

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.

Friday, March 12, 1897.

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

Prayer by Rev. Mr. Coons of Hallowell. Journal of yesterday read and approved. Papers from the House disposed of in concurrence.

Bill an act relating to ex-captains.

This bill came from the House referred to the committee on judiciary and was tabled, on motion of Mr. Savage of Androscoggin, pending reference in concurrence.

Resolve providing for the preservation of regimental rolls in the adjutant general's office.

This resolve came from the House referred to the committee on military affairs, and was tabled, on motion of Mr. Reynolds of Cumberland, pending reference in concurrence.

Resolve in favor of the Soldiers' Home in Maine came from the House indefinitely postponed. On motion by Mr. Billings of Waldo, the resolve was laid on the table and Thursday, March 13, assigned.

Report of the committee on military affairs, reporting ought not to pass, resolve for repairing the block house at Fort Kent, came from the House read and accepted. On motion by Mr. Stearns of Aroostook, tabled pending acceptance of report in concurrence.

An act to authorize the Damariscotta Mills Water Power Co. to develop, sell and use electric power, and to transmit by electricity for lease or sale, heat, light and power.

This bill came from the House on its first reading, and on motion by Mr. Savage of Androscoggin, was tabled pending first reading.

Resolve in favor of Castine Normal school.

This resolve came from the House on its first reading. Read once and on motion by Mr. Walls of Knox, read the second time under suspension of rules and passed to be engrossed.

An act providing for the registration of guides and to aid in the gathering of statistics relative to inland fish and game.

This bill came from the House on its first reading and on motion by Mr. Hinckley of Franklin, was tabled pending first reading.

An order for the adjournment of the House and Senate to Monday, at 4.30 P. M., came from the House and was read and passed in concurrence.

A communication was received from the secretary of State, transmitting the report of the Maine State librarian, and was referred to the committee on library.

HOUSE BILLS READ AND ASSIGNED.

An act to amend section 102, of chapter 11, of the Revised Statutes of 1893, relating to the title of State superintendent of schools.

An act to incorporate the Franklin, Somerset & Kennebec Railway Co.

An act to amend section 41, of chapter 40, of the Revised Statutes, relating to the taking of salmon in the Penobscot river, above the water works dam.

An act to fix the compensation of the sheriff of the county of Franklin.

PUBLIC ACTS APPROVED BY THE GOVERNOR.

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 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.

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

JUDICIARY.

By Mr. Stearns of Aroostook—Bill an act to regulate the admission to practice of attorneys, solicitors and counsellors, to provide for a board of examiners and to repeal conflicting acts.

By Mr. McCullough of Calais—Bill an act relating to trial justices.

Bill an act to amend an act entitled "An act to revise and amend the charter of the city of Calais."

AGRICULTURE.

By Mr. Roberts of Oxford—Petition of V. P. DeCoster of Buckfield, and 14 others, for the enactment of a law relating to the sale and analysis of concentrated commercial feeding stuff.

MILITARY AFFAIRS.

By Mr. Walls of Knox—Resolves providing for uniforms, camp and garrison equipage for Co. M, 1st Regiment, and Co. M, 2d Regiment.

STATE PRISON.

By Mr. Savage of Androscoggin—Bill an act relating to the duties and compensation of the State prison physician.

Mr. Savage of Androscoggin, introduced the following bill, and on his motion it was read twice without reference to committee under suspension of rules and passed to be engrossed:

Bill an act to amend an act authorizing the city of Lewiston to refund a part of its debt, approved, Feb. 18, 1897.

Mr. Savage stated that the object of this act was to enable the city treasurer to have his signature printed or lithographed in the coupons, instead of signing each coupon of the city bonds with his own hand, which he would be obliged to do under the wording of the act which was passed.

An act in relation to accidents upon railroads and street railways came up on its first reading and was tabled on mo-

tion by Mr. Stearns of Aroostook, pending second reading.

