

# 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, March 24. 1897.

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

Prayer by Rev. Mr. Cochrane of Hallowell.

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

An act to amend section 23 of chapter 79 of the Revised Statutes relating to admission of attorneys to the practice of law.

This bill came from the House on its first reading, and on motion by Mr. Stearns of Aroostook, was laid on the table pending second reading.

The following bills came from the House on their first reading, and on motion by Mr. Savage of Androscoggin, were read the second time under suspension of rules and passed to be engrossed.

An act relating to the manufacture, sale and shipment of lime.

An act to incorporate the Union Gas and Electric Company.

An act to incorporate the Harpswell Village Corporation.

House report of committee on legal affairs "ought to pass" on bill an act to authorize the Brewer Light and Power Company of Brewer, Maine, to transact business within the city of Brewer was read, and on motion by Mr. Parsons of Piscataquis, was laid on the table pending acceptance of report.

An act to amend section 18 of chapter 11 of the Revised Statutes of 1883, as now amended, relating to election, qualifications and compensation of school committees.

This bill came from the House on its first reading. House amendments A and B were adopted in concurrence. On motion by Mr. Witham of Cumberland, laid on the table.

An act to amend section 112 of chapter 11 of the Revised Statutes, as amended by chapter 37 of the Public Laws of 1891 and by chapter 121 of the Public Laws of 1895, relating to normal schools and the Madawaska Training school.

This bill came from the House on its first reading. Read once and this afternoon assigned.

An act additional to the charter of the Portsmouth, Kittery and York Street Railway Company.

This bill came from the House on its first reading. Read once, House amendment A adopted in concurrence, bill read the second time under suspension of rules, and passed to be engrossed.

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

This bill came from the House on its first reading. Read the second time under suspension of rules, and passed to be engrossed.

An act relating to fraternal beneficiary organizations.

This bill came from the House on its first reading.

Mr. Savage of Androscoggin, offered Senate amendment A. Amend section 18 by inserting the word "domestic" between the words "any" and "corporation" in line 3.

The amendment was adopted, bill read the second time under suspension of rules and passed to be engrossed as amended.

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

This bill came from the House on its first reading. Read the second time under suspension of rules and passed to be engrossed.

An act amendatory and additional to chapter 47 of the Revised Statutes, as amended by chapter 61 of the Public Laws of 1887, relating to loan and building associations.

This bill came from the House on its first reading. House amendments A and B adopted in concurrence and tomorrow assigned.

An act to amend sections 11 and 14 of chapter 58, relating to agricultural societies.

This bill came from the House on its first reading. Read the second time under suspension of rules and passed to be engrossed.

An act to regulate the sale of agricultural seeds.

This bill came from the House on its first reading. House amendment A adopted in concurrence.

Mr. Roberts of Oxford, presented Senate amendment A. Amend section 4 by inserting after the word "sale" in the second line the words "or for distribution." Amendment adopted, and on motion by Mr. Savage, the bill was specially assigned tomorrow.

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

This bill came from the House on its first reading. House amendment A adopted in concurrence, bill read the second time under suspension of rules, and passed to be engrossed as amended.

An act to repeal certain old and obsolete private and special laws relating to close time on fishing in the public waters of the State.

This bill came from the House on its first reading. House amendment A adopted in concurrence, bill read the second time under suspension of rules and passed to be engrossed as amended.

An act to incorporate the town of Perham.

This bill came from the House on its first reading. Read the second time under suspension of rules and passed to be engrossed.

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

This bill came from the House on its first reading. Read the second time under suspension of rules. On motion by Mr. Heald of Kennebec, laid on the table pending passage to be engrossed.

An act amending section 28 of chapter 11 of the Revised Statutes as amended by chapter 216 of the Public Laws of 1893, and section 31 of said chapter 11 as amended by chapter 100 of the Public

Laws of 1887, chapter 212 of the Public Laws of 1889, and chapter 218 of the Public Laws of 1893, relating to free high schools.

This bill came from the House indefinitely postponed and was indefinitely postponed in concurrence.

An act to incorporate the Nahamkanta Steamboat Company.

This bill came from the House indefinitely postponed. On motion by Mr. Engel of Penobscot, the Senate non-concurred with the House, and the bill was laid on the table.

An act to change the time of holding the October and January terms of the supreme judicial court in the county of Washington.

This bill came from the House indefinitely postponed. On motion by Mr. Engel passed to be engrossed under suspension of rules.

