

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 19, 1897.

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

Prayer by Rev. Ringold of Gardiner.

Journal of yesterday read and approved. Papers from the House disposed of in concurrence.

Bill an act in relation to accidents upon railroads and street railways.

This bill as amended was passed to be engrossed in the Senate. It came back from the House, that branch non-concurring in adoption of Senate amendment A, and the bill passed to be engrossed.

On motion by Mr. Stearns of Aroostook, the Senate recessed and concurred with the action of the House.

Resolve in favor of the Eastern Maine State Hospital.

This resolve came from the House indefinitely postponed. On motion by Mr. Weeks of Penobscot, the Senate non-concurred and the resolve was read once and tomorrow assigned.

Resolve that the land agent be empowered and directed to convey settlers lot in Wallagrass Plantation.

This resolve came from the House on its first reading, and was read once and tomorrow assigned.

PUBLIC ACTS APPROVED BY THE GOVERNOR.

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

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

The following bill was presented and referred to the committee on

JUDICIARY.

By Mr. Walls of Knox—Bill an act to amend section 8 of chapter 24 of the Revised Statutes, as amended by chapter 60 of the Public Laws of 1891, relating to paupers, their settlement and support.

ORDERS.

On motion by Mr. Savage of Androscoggin, it was ordered that the session of the Senate on Saturday, March 20, 1897, be called at 9 o'clock A. M.

READ AND ASSIGNED.

An act to amend sections 4 and 5 of chapter 636 of the Private and Special Laws of 1871, establishing a municipal court for the city of Lewiston. as amended.

An act to amend section 42 of chapter 92 of the Revised Statutes relating to the inspection of dams and reservoirs.

An act to amend section 5 of chapter 226 of the Private and Special Laws of 1895, relating to the capital stock of the Buckfield Aqueduct Company.

Resolve for the purpose of repairing the church of the Penobscot Tribe of Indians.

Resolve in favor of Olaf Nilson.

An act to amend chapter 118, Public

Laws of 1891, relating to the registration of vital statistics.

An act to establish the standard weight of bushel of parsnips.

An act to amend section 6 of chapter 132 of the Public Laws of 1891, relating to punishment for intoxication.

REPORTS OF COMMITTEES.

Mr. Savage for the committee on judiciary, to which was referred the petition of George W. Haselton, praying that stenographers be authorized to take evidence given before the grand jury, reported that the same be referred to the next legislature. Pending acceptance of the report it was tabled on motion by Mr. Clason of Kennebec.

Mr. Savage for the same committee, to which was referred the report of the commissioners on uniform legislation, reported that the same be referred to the next Legislature. Report accepted.

Mr. Savage for the same committee, reported ought to pass, bill, a new draft, an act to change the time of holding the October term of the Supreme Judicial Court in the county of Waldo.

Mr. Reynolds for the committee on legal affairs, to which was referred the order of the Legislature relating to the expediency of the State supporting and maintaining the large bridges and report by bill or otherwise, reported that the same be referred to the next Legislature. Report accepted.

Mr. Reynolds for the same committee, reported ought not to pass fill an act additional to section 43 of chapter 70 of the Revised Statutes relating to insolvency proceedings. Report accepted.

Mr. Reynolds for the same committee, reported ought to pass, bill an act to incorporate the Hartford Trust and Banking Company. Report accepted and tabled for printing under rule.

Mr. Clason for the same committee, reported ought to pass, bill, a new draft, an act amendatory of section 19, chapter 12, of the Revised Statutes relating to officers of religious societies. Print under rule.

Mr. Roberts for the committee on education, reported ought to pass, bill an act relating to the employment of superintendents of schools. Print under rule.

Mr. Maxwell for the committee on interior waters, to which was referred the petition of S. Cabot and others and of Waldo Pettingill and others of Andover, praying that the throwing of sawdust and waste into the Ellis river be prohibited, reported ought to pass, bill an act to prevent the throwing of slabs and other refuse into the Ellis river and its tributaries. Print under rule.

PASSED TO BE ENGROSSED.

An act in relation to the duties and compensation of the State prison physician.

An act to amend section 3, of chapter 150, of the Private and Special Laws of 1891, entitled "An act in relation to the municipal court in the city of Portland."

Resolve in favor of the heirs of John Robertson.

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

Resolve in favor of the Hospital of the Society of the Sisters of Charity of Lewiston, Maine.

Resolve in favor of the Maine Industrial School for Girls.

Resolve in favor of the Portland School for the Deaf.

Resolve in favor of the town of York.

