

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.

Thursday, March 11, 1897.

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

Prayer by Rev. Mr. Chase of Hallowell. Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

Bill an act relating to hawkers and peddlers came from the House recommended to the committee on legal affairs. On motion by Mr. Engel of Penobscot, the bill was tabled pending recommitment in concurrence.

Resolve in aid of building a bridge across Mattawamkeag river in the town of Haynesville, county of Aroostook, came from the House on its first reading and on motion by Mr. Stearns of Aroostook was tabled pending first reading.

Bill an act granting a new charter to the city of Portland. This bill was passed to be engrossed in the Senate and came back from the House amended by House amendment A. On motion by Mr. Drummond of Cumberland, the Senate reconsidered the vote whereby the bill was passed to be engrossed. House amendment A was then adopted in concurrence and the bill passed to be engrossed as amended.

Bill an act to amend section 4 of chapter 308 of the Private and Special Laws of 1889, as amended by section 1 of chapter 232 of the Private and Special Laws of 1891, passed to be engrossed in the Senate, amended by Senate amendment A and House amendment A, came back from the House amended by House amendment B, adding to the title the words "Entitled an act to incorporate the Thorn Brook Dam Company." Upon motion by Mr. Savage of Androscoggin, the Senate reconsidered the vote whereby the bill was passed to be engrossed. House amendment B was adopted in concurrence and the bill passed to be engrossed as amended.

HOUSE BILLS READ AND ASSIGNED.

An act to amend sections 7, 9 and 14 of chapter 106 of the Revised Statutes relating to the issue and serving of venires.

Resolve in favor of the town of Brunswick.

Resolve in favor of North Yarmouth Academy.

Resolve in favor of East Corinth Academy.

Resolve in favor of Leavitt Institute.

Resolve in favor of Monmouth Academy.

Resolve in favor of Lee Normal Academy.

Resolve in favor of Wilton Academy.

Resolve in favor of Westbrook Seminary.

Resolve in favor of Cherryfield Academy.

Resolve in favor of Springfield Normal School.

An act to incorporate the Southport and Boothbay Harbor Telephone and Tel-

egraph Company. As amended by House amendment A, adding the words "and Boothbay" after the words "Boothbay Harbor," in title.

An act to incorporate the Kittery and Eliot Street Railroad Company and to authorize the construction of the same across navigable waters.

Resolve in favor of an appropriation for repairing the bridge now existing across Molunkus Stream, in Macwanoc Plantation, Aroostook county.

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

Resolve in favor of the city of Calais.

Resolve in favor of a road in Dallas Plantation.

PUBLIC ACTS APPROVED BY THE GOVERNOR.

An act to amend section 45 of chapter 140 of the Revised Statutes relating to the State Prison.

An act for the protection of beaver.

An act amendatory of and additional to chapter 47 of the Revised Statutes, relating to the duties of the bank examiner.

An act relating to the disposition of unclaimed baggage by common carriers.

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

JUDICIARY.

By Mr. Billings of Waldo—Remonstrance of C. F. Ginn of Belfast and 14 others against any change in the law in regard to the grand jury of Waldo county.

LEGAL AFFAIRS.

By Mr. Billings of Waldo—Bill an act to amend chapter 118 of the Public Laws of 1891 relating to the registration of vital statistics.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Stearns of Aroostook—Bill an act to authorize the Bangor and Aroostook Railroad Company to lease a connecting railroad which may be built from the town of Limestone.

AGRICULTURE.

By Mr. Chamberlain of Lincoln—Petition of Geo. W. Oliver of Nobleboro and 27 others for the enactment of a law requiring the inspection of grass seed.

By Mr. Grindle of Hancock—Petition of M. L. Elwell of Sedgwick and 41 others, for the same.

By Mr. Stearns of Aroostook—Petition of F. M. Haines of Fort Fairfield and 19 others, for the same.

By Mr. Salley of Somerset—Petition of H. B. Ellis of Embden and 20 others, for the same.

By Mr. Savage of Androscoggin—Petition of B. F. Cobb of Portland and 20 others, for the same.

By Mr. McCullough of Washington—Petition of D. J. Fisher and 13 others for the same.

By Mr. Minkley of Franklin—Petition of Morrill Wing and 52 others of Phillips for the same.

By Mr. Ferguson of Sagadahoc—Petition of William H. Walker of West Woolwich and 29 others for the same.

By Mr. Clason of Kennebec—Petition of D. P. Boynton of Monmouth and 21 others, for the enactment of a law to regulate the sale and analysis of concentrated commercial feeding stuff.