READ AND ASSIGNED.

An act to provide for procuring statistics relating to the poultry industry in Maine.

An act relating to transfers of stock.

An act to further regulate banking hours on Saturdays which are not bank holidays.

An act to extend an act entitled "An act to supply the people of South Gardiner village in the city of Gardiner, with pure water."

The President called Mr. Clason of Kennebec, to the chair, who presided during the remainder of the session.

REPORTS OF COMMITTEES.

Mr. Ferguson for the committee on Insane hospital, to which was referred the communication from the Governor transmitting a notice from the executors of the will of Joseph H. Williams, late of Augusta, that said Joseph H. Williams by his will had made a bequest to the State of Maine for the benefit of the Maine Insane hospital, reported accompanying resolve accepting the legacy to the State of Maine by the will of the late Joseph H. Williams for the benefit of the Maine Insane hospital. Report accepted and tabled for printing under rule.

Mr. McCullough for the committee on railroads, telegraphs and expresses, reported ought to pass, bill an act to extend the charter of the Bath, Small Point & Popham Beach Railroad Co. Report accepted and tabled for printing under rule.

Mr. Stearns for the committee on judiciary, reported ought to pass, bill an act additional to chapter 31, of the Revised Statutes, relating to sales of property deposited in public warehouses, on which the charges thereon shall not have been paid. Report accepted and tabled for printing under rule.

Mr. Stearns for the same committee, reported ought not to pass, bill an act to amend sections 31, 32, 33, 34 and 35, of chapter 18, of the Revised Statutes, relating to ways. Report accepted.

Mr. Stearns for the same committee, reported ought not to pass, bill an act to amend section 35, of chapter 24, of the Revised Statutes, relating to notifying towns in pauper cases. Report accepted.

Mr. Parsons for the committee on legal affairs, reported ought to pass, bill an act to amend section 47, of chapter 77, of the Revised Statutes, as amended by chapter 277, of the Public Laws of 1889, in relation to the time for holding the September term of the supreme judicial court in Piscataquis county. Report accepted.

Mr. Hinckley for the committee on inland fisheries and game, on petition of Nathaniel Hobbs and 16 others, praying for close time in Bonny Beg pond in the towns of North Berwick and Sanford, reported that the same be referred to the commissioner of inland fisheries and game, as the subject matter of the petitioners properly comes under their jurisdiction by the general law. Report accepted.

Mr. Parsons for the same committee, reported ought not to pass, bill an act prohibiting persons not inhabitants of this State from killing and hunting fur-bearing animals. Report accepted.

Mr. Hinckley for the same committee, reported ought to pass, bill an act to amend section 76, of chapter 104, of the Public Laws of 1895, entitled "An act amendatory of and additional to chapter 40, of the Revised Statutes, relating to fish and fisheries." Report accepted and tabled for printing under rule.

Mr. Clason for the committee on legal affairs, reported ought to pass, bill an act to amend section 1, of chapter 297, of the Private and Special Laws of 1883. Report accepted and tabled for printing under rule.

Mr. Morrill for the committee on sea and shore fisheries, reported leave to withdraw on petition of John O. Shaw and 18 others of Bath, asking for a change in the law relating to fishing in Winnegance creek. Report accepted.

Mr. Pike for the committee on claims, reported ought to pass, resolve in favor of the executors of the will of Cyrus Cole. Report accepted and tabled for printing under rule.

PASSED TO BE ENGROSSED.

An act to amend chapter 154, of the Private and Special Laws of 1895, relating to the charter of the Wiscasset Water Co.

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

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.

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

Resolve in favor of an appropriation for repairing the bridge now existing across Molunkus stream, in Macwahoc plantation, Aroostook county.

Resolve in favor of East Corinth Academy.

Resolve in favor of North Yarmouth 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.

Resolve in favor of the town of Brunswick.

Resolve in favor of a road in Dallas plantation.

