

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.

Monday, March 22, 1897.

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

Prayer by Rev. Mr. Struthers of Gardiner.

Journal of Saturday read and approved.

Papers from the House disposed of in concurrence.

Bill an act to incorporate the Wilton Electric Light and Power Co.

This bill came from the House on its first reading, amended by House amendment A.

House amendment A was adopted in concurrence, bill read once, and on motion by Mr. Savage of Androscoquin, the rules were suspended, bill read the second time and passed to be engrossed.

Bill an act to establish the Sanford municipal court.

This bill came from the House on its first reading, amended by House amendment A.

House amendment A was adopted in concurrence, bill read once, and on motion by Mr. Savage, the rules were suspended, bill read the second time and passed to be engrossed.

Bill an act to give the Oxford Light Co. certain powers not granted by the general law.

This bill came up on its first reading, and on motion by Mr. Poor of Oxford, was laid on the table pending first reading.

Bill an act to incorporate the Westbrook, Windham & Harrison Railway Co., and to authorize municipalities in Cumberland county to aid in the construction of its railway.

This bill came up on its first reading. Mr. McCullough of Washington, offered amendments A and B.

Amendment A. Amend section 13 by adding thereto the following: "Nothing herein contained shall be construed as granting to said Westbrook, Windham & Harrison Railroad Co. the right to run over the tracks of the Portland Railroad Co., or to make extensions into territory already occupied by the latter company, nor as granting to said last-named company the right to run over the tracks of said Westbrook, Windham & Harrison Railroad Co., or to make extensions into the territory lying easterly or northeasterly of the Presumpscot river."

Amendment B. Amend section 15, in the sixth line, by striking out the word "not" and inserting in place thereof the word "both."

The amendments A and B were adopted and the bill assigned as amended.

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.

This bill, passed to be engrossed in the Senate, came back from the House amended by amendment A. The Senate reconsidered its vote passing the bill to be engrossed, House amendment A was

adopted in concurrence, and the bill passed to be engrossed as amended.

HOUSE BILLS READ AND ASSIGNED.

An act to amend section 13, of chapter 3, of the Revised Statutes, in relation to elections of town officers. As amended by House amendment "A."

An act to extend the charter of the Portland and Yarmouth Electric Railroad and to enable it to cross navigable tide waters.

An act to incorporate the City hall commission of Waterville, under the name of the "City hall commission."

An act to amend sections 3 and 8, of chapter 86, and section 17, of chapter 81, of the Revised Statutes, relating to the service of trustee writs.

Resolve in favor of the Pennell Institute.

Resolve relating to the Maine Gettysburg commission.

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

Resolve in favor of granting aid in repairing and maintaining Babbitt Ridge road, in the town of Moscow.

Resolve in favor of the State Reform School.

PUBLIC ACTS APPROVED BY THE GOVERNOR.

An act to amend section 41, of chapter 40, of the Revised Statutes, relating to the taking of salmon on the Penobscot river above the waer works dam at Bangor.

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

An act relating to the care of convicts who are sick at the expiration of sentence.

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

An act to amend section 31, of chapter 40, of the Revised Statutes, as amended by chapter 260, of the Public Laws of 1895, and by subsequent act additional thereto and amendatory thereof, relating to migratory fish, and fishways.

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

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 11, of chapter 46, of the Revised Statutes, relating to clerks of corporations.

An act to provide for filling vacancies of trustees.

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

The following bill was presented and referred to the committee on

JUDICIARY.

By Mr. Clason of Kennebec—Bill an act relating to suits on promissory notes.

READ AND ASSIGNED.

An act to incorporate the Hartland Trust and Banking Company.

An act to change the time of holding the October term of the supreme judicial court for the county of Waldo.

An act to amend chapter 287, of the Public Laws of 1893, relating to the better protection of sheep.

An act relating to the employment of superintendents of schools.

An act amendatory of section 19, of chapter 12, of the Revised Statutes, relating to officers of religious societies.

An act to amend chapter, 113, of the Revised Statutes, and chapter 157, of the Public Laws of 1887, as amended by chapter 313, of the Public Laws of 1893, relating to the appointment and duties of disclosure commissioners.