An act to amend section 67, of chapter 81, of the Revised Statutes as amended by chapter 167, of the Public Laws of 1895, relating to attachments.

An act relating to the catching of smelts in Damariscotta river.

Mr. Savage offered Senate amendment "A." Amend by striking out section 4. Amendment adopted and bill passed to be engrossed as amended.

TABLED.

An act to amend section 31, of chapter 11, Revised Statutes of 1883, as amended by chapters 100, of the Public Laws of 1887, 212, of the Public Laws of 1889 and 216, of the Public Laws of 1893, defining course of study in free high schools.

This bill came up on its first reading and was tabled on motion by Mr. Reynolds of Cumberland, pending second reading.

(Mr. Pike of York, in the chair.)

Resolve in favor of summer training schools for teachers and distribution of educational documents came up on its second reading and was tabled on motion by Mr. Witham of Cumberland, pending passage to be engrossed.

Resolve in favor of the Soldiers' Home in Maine. This resolve came up on its second reading.

Mr. Roberts of Oxford: At the time the vote on this resolve was taken I misapprehended the question. I came into the Senate chamber while the roll was being called and understood the question on concurrence with the House. In accordance with that I voted "Yes." But I learned afterwards that the question was on non-concurrence with the House and I should have voted "No." I move to reconsider the vote whereby we voted not to concur with the House and that this motion lie on the table until next Tuesday.

The Senate so voted and the motion was tabled until Tuesday, March 23.

The following joint standing committees submitted their final report that they had acted on all matters referred to them and the reports were severally accepted.

Mercantile affairs and insurance, W. E. Parsons, chairman.

Labor, H. C. Sharp, chairman.

Indian affairs, E. B. Weeks, chairman.

Inland fisheries and game, N. U. Hinckley, chairman.

Taxation, L. F. Pike, chairman.

Military affairs, E. C. Reynolds, chairman.

Education, F. S. Walls, chairman.

Mr. Parsons, for the committee on inland fisheries and game, to which were referred the order of the Legislature relat-

ing to the expediency of granting Seward Dill of Phillips, county of Franklin, the right to create and maintain a fish pond and the said Seward Dill be granted exclusive right to catch kill or destroy fish in said pond for a term of five years, reported the legislation inexpedient. Report accepted.

PASSED TO BE ENACTED.

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

An act to amend section 27, of chapter 81, of the Revised Statutes, relating to the recording of attachments of personal property.

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 at Bangor.

An act to amend section 7, of chapter 46, of the Revised Statutes, relating to clerks of corporations.

An act to provide for filling vacancies of trustees.

An act in relation to the care of convicts who are sick at the expiration of sentences.

An act to authorize the Maine Pulp and Paper Company to generate, sell and supply, distribute and transmit electricity for power and heating.

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

An act to incorporate the Rumford Falls Pulp and Paper Company.

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.

An act authorizing the town of Wayne to raise money to be expended in celebrating the 100th anniversary of its incorporation.

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

FINALLY PASSED.

Resolve in aid of building a bridge across Mattawamkeag river in the town of Haynesville, county of Aroostook.

Resolve in favor of making necessary repairs in the Senate chamber of the State Capitol.

Resolve in favor of the road in Jerusalem plantation.

(President Day in the chair.)

ORDERS OF THE DAY.

On motion by Mr. Witham of Cumberland, bill an act to amend section 8, of chapter 11, of the Revised Statutes of 1883, as now amended, relating to text books, school apparatus and repairs on school buildings, was taken from the table, read the second time and passed to be engrossed.

REGISTRATION OF GUIDES.