On motion by Mr. McCullough of Washington, the bill was laid on the table.

Resolve in favor of the Maine Insane hospital.

This resolve, passed to be engrossed in the Senate, came from the House amended by House amendments A and B. The vote was reconsidered, passing the bill to be engrossed. House amendments A and B were adopted in concurrence and the bill passed to be engrossed as amended.

An act to amend section 32 of chapter 63 of the Revised Statutes relating to compensation of surviving partners.

This bill, passed to be engrossed in the Senate, came from the House amended by House amendment B. The vote was reconsidered passing the bill to be engrossed, House amendment B adopted in concurrence, and the bill passed to be engrossed as amended.

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

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

An act to amend chapter 102 of the Public Laws of 1891, as amended by chapter 267 of the Public Laws of 1893, entitled,

"An act to provide for the printing and distributing ballots at the public expense and to regulate voting for State and city elections."

This bill, passed to be engrossed in the Senate, came from the House amended by House amendment A, and afterward indefinitely postponed.

On motion by Mr. Clason of Kennebec, the Senate insisted on its former action and asked for a committee of conference.

The chair appointed as such committee on the part of the Senate, Messrs. Clason of Kennebec, Reynolds of Cumberland and Walls of Knox.

An act to establish ward lines in the city of Augusta.

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

reconsidered passing the bill to be engrossed, House amendment A adopted in concurrence and the bill passed to be engrossed as amended.

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

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

## **PUBLIC ACTS APPROVED BY THE GOVERNOR.**

An act in relation to suits for taxes.

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

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

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

An act to amend section 34 chapter 3 of the Revised Statutes as amended by chapter 107 of the Public Laws of 1895 relating to the duties of municipal officers.

An act to authorize the insurance commissioner 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 47 of chapter 77 of the Revised Statutes as amended by chapter 277 of the Public Laws of 1889 in relation to the time of holding the September term of the supreme judicial court in Piscataquis county.

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

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 amend section 67 of chapter 91 of the Revised Statutes as amended by chapter 107 of the Public Laws of 1895 relating to attachments.

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

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

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

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

An act to amend section 4 of chapter 53 of the Revised Statutes as amended by section 2 chapter 18 of the Public Laws of 1891, and to amend section 5 of chapter 53 of the Revised Statutes as

amended by chapter 125 of the Public Laws of 1887 relating to the board of agriculture.

An act to provide for the investigation of the causes of fires and the publication of statistics relating to the same.

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.

A communication was received from the secretary of State, transmitting the report of the adjutant general. On motion by Mr. Savage of Androscoggin, the report was accepted.

#### REPORTS OF COMMITTEES.

Mr. Stearns for the committee on judiciary reported ought to pass, bill an act to regulate the admission to practice of attorneys, solicitors and counselors and to provide for a board of examiners, and to repeal all conflicting acts. Report accepted and tabled for printing under rule.

The same gentleman for the same committee reported ought to pass, bill an act relating to suits on promissory notes. Report accepted and tabled for printing under rule.

Mr. Savage for the same committee reported ought not to pass, bill an act to divide the town of Mechanic Falls into two voting districts. Report accepted.

Mr. McCullough for the committee on railroads, telegraphs and expresses, to which was referred the order of the legislature relating to unjust discrimination in tolls and charges between patrons of telephones and telegraphs, reported legislation inexpedient. Report accepted.

The same gentleman for the same committee to which were referred all acts relating to street railroads, reported legislation inexpedient. Report accepted.

The following committees made their final reports, that they had acted on all matters referred to them:

Banks and Banking. D. A. Hurd, chairman.

Reform School. M. H. Ferguson, chairman.

Public Buildings and Grounds. L. C. Stearns, chairman.

Interior Waters. J. W. Maxwell, chairman.

State College of Agriculture and Mechanic Arts. W. E. Parsons, chairman.

#### PASSED TO BE ENGROSSED.

An act to amend chapter 116 of the Public Laws of 1895 relating to the schooling of children in unorganized townships.

An act to authorize the Bath Gas and Electric company to issue additional bonds.

An act to amend section 45 of chapter 38, of the Revised Statutes, relating to the inspection of Milk.

An act to incorporate the Chain Lake Dam and Improvement Company.

Resolve providing for the expenses of the Governor and staff while attending the ceremonies relating to the formal transfer of the Grant monument to the city of New York.