An act to incorporate the Southport, Boothbay Harbor & Boothbay Telephone and Telegraph Co.

Resolve in favor of the city of Calais.

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

An act to incorporate the Kittery & Elliot Street Railroad Co., and to authorize the construction of the same across navigable waters.

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

Mr. Savage offered amendment A. amend title by adding the following words at the end: "Relating to insane persons." Amendment adopted and bill passed to be engrossed as amended.

PASSED TO BE ENACTED.

An act to amend section 18, of chapter 48, of the Revised Statutes, as amended by chapter 89, of the Public Laws of 1897, relating to corporations.

An act to amend section 69, of chapter 82, of the Revised Statutes, relating to auditors.

An act regulating the cost of municipal, police and trial justice courts.

An act to regulate the shooting of ducks on the Kennebec river and Merry meeting bay.

An act to prohibit the killing of deer on Long Island.

An act to authorize the construction of a weir in tide waters of Sheepscove ledge, in Pennamaquan river, in Pembroke county of Washington.

An act to incorporate the Sunnyside Cemetery Association.

An act to incorporate the Ogunquit Water Company.

FINALLY PASSED.

Resolve to repair the Forks bridge, in Forks plantation, Somerset county.

Resolve in favor of George M. Coombs.

An act in relation to the school committee of the city of Portland came up on its passage to be enacted and was tabled on motion by Mr. Drummond of Cumberland.

ORDERS OF THE DAY.

On motion by Mr. Savage of Androscoggin, bill an act to repeal chapter 580, of the Private and Special Laws of 1863, and chapter 65, of the Private and Special Laws of 1878, was taken from the table. Mr. Savage offered amendment "A." Strike out the title, as follows: "An act to repeal chapter 580, of the Private and Special Laws of 1863, and chapter 65, of the Private and Special Laws of 1878, relating to Swett's pond, Field's pond and Brewers' pond in Orrington. Amendment adopted, bill read the second time and passed to be engrossed as amended.

On motion by Mr. Chamberlain of Lincoln, bill an act amendatory of and additional to chapter 594, of the Private and Special Laws of 1893, entitled "An act to incorporate the Lawry Dam Company," was taken from the table. Report accepted and bill read once.

Mr. Chamberlain offered the following amendment:

Amend by inserting at the end of the 27th line the words "or overflow," and by inserting after the word "water" in the 28th line the words "or by the breaking of said dams or either of them."

Further amend said bill by inserting as a new paragraph after the end of the 46th line of said section 2, the following words: "And said corporation, before erecting any dams or embankments for the storage of water on Sheepscot river or any of its tributaries shall file its plans and specifications thereof in the Registry of Deeds for Lincoln county, for public inspection, with the certificate of the inspector of dams and reservoirs, appointed under chapter 92, of the Revised Statutes, stating therein that in his judgment they are safe and sufficient. After completion thereof said corporation shall also file a similar certificate that such works, as well as all such works heretofore erected, are safe and sufficient. The company shall pay such inspector for his services and expenses. The supreme judicial court so in equity shall have power by appropriate process to enforce this section on petition of the county commissioners for Lincoln county, or the selectmen of any town therein."

Amendment adopted and bill assigned for second reading Monday next.

On motion by Mr. Poor of Oxford, the reports of the committee on interior waters reporting leave to withdraw on petitions of Waldo Pettengill and of S. Cabot and others, relating to throwing of waste into Ellis river, were taken from the table and re-referred to the committee on interior waters.

On motion by Mr. Merrill of Somerset, bill in relation to sale of pressed hay was taken from the table.

This bill, passed to be engrossed in the Senate, came back from the House indefinitely postponed.

Mr. Merrill: I move that we non-concur with the House in the indefinitely postponement of this bill.

