

By Mr. Moore of Deering—Bill an act to incorporate the city of Deering Water Company. (Received under suspension of the rules.)

FINANCIAL AFFAIRS.

By Mr. Furbush of Lewiston—Resolve in favor of the town of Brunswick.

EDUCATION.

By Mr. Dickey of Fort Kent—Resolve of \$1000 in addition to the Normal and Training School at Fort Kent for teachers and incidentals.

By Mr. Cushman of Andover—Petition of J. F. Jones and 22 others of Andover in favor of the Wiggins school tax bill, so called.

By Mr. Merrill of Bluehill—Petition of E. N. Osgood and 35 others for same.

INLAND FISHERIES AND GAME.

By Mr. Hamilton of Biddeford—Bill an act to repeal chapter 132 of the Private and Special Laws of 1891.

TOWNS.

By Mr. Goodrich of Maxfield—Petition of George L. Hussey and 6 others asking for the passage of an act in favor of repealing acts incorporating the town of Maxfield.

STATE COLLEGE OF AGRICULTURE AND THE MECHANIC ARTS.

By Mr. Pattangall of Machias—Petition of John Carroll and 69 others, students of preparatory schools, that the name of the State college be changed to that of the University of Maine; of 38 students of preparatory schools for same; of A. D. J. Libby and 175 others, students of the State college and citizens of Maine for same.

TEMPERANCE.

By Mr. Talbot of Lewiston—Petition of Martin Somerville and 44 others of Lewis-