An act to authorize the St. John River Bridge Company to erect and maintain

four toll bridges across the St. John river.

An act relating to the jurisdiction of the municipal courts of the cities of Biddeford and Saco.

An act authorizing the town of Lebanon to contract with the city of Rochester, N. H., to supply the village of Lebanon with water for fire and domestic use.

An act relating to the Maine Eye and Ear Infirmary.

An act to amend chapter 65, of the Public Laws of 1895, entitled "An act in relation to State taxes on organized plantations taxed by the State as wild lands."

An act authorizing the construction of a townway or highway over and across the tide waters of Webbanet river in Wells.

#### SECTARIAN APPROPRIATIONS.

Resolve concerning an amendment to the constitution forbidding the use of money raised by taxation for sectarian or ecclesiastical purposes.

This resolve, tabled pending acceptance of report and specially assigned for today, was taken from the table.

Mr. Stearns of Aroostook: Reports A and B of the committee on judiciary, have reference to a matter that has been often discussed and with which the Senate must be familiar, a provision forbidding the granting of any aid to any ecclesiastical or sectarian institution, whether the same be wholly or partially under the control of such institution. It is the conviction of one half the judiciary committee that the resolve ought to pass, and the matter be submitted to the people. It is the conviction of the other half, signing report B, that it ought not to pass. It is understood between the Senate members of the committee that no discussion is necessary, and I therefore make the motion that report B, which reports against the resolve, be adopted by the Senate as the report of the committee.

Mr. Savage of Androscoggin, called for the yeas and nays, and the yeas and nays were ordered.

Yea—billings, Engel, Grindle, Hargraves, Heald, Hurd, Maxwell, McCullough, Parsons, Pike, Poor, Reynolds, Roberts, Sallee, Sharp, Simpson, Stearns, Wyman—18.

Nay—Chamberlain, Ferguson, Hinkley, Merrill, Morrill, Reynolds, Savage, Walls, Witham—9.

Absent—Clason, Drummond, Weeks—3.

And 18 voting in the affirmative and 9 in the negative, the report B, "ought not to pass," was adopted as the report of the committee.

Resolve in favor of the Maine State cattle commission.

On motion by Mr. Engel of Penobscot, this resolve was taken from the table, Senate amendment "A" adopted and passed to be engrossed as amended.

An act to incorporate the Hartland Trust and Banking Company.

On motion by Mr. Merrill of Somerset, this bill was taken from the table. Mr. Merrill offered the following amendment: Add to the end of the third line in section 1, the words, "Walter Moor and P. W. Thompson." Strike out the word

"fifty" wherever it occurs in section 4, and insert therefor the word "twenty-five." Strike out the word "ten" in line five, section 8, and insert in place thereof the word "five."

Pending acceptance of amendment, the bill was laid on the table and specially assigned this afternoon.

An act for the better preservation of highways and commodifying public travel.

On motion by Mr. Savage of Androscoggin, this bill was taken from the table. Mr. Savage moved to amend by striking out the word "commodifying" in the title, and insert in lieu thereof the word "accommodating." The amendment was adopted.

House amendment B was adopted in concurrence, and the bill passed to be engrossed as amended.

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

On motion by Mr. Hinkley of Franklin, this bill was taken from the table. Read twice under suspension of rules and passed to be engrossed.

The committee of conference, to which was referred the bill in relation to the sale of pressed hay, reported that the same ought to pass. Messrs. Clason, Merrill, Roberts, Dickey and Goodrich for the committee. Report accepted.

An act additional to section 88, of chapter 11, of the Revised Statutes of 1883, as now amended, relating to returns of town superintendents.

On motion by Mr. Savage this bill was taken from the table, read the second time and passed to be engrossed.

The Senate took a recess until 3 o'clock P. M.

#### Afternoon Session.

The Senate was called to order by the President at 3 P. M.

Papers from the House disposed of in concurrence.

Resolve in favor of the Eastern Maine Insane hospital.

This resolve, passed to be engrossed in the Senate as amended by sheet A, came from the House, that branch adhering and insisting on its former action and calling for a committee of conference, with the following members of such committee appointed on the part of the House: Messrs. Smith of Presque Isle, Hill of Portland, and Fogler of Rockland.

On motion by Mr. Engel of Penobscot, the Senate voted to insist and join a committee of conference.