By Mr. Salley of Somerset—Petition of Fred Chapman of South Norridgewock and 39 others; of Ira D. Hilton of Starks and 12 others, for the same.

By Mr. Pike of York—Petition of Charles F. Sanborn of Parsonsfield and 29 others; of Harrison L. Strout of North Waterboro and 50 others; of Albert L. Leavitt of Parsonsfield and 20 others, for the same.

By Mr. Grindle of Hancock—Petition of H. J. Harriman of Bucksport and 28 others; of A. H. Dresser of Orland and 25 others, for the same.

By Mr. Heald of Kennebec—Petition of R. O. Jones of Winslow and 37 others; of S. C. Watson of Oakland and 23 others, for the same.

By Mr. Billings of Waldo—Petition of Geo. W. Ritchie of Winterport and 20 others, for the same.

By Mr. Chamberlain of Lincoln—Petition of John Fuller of North Newcastle and 9 others, for the same.

By Mr. Merrill of Somerset—Resolution of the Somerset Pomona Grange in favor of the enactment of a law in relation to concentrated commercial feeding stuff and grass seeds.

READ AND ASSIGNED.

An act to amend chapter 151 of the Private and Special Laws of 1895, relating to the charter of the Wiscasset Water Co.

An act to provide for filling vacancies of trustees.

An act to amend paragraph 4, of section 6, of chapter 6, of the Revised Statutes, relating to the taxation of the estate and property of religious societies.

An act to legalize the incorporation of Wales Grange, No. 40, Patrons of Husbandry.

An act to incorporate the Livermore Falls Light and Power Co.

An act to amend section 13, of chapter 143, of the Revised Statutes, relating to the duties of municipal officers.

An act to amend section 11, chapter 46, of the Revised Statutes, relating to clerks of corporations.

Amended on motion by Mr. Savage of Androscoggin, by Senate amendment A. Insert at the beginning of line 3, the following words and figures, "Section 11."

REPORT OF COMMITTEES.

Mr. Drummond for the committee on judiciary, reported ought to pass, bill in new draft, an act to further regulate banking hours on Saturdays which are not bank holidays. Report accepted and tabled for printing under rule.

Mr. Drummond for the same committee, reported ought to pass, bill an act relating to transfer of stock. Report accepted and tabled for printing under rule.

Mr. Parsons for the committee on legal affairs, reported ought not to pass, bill an act to amend chapter 102, of the Pub-

lic Laws of 1891, as amended by chapter 267, of the Public Laws of 1893, relating to the Australian ballot. Report accepted.

Mr. Clason for the same committee, reported ought to pass, bill an act to extend an act entitled "An act to supply the city of Gardiner with pure water." Report accepted and tabled for printing under rule.

Mr. Clason for the committee on education, reported ought to pass, resolve in favor of appropriation to aid in erecting a High school building in the town of Frenchville, county of Aroostook. Report accepted and tabled for printing under rule.

Mr. Clason for the same committee, reported reference to the next Legislature of bill an act to establish a Normal school at Houlton, Aroostook county. Report accepted.

Mr. Reynolds for the committee on agriculture, reported ought to pass, bill an act to provide for procuring statistics relating to the poultry industry in Maine. Report accepted and tabled for printing under rule.

Mr. Weeks for the committee on interior waters, reported leave to withdraw on petition of S. Cabot and others of Andover, and of Waldo Pettengill and others of Oxford county, praying that the throwing of sawdust and waste into the Ellis river be prohibited. On motion by Mr. Poor of Oxford, tabled pending acceptance of report.

Mr. Maxwell for the same committee, reported ought to pass, bill in new draft, an act to incorporate the Little Spencer Dam and Improvement Co. Report accepted and tabled for printing under rule.

Mr. Drummond for the committee on claims, reported reference to the next Legislature, resolve in favor of Eben M. Garland. Report accepted.

Mr. McCullough for the same committee, reported ought not to pass, resolve in favor of William H. Homes. Report accepted.

Mr. Ferguson for the Sagadahoc county delegation, reported ought to pass, bill, in new draft, an act to enable the county of Sagadahoc to rebuild the Merrymeeting bay bridge and to issue bonds therefor, and to make it free. Report accepted and tabled for printing under rule.

Mr. Engel for the committee on railroads, telegraphs and expresses, reported ought to pass, bill an act relative to accidents upon railroads. Report accepted and tabled for printing under rule.