Before the vote is taken upon this bill perhaps I should give my reasons for making the motion. This bill was presented by Senator Clason at the request not of the agricultural classes, but of the practicing attorneys of the State of Maine and was an amendment to the act which I will read. We hear a good deal about the farmers wanting class legislation and this bill is, I think a fair illustration of what they are willing to put up with. The act reads as follows: "All hay pressed and put up in bundles, except hay pressed by farmers and retailed from their own barns, shall have the first letter of the Christian and the whole of the surname of the person putting up the same, written, printed or stamped on bands or boards made fast thereto, with the name of the state and place where such persons lives. Whoever offers for sale or shipment any presseau hay not marked as aforesaid except hay pressed by farmers and retailed from their own barns, for-

feits \$1 for each bale so offered, to be recovered by complaint." No farmer objects to that law. It is put in there to provide that farmers shall not put rocks in their hay and sell it, or anything of that kind. It is class legislation, but it is class legislation that is all right. What we do object to is a certain thing that operates under it, which this amendment is intended to obviate.

The amendment reads as follows: "No person who has received hay not marked as provided in this section shall defend any action for the price thereof upon that ground unless he shall prove that before the delivery of said hay to him, he requested the person from whom he bought the same, to comply with the provisions of this section." The law and the penalty remain the same. It simply provides that if a man buys hay, knowing that it is not tagged, of some farmer who happens to be ignorant of the provision of the law, he simply shall not be scamp enough to plead that fact in a court of law as the reason for not paying for it, unless he calls the attention of the person selling it to that fact, and requests it to be tagged. This amendment passed through here without opposition. No person has offered an objection to it before a member of this committee, and here it comes back to us indefinitely postponed with nobody having said a word against it. It is unusual treatment and I do not like it. Now one thing further, we are all of us proud of these bright smart young men that are round here, representing the press. We have received many courtesies from them and we appreciate their work and what the press is doing. But immediately after this bill was indefinitely postponed I saw in one of our dailies to this effect: "Another of the bills of Director Woods of the experiment station has come to grief—his bill for pressed hay," when as a matter of fact Director Woods did not know that this bill was in here, and the only bill that Director Woods has drafted has passed both branches and has the Governor's signature.

The question being upon the motion of Mr. Merrill, the Senate determined to non-concur with the House in the indefinite postponement of the bill.

On motion by Mr. Reynolds of Cumberland, the vote was reconsidered whereby the Senate accepted in concurrence House report of the committee on legal affairs, reporting ought not to pass on bill an act to amend section 8, of chapter 319, of the Private and Special Laws of 1895, entitled "an act to incorporate the Somerset Traction Company. The report was laid on the table pending acceptance and concurrence.

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

HOUSE.

Friday, March 12, 1897.

Prayer by Rev. Mr. Chase of Hallowell. Papers from the Senate disposed of in concurrence.

An act to incorporate the Eastport Street Railway Company.

This bill came from the Senate amended by Senate amendment "A" and passed to be engrossed. The House reconsidered the vote whereby this bill was passed to be engrossed, Senate amendment "A" was adopted and the bill was passed to be engrossed as amended.

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

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

An act to amend chapter 193 of the Private and Special Laws of 1887 entitled an act to incorporate the Fryeburg Horse Railroad Company.

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

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

In Senate this bill was passed to be engrossed as amended by Senate amendments "A" and "B."

On motion of Mr. Pearl of Bangor, the bill was laid on the table pending the adoption of Senate amendments "A" and "B."

The following Senate bills were read and assigned:

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 land for the non-payment of taxes.

An act to incorporate the town of Swan's Island.

Resolve in favor of the town of Peru. Petitions, bills and resolves presented and referred:

LEGAL AFFAIRS.

By Mr. Murray of Pembroke—Bill an act to incorporate the Lubec Water Company. (Received under suspension of the rules.)

By Mr. Blanchard of Wilton—Resolve in favor of Perkins plantation.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Daggett of Smyrna—Bill an act to permit the Patten and Sherman Railroad Company to sell or lease its road.

By Mr. Briggs of Auburn—Resolution passed by the Auburn Grange, No. 4,