REPORT OF COMMITTEES.

Mr. Roberts, for the committee on education, to which was referred bill an act to amend sections 6 and 119, of chapter 11, of the Revised Statutes, relating to the manner of assessment of common school funds, reported that the same be referred to the next Legislature. Report accepted.

The joint standing committee on towns, by Henry H. Chamberlain, chairman, made their final report that they had acted on all matters referred to them. Report accepted.

Mr. Savage, for the committee on judiciary, reported ought not to pass, bill an act to repeal section 3, of chapter 103, of the Public Laws of 1895. Report accepted.

Mr. Ferguson, for the committee on insane hospital to which was referred the report of the trustees, resident officers and visiting committee of the Maine In-sane Hospital, reported that the same be accepted. Report accepted.

The same gentleman, for the same committee, reported legislation inexpedient, on bill an act in reference to the chronic insane. Report accepted.

PASSED TO BE ENGROSSED.

Mr. Savage of Androscoggin, presented the following bill, which, on his motion, was considered without reference to a committee, read twice under suspension of rules and passed to be engrossed.

Bill an act to correct a clerical error in "An act to amend chapter 30, of the Public Laws of 1895, relating to liens on buildings," approved March 17, 1897, and being chapter 232, of the Public Laws of 1897.

Mr. Savage explained that this bill was intended merely to correct a clerical error in the bill referred to, where the word "lienors" had been used instead of the word "owners," which was the intent of the bill.

An act to legalize the acts of the Riverside Cemetery Association of Cornish.

An act providing for uniforms, camp and garrison equipage for C. V. M., 1st Regiment, and Co. M., 2d Regiment, N. G. S. M.

An act to incorporate the South Portland Trust and Banking Co.

An act to revise and consolidate the public laws relating to sea and shore fisheries.

Mr. Wyman of Washington, offered the following amendments:

Senate amendment B. Amend 7th line of section 11, by inserting between the words "exports" and "any" the word "unlawful."

Senate amendment C. Amend section 20, line 1, by adding after the word "craft" the words "owned or officered by non-residents."

Senate amendment D. Amend section 36, by striking out of line 2 the words "this act," and substituting therefor the words "sections 34 and 35."

The amendments were severally adopted, bill read the second time as amended and passed to be engrossed.

An act additional to section 104, of chapter 11, of the Revised Statutes of 1893, as now amended, relating to duties of State superintendent of schools.

Resolve in favor of Children's Aid Society of Maine.

An act additional and relating to the Bath municipal court.

Resolve in favor of Potter Academy of Sebago.

Resolve in aid of the Little Samaritan Aid Society of Portland, Me.

Resolve in favor of the Bath Military and Naval Orphan Asylum.

Resolve in aid of the Maine Gettysburg commission.

Resolve in favor of the town of Topsfield.

Resolve in favor of breakwater at Mat-tawamkeag bridge.

An act to repeal chapter 152, of the Private and Special Laws of 1891, relating to taking of fish from Bunganeaut pond.

An act to establish the salary of the judge of probate in the county of Piscataquis.

Resolve in favor of the Maine Industrial School for Girls.

An act to amend section 12, of chapter 67, of the Revised Statutes, relating to the mortgaging of ward's estate by guardians.

An act to amend sections 59, 60, 61 and 62, of chapter 6, of the Revised Statutes, relating to the taxation of insurance companies.

An act to amend section 11, of chapter 63, of the Revised Statutes.

TABLED.

An act to prevent the throwing of slabs and other refuse into Ellis river and its tributaries.

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

Resolve in favor of the Maine State cattle commissioners came up on its second reading.

Mr. Roberts of Oxford, presented Senate amendment "A." Add to the resolve the following provision: Provide that no part of this appropriation shall be paid to the commission until the secretary of the commission shall have filed a bond in accordance with section 11, of the law

relating to contagious diseases among cattle.

Pending the acceptance of the amendment, on motion by Mr. Engel of Penobscot, the resolve with amendment was laid on the table.

An act for the promotion of medical education and the prevention of unauthorized use of and traffic in dead human bodies.