PASSED TO BE ENGROSSED.

An act to provide for the retirement of members of the fire department of the city of Portland upon half pay.

An act to amend chapter 70, of the Public Laws of 1895, relating to the sale of lands for non-payment of taxes.

An act to legalize the doings of school district No. 5, in the town of Falmouth, and of the trustees of the Crispus Graves fund, so called, and to enable said trustees to convey and to enable the inhabitants of said Falmouth to purchase the school building erected out of said fund in said district.

Resolve in favor of the town of Peru.

An act to extend the charter of the Lewiston, Augusta & Camden Railroad Co.

An act to permit the Good Will Home Association to increase its capital and enlarge its purpose to include aid for needy girls.

An act to extend the charter of the Kennebec & Franklin Railway.

An act to amend chapter 229, of the Private and Special Laws of 1849, 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 amended by chapter 311, of the Laws of 1864, as amended by chapter 214, of the Laws of 1880, as amended by chapter 106, of the Laws of 1895.

An act to amend section 19, of chapter 142, of the Revised Statutes, relating to the Maine Industrial School for Girls.

An act granting additional powers to the Long Pond Water Co.

An act relating to the taking of alewives in the Bagaduce river and Walker's pond.

An act to amend and extend the charter of the Ellsworth Street Railway Co.

An act relating to the April term of the supreme judicial court in the county of Aroostook.

An act to incorporate the Northern Development Co.

An act to amend the charter of the city of Bangor.

TABLED.

An act relating to the holding of terms of the supreme judicial court in Franklin county, came up for its first reading, and on motion by Mr. Savage of Androscoggin, was tabled pending second reading.

The following matters came up on their second reading:

Resolve providing for the extinguishment of the claims of Don A. H. Powers and Dr. A. G. Sirois for services rendered in connection with the shooting of Game Warden E. O. Collins by Charles Morris.

Tabled by Mr. Hinckley of Franklin, pending second reading.

An act to amend an act to incorporate the Saco River Telegraph and Telephone Co.

Tabled by Mr. Drummond pending second reading.

An act to incorporate the Lubec Electric Light and Power Co.

Tabled by Mr. Savage of Androscoggin, pending second reading.

An act requiring all educational institutions receiving State aid to make report to the State superintendent of public schools, who shall publish the same as a part of his report.

Tabled by Mr. Clason of Kennebec, pending second reading.

The following came up on its final reading and was tabled by Mr. Engel of Penobscot, pending enactment:

An act relating to the use of compressed air for power.

PASSED TO BE ENACTED.

An act to amend section 2 of chapter 58, of the Revised Statutes, as amended by chapter 94, of the Public Laws of 1891, relating to the election of members of the board of agriculture.

An act relating to the waiving the provisions of a will by the widow of the testator, and to wills in which no provision is made for the widow of the testator, and the interest which the widow shall have in the estate of the testator in such cases.

An act to amend section 2, of chapter 287, of the Public Laws of 1893, entitled "An act for the better protection of sheep."

An act to amend an act entitled "An act to incorporate the Farmington Village Corporation."

An act to amend the charter of the Portsmouth, Kittery & York Street Railway.

An act relating to chapter 189, of the Private and Special Laws of 1895, entitled "An act to incorporate the Milbridge Water Co."

An act relating to the Hallowell Water Co.

An act to amend section 6, of chapter 413, of the Private and Special Laws of 1850, entitled "An act to incorporate the city of Hallowell."

An act to extend the rights and privileges of the Underwood Co.

FINALLY PASSED.

Resolve in favor of roads in the Indian Township in Washington county.

On motion by Mr. Savage of Androscoggin, bill an act to incorporate the Eastport Street Railway was taken from the table.

Mr. Savage offered Senate amendment A. Amend section 7, by inserting after the word "dollars" in line three, the following words: "and not exceeding the amount of capital stock subscribed for."

Amendment adopted, bill read the second time and passed to be engrossed as amended.

On motion by Mr. Savage, bill an act to amend chapter 193, of the Private and Special Laws of 1887, entitled "an act to incorporate the Fryeburg Horse Railroad Company" was taken from the table.

Mr. Savage offered amendment A. Amend section 3, by inserting after the word "necessary" in line 15, the following words: "not exceeding the amount of capital stock subscribed for."

Amendment adopted, bill read the second time and passed to be engrossed as amended.

On motion by Mr. Savage, resolve in favor of the town of Hollis was taken from the table and Tuesday, March 16 specially assigned.