The President: The Chair feels that at this time it is due the Senate to state his position in regard to the construction of parliamentary law upon appointing a committee of conference. As the Chair interprets the law, it is his duty to appoint three representing the majority vote on the matter in question, but as a difference of opinion has been expressed in the construction of the law, it is a matter that the Chair would like to submit to the Senate. I desire to read Rule 37 of the Senate Rules.

"The rules of parliamentary practice comprised in Reed's Rules, and Cush-

ing's Law and Practice of Legislative Assemblies, shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules of the Senate, or of the joint rules of the two houses."

I desire to call the Senate's attention to Rule 13 of the joint rules:

"Committees of conference shall consist of three members on the part of each house, representing its vote, and their report, if agreed to by a majority of each committee, shall be made to the branch asking the conference, and may be either accepted or rejected; but no other action shall be had, except through another committee of conference."

I wish to state that Reed advises the appointing of two from the majority vote, and one from the minority. Cushing states very clearly that three shall come from the majority vote in each case. The Chair has construed the matter that the ruling in Reed's Rules would be inconsistent with the joint rules that have been adopted and have governed the Legislature for a term of years. I desire to submit the matter to the Senate.

Mr. Savage of Androscoggin: My attention has been called to the possible difference in construction which might be made concerning our rules, and I think nothing can be added to the clear manner in which the Chair has stated the condition of the rules. Reed's Rules and Cushing's Parliamentary Practice are to control unless inconsistent with our own rules. It happens in this case that Reed's Rules and Cushing's Rules are at variance with each other. Our own Rule 13, as it seems to me, providing that committees of conference shall consist of three members on the part of each house, representing its vote, reading it without any reference to the time it may have been adopted and what the general parliamentary practice was at that time, one would say that each house was to select a committee to represent it; for instance, the Senate votes "yes," and the House votes "no." The Senate is entitled to be represented by three on the committee of conference to represent its vote of "yes," and the House is entitled to be represented on the committee of conference by three to represent its vote of "no." So that when the committees get together, there are an equal number from each branch and one committee represents one branch in its entirety and the other committee represents the other branch. At the time this language was adopted in our joint rules, Cushing's Parliamentary Law prevailed. Reed's Rules had not been printed and we were not familiar with them, but by Cushing's Rules each branch is to appoint three representing the majority vote of that branch, and that, it seems to me, must have been the intention and the language that was used in our own joint rules. So far as I am aware, this has been the practice in this Legislature for a long time. In order that the matter may be brought before the Senate in accordance with the wish of the Chair as I understand, I move that the ruling of

the Chair as announced by him be sustained by the Senate.

Mr. Engel of Penobscot: I am very much pleased to second the motion of the gentleman from Androscoggin. I have also looked into it somewhat myself, and I do not see any other conclusion to be arrived at.

The vote being taken on the motion by Mr. Savage, the ruling of the Chair was sustained. The Chair appointed as such committee for conference on the part of the Senate, Messrs. Engel, Savage and Heald.

Bill an act to amend an act entitled an act to establish the State College of Agriculture and Mechanic Arts. This bill was reported in two reports from the committee on State College of Agriculture and Mechanic Arts. The majority report, "ought to pass," being signed by Messrs. Martin, Reed, Parsons, Billings, Houghton, Salley, Tarbell and Searls; the minority report, "ought not to pass," signed by Messrs. Hudson and Day.

On motion by Mr. Savage, the reports were laid upon the table and specially assigned for tomorrow morning.

On motion by Mr. McCullough of Washington, bill an act to change the time of holding the October and January terms of the supreme judicial court in the county of Washington, was taken from the table. Mr. Savage offered amendment A. Amend by adding to section 1 the following words: "All writs and processes which may be made returnable to said court on the first Tuesday in October in 1897, shall be entered and have day in the term of the said court, to be held on the second Tuesday in October, 1897." The amendment was adopted, bill read twice under suspension of the rules and passed to be engrossed as amended.

#### COMMITTEE REPORTS.

Mr. Savage for the committee on judiciary, reported ought to pass, bill an act to amend section 2, chapter 109, of the Private and Special Laws of 1891, relating to the Oxford Village Corporation. On motion of Mr. Roberts of Oxford, the bill was tabled for printing.

Mr. Heald for the committee on railroads, telegraphs and expresses, reported ought to pass, bill an act to incorporate the Demariscotta & Bristol Telephone Co. Report accepted and tabled for printing under rule.