This bill came up on its second reading. Mr. Roberts offered Senate amendment "A," Amend section 2, by striking out the words "alms house" in the third line.

On motion by Mr. Savage of Androscoggin, the bill with amendment was laid on the table.

Resolve in favor of the purchase and distribution of photographic views.

This resolve came up on its second reading and on motion by Mr. Chamberlain of Lincoln, was laid on the table.

An act to regulate the salary of the county attorney of Hancock county.

This bill came up on its second reading and on motion by Mr. Engel was laid on the table pending passage to be engrossed.

An act to increase the salary of the county attorney of Cumberland county.

This bill came up on its second reading and on motion by Mr. Engel was laid on the table pending second reading.

PASSED TO BE ENACTED.

An act to amend section 47, of chapter 77, of the Revised Statutes, as amended by chapter 277, of the Public Laws of 1899, in relation to the time of holding the September term of the supreme judicial court, Piscataquis county.

An act relating to the holding of the term of the supreme judicial court in Franklin county.

An act to amend section 34, chapter 3, of the Revised Statutes, as amended by chapter 166, of the Public Laws of 1895, relating to the duties of municipal officers.

An act to amend section 67, of chapter 81, of the Revised Statutes, as amended by chapter 107, of the Public Laws of 1895, relating to attachments.

An act to amend sections 6 and 8, of the Revised Statutes, relating to endorsement of writs.

An act in relation to suits for taxes.

An act additional to chapter 101, of the Public Laws of 1895, relating to inspection of buildings.

An act in relation to accidents upon railroads and street railways.

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

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

An act to amend section 33, of chapter 6, of the Revised Statutes, relating to taxes on stock of banks and other corporations.

An act to amend section 8, chapter 11, of the Revised Statutes, as now amended, relating to text-books, school apparatus and repairs on school buildings.

An act to establish bank holidays and to abolish days of grace on commercial paper.

An act to authorize the insurance com-

missioner to revoke the license of an insurance agent or broker.

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."

An act to amend section 7, chapter 249, of the Public Laws of 1893, relating to the use of purse and drag seines in State waters.

An act to enable the county of Sagadahoc to rebuild the Merrymeeting Bay bridge, to issue bonds therefor, and to make it and Arrowsic bridge free.

An act to abate the county tax assessed on Lang plantation since its organization and now remaining unpaid.

An act to amend section 1, chapter 297, of the Private and Special Laws of 1893, relating to dyke in the town of Millbridge.

An act to repeal chapter 463, of the Private and Special Laws of 1885, relating to taking of bass in Winnegance creek.

An act to repeal chapter 197, of the Private and Special Laws of 1895, relating to taking fish in Marble brook and pond.

An act to repeal chapter 246, of the Private and Special Laws of 1895, entitled "An act to prevent the use of narrow-rimmed wheels on Greenfield road, in the town of Greenbush."

An act to incorporate the Old Town Gas Light and Power Co.

An act relating to and amendatory of chapter 29, of the Special Laws of 1887, entitled "An act to incorporate the Kennebec Light and Heat Co."

An act additional to and to extend the charter of the Cumberland Illuminating Co.

An act relating to and amendatory of chapter 213, of the Special Laws of 1891, entitled "An act to incorporate the York Light and Heat Co."

An act relating to chapter 320, of the Private and Special Laws of 1895, entitled "An act to incorporate the Kennebec Railroad Co."

An act to extend the charter of the Bath, Small Point & Popham Beach Railroad Co.

An act to amend chapter 353, of the Private and Special Laws of 1889, relating to the Bluehill Water Co.

An act to incorporate the Lewiston Trust and Safe Deposit Co.

An act to amend section 8, of chapter 396, of the Private and Special Laws of 1893, as amended by chapter 204, of the Private and Special Laws of 1895, relating to the charter of the Deer Isle Telephone Co.

An act to increase the efficiency of the local board of health in the town of Eden.

An act amendatory of and additional to chapter 268, of the Public Laws of 1893, entitled "An act to regulate the organization and control of street railroads."

FINALLY PASSED.

Resolve in favor of the hospital of the Sisters of Charity at Lewiston.

Resolve accepting the legacy to the State of Maine by the will of Joseph H.