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

Mr. Hinkley of Franklin: Mr. President,

and gentlemen of the Senate. I suppose that it devolves upon me to define my position upon this bill. When it was first brought to my attention, I saw nothing that looked very bad or inconsistent about it. But later I discovered there were objectionable features in it. The first bill presented was a long cumbersome bill. It was re-committed and I was informed by the sub-committee who were elected to draft a new bill that the objectionable features had been wholly stricken out. If you will remember there was a list of questions submitted in the first place for the guide to make his report. Let us see if that had been stricken out. Section 2, of this bill provides that each registered guide shall from time to time as often as requested by the commissioners, forward a statement to them of the number of persons he has guided, etc. I ask, what is the difference whether the bill provides when these reports shall be made or whether they shall be made when asked for by the commissioners. An other objectionable feature is in section 1, which says: "No person shall engage in the business of guiding," and the concluding clause in this section provides a penalty of \$50 and the costs of prosecution for a non-compliance with this rule. I have before me an act which will be submitted for your consideration covering all the fish and game laws and in that bill certain revisions are made, one of which leaves an open season on moose of 30 days, commencing the 15th of October and continuing until the 15th of November and inflicting a penalty of \$40 fine or imprisonment not exceeding four months. I speak of this for comparison with the provisions of the act under discussion which provides a penalty of \$50 for a person to engage in the business. Now suppose a farmer living adjacent to some small pond and keeping summer boarders, wishes to send them in charge of his hired men merely for the purpose of rowing upon the pond. The man who rows the boat is a guide and he cannot do it without being subject to a fine of \$50. I have asked for several amendments but they have appeared objectionable to the fish and game commissioners. Mr. Carleton, the chairman of the fish and game commissioners, is a conscientious man and a gentleman for whom I entertain the highest regard. This bill lies nearest to his heart of anything outside of his family and he has been eloquent and persistent in advocating it. A large number of petitions have been received from my constituents asking me to use every effort to defeat this bill, for the reason that it is obnoxious to the people out of the State and detrimental to the interests of the State. On the one hand it takes away the personal rights of poor men whose families are dependent on their business. This fishing and hunting business has become an industry in the State of Maine about which people little understand who do not live near to these regions. Within my recollection it was rare to see sportsmen in the State of Maine. Then the only

industry was farming and all the surplus produce was transported to the Boston markets. Today everything that the farmer raises is consumed. The proprietors of the summer hotels around those regions are in communication with the sporting element and they tell me that on every hand the features of the bill are objectionable and they are afraid it will ruin their business. The State of Maine treats this question in a commercial sense. The State of Maine receives from parties out of the State at its various watering places, \$10,000,000 a year, \$5,000,00 of which come from the fish and game industry. For this reason we should not enact a law that will be so repugnant as to frighten the people away. Mr. Carleton, who appeared at nearly every meeting of the committee and argued with much eloquence, says that it is unsafe to employ a guide who is not an expert, to take out parties in birch canoes and that life is of more consequence than money. Well, now, I propose to except the people who run birch canoes. I will allow them to be registered. I am willing also that parties who act as hunters' guides shall be licensed. The other side interpret it in this way, "No person shall engage in the business of guiding, (as the term is commonly understood." Does this mean as the word "guide" is commonly understood, or as the word "engage" is commonly understood? If it means "professional guide," why not say so? I stand up here as an individual and oppose this bill, from a sense of obligation. I only ask of you to look the bill over, think it over, and then act as in your individual capacity you think is right.

Mr. Parsons of Piscataquis: When this bill was introduced in the early days of the session, there came in here petitions from more than 10,000 tax payers of the State, asking that we give an appropriation of \$75,000. The fish and game committee cut that down, reporting \$40,000, and the Legislature cut it down to \$25,000, because the fish and game commission, which is interested in this matter, said: "Give us the guide bill, and it is worth \$10,000 to the State of Maine in the protection of its great game industry." I believe it is worth \$20,000. I live on the borders of a great game county, and I know the practice that prevails there, and I presume that it prevails in every part of the State. There are more moose and deer and caribou slaughtered in close time, during the fishing season, than at any other time of the year. The fishermen go up and pitch their camps by the side of some pond, and have their guides, and want a little meat. They go out and shoot a moose, or deer, or caribou, and sometimes merely for sport they kill more than they want. I have a letter received from one of the most prominent guides of this State, who is now in New York. Among other things he says: "I was talking with a sport, last night, who seemed to have the impression that the commission was trying to get a law passed that guides were so tied up that a sport dare not employ