Mr. Merrill, for the committee on agriculture, reported legislation inexpedient on resolve of the Somerset County Grange to prevent fraud in the manufacture and sale of cloth. Report accepted.

The committee on judiciary, to which was referred the report of the committee on judiciary, of the 6th Legislature, relating to the appointment of the State auditor, have carefully considered the matter and beg leave to report. The committee believe that the appointment of a State auditor would be a step in the right direction; that it would promote a system of greater accountability in the expenditure of public moneys; and that the publication of a State auditor's report showing the items of expenditures,

to whom paid, and for what purpose, could not fail to be an improvement upon the present system. The people have a right to know in detail, who gets their money. The present system, by which only the gross amounts paid out for certain purposes appear in published reports is entirely unsatisfactory. This committee undertook to draft a bill to provide for the appointment of a State auditor. But a little examination showed that it would be necessary, not only to make a thorough examination of the Statutes, which appropriate money and prescribe the manner of its use, but that the methods now in vogue in the several departments and the provisions of several contracts made by the State with various parties, involving the expenditure of money, would all have to be carefully examined before a bill could be drawn which would be satisfactory; and the time at the disposal of the committee renders it impossible for us to do this work.

We therefore recommend that the bill be referred to the next Legislature in order that a better opportunity be afforded for accomplishing this desired reform. Mr. Savage for the committee. The report was accepted.

The following committees made their final reports that they had acted on all matters referred to them:

Sea and shore fisheries, E. A. Wyman, chairman.

Railroads, telegraphs and expresses, William Engel, chairman.

Salaries, William Engel, chairman.

State lands and State roads, G. E. Simpson, chairman.

Manufactures, G. E. Simpson, chairman.

An act relating to the appointment and duties of disclosure commissioners.

On motion by Mr. Reynolds of Cumberland, this bill was taken from the table. Amendment "A" adopted and the bill passed to be engrossed as amended.

An act to incorporate the Hartland Trust and Banking Company. On motion by Mr. Merrill of Somerset, this bill was taken from the table. Mr. Merrill read through the amendment offered by him and presented the following amendment: Add to the end of line 3 in section 1, the words "Walter Moor and P. W. Thompson." The amendment was adopted and the bill passed to be engrossed as amended.

On motion by Mr. Heald of Kennebec, bill an act to set off a part of the town of Rome and annex the same to the town of Belgrade, was taken from the table and passed to be engrossed.

An act to enforce the payment of State and county taxes on timber and grass on reserved lands in the State. Mr. Engel offered Senate amendment "A." Strike out in section 4, lines 7 and 8, the words, "and without recourse to the law." The amendment was adopted, bill read the second time and passed to be engrossed as amended.

An act relating to the transportation by common carriers, of property the title of which is in dispute.

On motion by Mr. Savage, this bill was

taken from the table, read the second time and passed to be engrossed.

An act to amend the charter of the Waldo Street Railway Company. This bill came from the House on its first reading, read the second time under suspension of the rules and passed to be engrossed.

Resolve to enable the State librarian to complete additional sets of York Deeds.

An act in reference to trustees of the State College of Agriculture and Mechanic Arts.

These two bills came up on their first reading, were read the second time under suspension of rules and passed to be engrossed.

An act to authorize the Georges River Mills to develop, sell and use electric power and to transmit electricity for lease or sale, heat, light and power.

This bill came from the House on its first reading. House amendment A was adopted in concurrence, bill read a second time under suspension of rules and passed to be engrossed.

An act relating to the Portland Railroad Co.

This bill came from the House on its first reading, was read the second time under suspension of rules, and passed to be engrossed.

An act relating to Normal schools and the Medawaska Training school. This bill was taken from the table, was read the second time and passed to be engrossed.

#### **PASSED TO BE ENACTED.**

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

Resolve in favor of the purchase and distribution of photographic views. On motion by Mr. Chamberlain of Lincoln, the vote was reconsidered, specially assigning this resolve, the same was taken from the table, read the second time, and passed to be engrossed.

Resolve in favor of the Soldiers' Home in Maine. This resolve was indefinitely postponed in the Senate and passed to be engrossed in the Senate. The House adhered to its former action and a committee of conference was appointed consisting of Messrs. Murray of Pembroke, Rounds of Paris, and Shaw of Saco. On motion by Mr. Morrill of Cumberland, the Senate insisted and the Chair appointed as committee of conference on the part of the Senate, Messrs. Morrill, Billings and Grindle.

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