Williams of Augusta, for the benefit of the Maine Insane hospital.

Resolve in favor of building a bridge over Daigle brook, in the town of Van Buren, in the county of Aroostook.

Resolve in favor of the town of Cutler, for repairs on highways and bridges.

Resolve in favor of the town of York.

Resolve in favor of Freedom Academy.

Resolve in favor of the Portland School for the Deaf.

Resolve in favor of the Maine Industrial School for Girls.

ORDERS OF THE DAY.

Resolve in favor of the Eastern Maine Insane hospital. This resolve, tabled by Mr. Savage pending second reading, came up by special assignment.

Mr. Savage offered the following amendment:

Amend by striking out all after the title, and inserting the following:

"Resolved, That for the purpose of continuing the work provided for by chapter 18, of the Resolves of 1895, and completing certain portions thereof, the Governor and Council are hereby directed to take immediate steps to construct and complete in a manner to be fire-proof, upon the site named in said chapter, one pavilion for the accommodation of the insane of the State, and to complete, equip and furnish, so far as necessary, the buildings already commenced; and for that purpose the sum of \$75,000 is hereby appropriated, to be expended during the year 1897, and \$100,000, or so much thereof as may be necessary, during the year 1898, under the direction of the Governor and Council, as aforesaid. The Governor and Council may employ a competent and experienced builder to superintend the work of construction. The above amount, \$175,000, is to complete, equip and furnish the buildings already begun, and to include one pavilion; and the total cost for all such buildings and furnishings, when completed and ready for occupancy, shall not exceed the amount of this appropriation."

Pending acceptance of the amendment, on motion by Mr. Savage, the resolve and amendment were laid on the table, and specially assigned for tomorrow.

On motion by Mr. Chamberlain of Lincoln, bill an act to prevent incompetent persons from conducting the business of apothecaries, was taken from the table.

The bill was read once, and Mr. Chamberlain offered the following amendments, which he explained had been agreed to by all parties interested.

Senate amendment A. Add to section 10, after the third line, the words, "nor to any person legally authorized to engage in the apothecary business previous to the passage of this act."

Senate amendment B. Section 6 is hereby amended by inserting after the word "have" in the sixth line, the following words, "passed the junior year in a college of pharmacy or a college having a department of pharmacy."

Senate amendment C. Amend by adding to section 6: "A permit may also be granted, upon written application to said

commissioners, to storekeepers in towns or villages where there is no apothecary store, to sell the usual medicines and poisons used as home remedies, and for the necessary agricultural purposes and for such permit a fee of \$1 shall be charged, payable to said commissioners, and said storekeepers shall satisfy the commissioners of their fitness to keep and sell such medicines and poisons."

The amendments were severally adopted, and on motion by Mr. Savage, the rules were suspended, bill read the second time and passed to be engrossed.

On motion by Mr. Engel of Penobscot, bill an act to amend the Public Laws relating to hawkers and peddlers, was taken from the table and re-committed in concurrence to the committee on legal affairs.

On motion by Mr. Reynolds of Cumberland, bill an act to incorporate the Little Spencer Dam and Improvement Co., was taken from the table and passed to be engrossed.

On motion by Mr. Savage, bill an act to amend chapter 214, of the Private and Special Laws of 1883, entitled "An act to incorporate the Penobscot River Dam and Improvement Co., as amended by chapter 74, of the Private and Special Laws of 1887, and by chapter 482, of the Private and Special Laws of 1887, and by chapter 640, of the Private and Special Laws of 1893," was taken from the table.

Mr. Savage offered Senate amendment "A." Amend section 2, by striking out all of said section after the words "Montague" in line 39, and insert in lieu thereof the following: "Then said corporation may enforce said lien in the manner provided in sections 38 and 39, of chapter 91, of the Revised Statutes, for enforcing liens on logs and lumber."

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

On motion by Mr. Clason of Kennebec, bill an act to provide funds for the protection of inland fish and game, was taken from the table and indefinitely postponed.

On motion by Mr. Roberts of Oxford, bill an act to amend section 3, of chapter 11, of the Revised Statutes, of 1883, as now amended, relating to discontinuing schools and conveying school children, was taken from the table.