them. I asked him to explain himself. He said they were trying to make the guides register and pay a license. I said to him like this: 'How will that interfere with a sport's pleasure, if they are registered?' 'Oh, well, you know. You are a guide. You know we get hungry sometimes and we have to have something to eat, if it is little out of season, and if guides were licensed, they would be witnesses against us.' That is the whole story, in a nutshell. No honest sportsman anywhere objects to this law. It is the poacher, who goes up there in the woods, and when he sees a moose, deer or caribou, at any season of the year, is going to level his rifle, draw the bead, and if he is a good shot, the game falls. We tried to modify the bill to please the gentleman from Franklin. At the hearing the counsel of the opposition admitted over and over again in his argument that he was in favor of this bill, that he believed it was one of the best measures that ever passed the Legislature, but he would rather have it referred to the next Legislature. If it is a good bill, I think we better put it upon the statutes at this session, and not defer it. I took the old bill and a copy of the modified bill home and showed it to Henry Hudson, who represents the guides of the Moosehead region, and he said to me, after looking it over: "I say to you, Mr. Parsons, as an attorney for the guides, and as a man who is interested in the fish and game industry of the State of Maine, the first bill is the best. Go back to the Legislature and pass the first bill and don't give us this watered article." And now here is this watered article in here, and, right on the heel of the session, the gentleman from Franklin comes in with other amendments. The gentleman would have you believe that every man who rows a boat is a professional guide, a man who is guiding for a business. No man for a moment believes that. If the man who runs a small steamboat on a pond has to be licensed, why should not the man who takes me in his canoe upon Moosehead lake, which is many times more dangerous? With all deference to the gentleman, I was surprised to see him stand here and say that the penalty is more than that for killing moose, deer or caribou. And for a wilful violation of law why should there not be a penalty? The old law for moose was \$100. The new law proposed makes it imprisonment not exceeding four months. He says the bill had a long list of questions which were obnoxious to the guide, which was stricken out, and clandestinely, he would have you infer, we put in another section. The senator must remember that it was put in for the purpose of bringing the fish and game commissioners in touch with the guide and was not put in clandestinely. Many a guide has said to me, long before I came to this Legislature, "Give us a bill that will protect the guide." This game is growing less year by year. There is no valid objection that can be raised by any honest guide against this bill. Mr.

Dennen, who runs one of the largest resorts in the State of Maine, and has a general oversight of the Moosehead region, is strongly in favor of it, and says that the only opposition that has come from the Moosehead guides to this bill came on account of letters written by a gentleman over at Rangeley, who informed them that they would have to pay a license fee of \$25. This bill comes in here without even a division in the House, and now right on the heel of the session, the gentleman brings in amendments that will further delay the bill.

The question was upon the adoption of amendment A. "This act shall apply only to parties who pilot or guide people hunting for moose or deer or caribou, or parties who run birch canoes."

One voting in the affirmative and 15 in the negative, the amendment was lost.

Mr. Hinkley offered amendment B. Strike out the word "guide" wherever it may occur in the bill, and substitute therefor the words "professional guide."

One voting in the affirmative and 15 in the negative, the amendment was lost.

The bill was read once. On motion by Mr. Parsons, the rules were suspended, bill read the second time and passed to be engrossed.

On motion by Mr. Savage of Androscoggin, the Senate took a recess until 3.30 P. M.

Afternoon Session.

The Senate was called to order by the President at 3.30 P. M.

PASSED TO BE ENACTED.

An act to amend section 31 of chapter 40 of the Revised Statutes as amended by chapter 260 of the Public Laws of 1885, and by subsequent acts additional thereto and amendatory thereof, relating to migratory fish and fishways.

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

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

An act to authorize the county commissioners of Cumberland county to negotiate a loan for the payment of land damages incurred by the widening of the highway known as Forest avenue, in the city of Deering, in said county.

FINALLY PASSED.

Resolve in favor of the committee on State reform school.

Resolve in favor of the town of Peru.

Resolve in favor of the executors of the will of Cyrus Cole.

ORDERS.

On motion by Mr. Roberts of Oxford, it was ordered, the House concurring, that the committee on agriculture be instructed to inquire whether the secretary of the board of cattle commissioners has entered into a bond with the State of Maine in accordance with section 11

of chapter 177 of the Public Laws of 1889, and report the facts in relation to the same to the Legislature.

PAPERS FROM THE HOUSE.

Bill an act to establish wards and ward lines in the city of Augusta.

This bill came from the House read twice and passed to be engrossed under suspension of rules.

On motion of Mr. Clason of Kennebec, the rules were suspended, bill read twice and passed to be engrossed in concurrence.

REPORT OF COMMITTEE.

Mr. Reynolds for the committee on legal affairs, reported ought to pass, bill an act to legalize the acts of the Riverside Cemetery Association of Cornish. Report accepted and tabled for printing under rule.

Mr. Merrill for the committee on agriculture, reported ought to pass, bill, in new draft, an act to amend chapter 287 of the Public Laws of 1893, in relation to better protection of sheep. Print under rule.

SPECIALLY ASSIGNED.

On motion by Mr. Savage of Androscoggin, reports A and B of the judiciary committee on resolve relating to sectarian appropriations, was taken from the table and especially assigned for Wednesday, March 24.

PASSED TO BE ENGROSSED.

On motion by Mr. Savage, bill an act to amend sections 6 and 9 of chapter 18 of the Revised Statutes, relating to ways was taken from the table.

Mr. Savage moved to amend section 2 by striking out the last six words, "and shall apply to pending cases."

Amendment adopted and bill passed to be engrossed as amended.

On motion by Mr. Stearns of Aroostook, the Senate adjourned.