On motion by Mr. Chamberlain of Lincoln, bill an act to incorporate the town of Swans Island, tabled pending the adoption of Senate amendment A, and second reading, was taken from the table.

Mr. Chamberlain: This matter came before our committee in the usual way with a petition for the incorporation of this island. At the hearing, representatives from the island were present on either

side, and I think all the facts bearing upon the case were presented to us fully. This island is about six miles in length and four miles in width, containing about 2700 acres. There are other islands around it which would naturally be included if it was incorporated as a plantation or town. At the present time, about 900 people live upon these islands. There are two post offices, three churches, several stores and good dwellings. This island supports a physician. There are 135 polls and the estates in 1896 amounted to \$124,669. There is a town debt of \$616 and the rate of taxation last reported was .017. Two hundred and fifty-eight scholars are reported, 144 of whom attend school. There was expended last year \$1245 for schools upon the island. It appears that there are in the county of Hancock of the 32 towns included within its limits, 14 that have less population than this island, and it has at the present time double the population of seven of these towns. The valuation of Swans Island appears to be greater than any other of the 13 towns of said county. It seems strange that this town has maintained a form of government for many years, has voted and paid taxes, maintained schools and supported their poor and that there has been no record from of government. This was brought out in the evidence by the petitioners. It was claimed by the remonstrants that there was a prescriptive government that would be binding in anything that might occur, and would be sufficient at the present time for them. The people are very intelligent and progressive, and in the past have been very prosperous. At one time they were largely interested in navigation and in the fishing business and even now in the depressed condition of both these industries, they are as active in the pursuit of their several occupations, as the people upon the main land or other islands that dot our coast. This island has a future before it. And for all these reasons your committee have thought it best for these people that they should at least have some form of government. These people should not be denied the right to vote. And if they have at the present time no form of government, as the records in the secretary of State's office show, there might become in future elections a serious question as to the right of these people to participate. We feel there is no injustice to be practiced upon the people of Swans Island by asking them to assume the dignity of a town at the present time.

Mr. Grindle of Hancock: It appears to me that the people there should have some voice in deciding matters of this kind. And it is a reasonable thing that we give to them this right and privilege. They have voted on this question and quite a large number have voted against being incorporated. We may fail to see any good reason for this, and I may even agree that it would be better for them to be incorporated, but I do not think that that would be a sufficient reason, why we should pass the bill without giving

them any voice in the matter. They pay their State tax, have always cared for their town paupers, and are an industrious, enterprising class of people. If they prefer to remain a plantation and live under that form of government, I cannot see what valid reason there is for us to take that right and privilege from them. The question comes up in regard to the legality of their transactions of business, that there is no record that they are an organized plantation. I understand a bill will be introduced legalizing the transactions of the town, so that no difficulty will come from that. The opposition that I would have to passing the bill in its original form, and that opposition outweighs everything else, is that it is taking from the people rights and privileges which rightfully are theirs, and in doing that it seems to me that we are striking at American principles of liberty and self-government. So that the reasonable thing for the Legislature to do will be simply to adopt the amendment and give the people an opportunity of voting upon this question.

Mr. Pike of York, spoke briefly, justifying the action of the committee and urging the passage of the bill.

The question was upon Senate amendment A, amend section 5 by adding at the end thereof the following words: "By a majority vote of the duly qualified voters of Swan's Island plantation, at a meeting duly called therefor, at any time within two years from the date of the approval of this act by the Governor."

Seventeen voting in the negative and one in the affirmative, the amendment was refused passage.

The bill was then read the second time and passed to be engrossed.

Bill an act to authorize the town of Kittery to raise money for the observance of its 250th anniversary, came from the House, passed to be engrossed under suspension of the rules. On motion of Mr. Hurd of York, the rules were suspended, bill read twice without reference to committee, and passed to be engrossed in concurrence.

On motion by Mr. Hinckley of Franklin, the Senate adjourned.

HOUSE.

Thursday, March 11, 1897.

Prayer by Rev. Fr. Doherty of Augusta.

Papers from the Senate disposed of in concurrence.

An act to extend and additional to the charter of the Oakland Water Company.

In Senate this bill was amended and passed to be engrossed. The House reconsidered the vote whereby it passed this bill to be engrossed as amended, Senate amendment "A" was adopted and the bill was then passed to be engrossed as amended.

An act to provide for the examination of candidates for position as teachers in the public schools of the State.

Pending the first reading of this bill, it was laid on the table on motion of Mr. Blanchard of Wilton.