House amendment "A" was adopted in concurrence.

On motion by Mr. Roberts, the Senate non-concurred with the House in the adoption of House amendment "B."

On motion by Mr. Witham of Cumberland, the bill with amendments was laid on the table.

On motion by Mr. Clason of Kennebec, the report of the committee on sea and shore fisheries, reporting leave to withdraw on several petitions, praying that no smelts be taken in the Kennebec river or its tributaries except with hook and line, was taken from the table, and the report of the committee accepted in concurrence.

On motion by Mr. Savage, an act in regard to right of exceptions was taken from the table and indefinitely postponed.

ORDERS.

On motion by Mr. Savage, it was Ordered, at each afternoon session hereafter, the calendar of matters tabled and assigned be called for further disposition of said matters.

On motion by Mr. Wyman of Washington, the Senate adjourned.

HOUSE.

Monday, March 22, 1897.

Prayer by Rev. Mr. Andrews of Garland.

Papers from the Senate disposed of in concurrence.

An act to amend chapter 184, of the Private and Special Laws of 1895, entitled an act to incorporate the Castine Water Company.

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

The following Senate bills were 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.

An act to amend chapter 118, of the 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.

The following resolves were read, and assigned for tomorrow morning under suspension of the rules.

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

Resolve in favor of Olaf H. Nilson.

Petitions, bills and resolves presented and referred.

JUDICIARY.

By Mr. Philbrook of Waterville—Bill an act to amend section 27, of chapter 134, of the Revised Statutes, relating to appeals in criminal cases.

LEGAL AFFAIRS.

By Mr. Blanchard of Wilton—Bill an act authorizing and directing the treasurer of Franklin County to refund certain money to Perkins plantation.

Mr. Murchie of Calais, presented a resolve in favor of the city of Calais, and on motion by Mr. Murchie the rules were suspended and the resolve received its two readings and was passed to be engrossed.

ORDERS.

On motion of Mr. Smith of Presque Isle,

Ordered, That on and after March 27, Representative Bither of Linneus, be excused from further attendance at this session of the Legislature, and that the clerk be instructed to make up his pay to the end of the session.

On motion of Mr. Murchie of Calais,

Ordered, That there shall be appointed by the Governor with the consent of the Executive Council, a commission whose duty it shall be to ascertain as to the desirability of establishing new Normal schools in eastern or central Maine, and report by bill or otherwise. Said commission shall report their decision to the next Legislature and serve without pay except that they shall be reimbursed for actual necessary expenses incurred.

REPORTS OF COMMITTEES.

Mr. Walton for the committee on legal affairs, reported in a new draft, bill an act to amend section 29, of chapter 24, of the Revised Statutes, as amended by chapter 31, of the Public Laws of 1887, relating to the support of paupers in unincorporated plantations, and that it ought to pass. Printed under rule.

Mr. Fogler for the committee on judiciary, reported in a new draft bill an act to amend section 26, of chapter 1, of the Revised Statutes, as amended by chapter 141, of the Public Laws of the year 1895, relating to corporations and that it ought to pass. Printed under rule.

Mr. Philbrook for same committee, reported bill an act in relation to political caucuses in cities, and that it ought to pass. Printed under rule.

Mr. Fogler for same committee, reported ought not to pass on bill an act to legalize the organization of the plantation of Swan's Island.

Mr. Smith for same committee, reported 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, and that it ought to pass. Printed under rule.

READ AND ASSIGNED.

An act to incorporate the town of Perham.

An act to permit the Patten and Sherman Railroad Company to sell or lease its road.

An act to set off a part of the town of Rome and annex the same to the town of Belgrade.

An act to amend chapter 30, and chapter 40, of the Revised Statutes, relating to inland fisheries and game.

On motion of Mr. Jones of Lincoln, this bill was laid on the table pending its first reading.

An act additional to the act incorporating the Mutual Fire Insurance Company.

An act to incorporate the Union Gas and Electric Company.

An act to amend an act entitled an act to establish the State College of Agriculture and Mechanic Arts.

On motion of Mr. Blanchard of Wilton,