

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
Sixty-Ninth Legislature
OF THE
STATE OF MAINE.

1899.

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HOUSE.

Friday, Jan. 27, 1899.

Prayer by Rev. Mr. Miller of Hallo-well.

Papers from the Senate disposed of in concurrence.

A communication was received from the State treasurer transmitting a detailed statement of the State tax assessed and paid by the Electric street railway companies for the years 1895, 1896, 1897 and 1898, in compliance with an order from the House passed January 25.

On motion of Mr. Smith of Presque Isle, the report was laid on the table.

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

JUDICIARY.

By Mr. Parkhurst of Bangor—Petition of George E. Lufkin and 49 others, citizens of Bangor, in favor of an act prohibiting the use of trading stamps.

Petition of the members of the Bangor Board of Trade in favor of same.

By Mr. Wilson of Minot—Remonstrance of Mark T. Newton and 102 others of Webster, against an increase of the salaries of the justices of the supreme judicial court.

By Mr. Smith of Presque Isle—Remonstrance of Arthur R. Gould and 42 others of Presque Isle, against changing the limits of the Presque Isle Village Fire Department.

LEGAL AFFAIRS.

Were referred to the committee on the judiciary:

By Mr. Dawson of Monroe—Petition of John H. Hobbs and 19 others of the town of Winterport, for the repeal of the road commissioner law.

By Mr. Prince of Yarmouth—Remonstrance of F. C. White and 15 others, members of the Portland Marine Society, against proposed amendment of its charter.

FINANCIAL AFFAIRS.

By Mr. Morey of Lewiston—Bill an act to permit the city of Lewiston to issue its bonds to an amount not exceeding \$51,000, to meet its bonds now outstanding and maturing in the year 1899.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Daigle of Madawaska—Petition of E. R. Michaud and 22 others, citizens of the town of Frenchville, asking that the Van Buren and Caribou Railroad Company be subjugated to all the rights and privileges of the Bangor & Aroostook Railroad Company.

By Mr. Maxcy of Gardiner—Bill an act to amend Chapter 282, of the law of 1889, relating to railroad crossings.

BANKS AND BANKING.

By Mr. Deering of Saco—Bill an act to incorporate the North Berwick Trust Company.

AGRICULTURE.

By Mr. Deering of Saco—Petition of William B. Tobey and 11 others, directors of the North Berwick Agricultural Association of North Berwick, asking for an appropriation in favor of said association.

MILITARY AFFAIRS.

By Mr. Spofford of New Sharon—Petition of Rose G. White, division president of the Ladies' Aid Society and 2960 others, in favor of an act entitled "An act to regulate the observance of Memorial day."

Bill an act to regulate the observance of Memorial day.

By Mr. Harris of Auburn—Resolve in favor of Rev. C. S. Cummings of Auburn, chaplain of the 1st Infantry National Guard.

INTERIOR WATERS.

By Mr. Kilborn of Bethel—Bill an act to incorporate the Ripley Water Company of Andover, Me.

WAYS AND BRIDGES.

By Mr. McFadden of Dresden—Petition of Samuel D. Wyman and 49 others, praying for the repeal of chapter 329, of the Public Laws of 1897.

By Mr. Adams of Maxfield Plantation—Petition of the selectmen of Moscow and 26 others, for an appropriation to aid in the construction of a bridge across the Kennebec river between the towns of Bingham and Concord.

Petition of the selectmen of Jackman and 18 others,

Petition of the tax assessors of Caratunk and 31 others,

Petition of the selectmen of Concord and 25 others;

Petition of the selectmen of Pleasant Edge and Carrying Place Plantations and 30 others.

Petition of the selectmen of Bingham and 110 others, in favor of same.

Resolve in aid of building a bridge across the Kennebec river between the towns of Bingham and Concord in Somerset county.

INLAND FISHERIES AND GAME.

By Mr. Gardner of Patten—Resolve in favor of John G. Fleming.

By Mr. Deering of Saco—Petition of E. Dyer and 63 others, for preventing the taking of smelts by seine in Saco river.

On motion of Mr. Deering, this petition was laid on the table.

SHORE FISHERIES.

By Mr. Purinton of Woolwich—Bill an act to amend chapter 72, Special Laws of 1887, in relation to the taking of fish in Nequasset lake.

CLAIMS.

By Mr. Hopkins of Deering—Petition of Susan J. Tukey for payment of certain sums of money to her on account of services and disbursements of the late George W. Tukey, for and in behalf of the State of Maine.

PENSIONS.

By Mr. Sutherland of Biddeford—Bill an act to provide State pensions for the soldiers in the late war with Spain.

ORDERS.

On motion of Mr. Brown of Fal-mouth,

Ordered, That the committee on legal affairs be requested to report on the advisability of co-operating with the Pemaquid Monument Association, a corporation established by law, in preserving as a public monument the existing remains of Fort William Henry at Pemaquid beach in the county of Lincoln.

On motion of Mr. Davis of Brownville,

Ordered, That the committee on legal affairs inquire into the expediency of requiring that all mortgages on real estate when there has been a full performance of the conditions shall be discharged by the mortgagee or his legal

representative on the records in the register of deeds in the county where the land lies, and report by bill or otherwise.

REPORTS OF COMMITTEES.

Mr. Harris from the committee on the judiciary, reported ought to pass on bill an act authorizing the Webster Woolen Company to supply the village of Sabattus with water for manufacturing purposes.

Mr. Fuller from the committee on ways and bridges, on petition praying that aid be given in building bridge across Sandy river in the town of Starks, reported leave to withdraw.

Mr. Manley from the judiciary committee, on bill an act to extend the jurisdiction of the municipal courts of Lewiston and Auburn in the matter of naturalization, reported ought not to pass.

Mr. Philbrook from the same committee, on petition praying that suitable homeopathic treatment be provided at the Maine Insane hospital, reported leave to withdraw.

Mr. Fuller from the committee on ways and bridges, on petition praying that the Cape Porpoise Land Co. be authorized to erect and maintain a toll bridge for foot and carriage travel, across tide waters between Cape Porpoise and Trott's Island, reported that the petition be referred to the committee on legal affairs.

Mr. Virgin from the judiciary committee, on bill an act to regulate the fire department of the city of Portland, reported that the same be reported back to be printed and recommitted to the judiciary committee.

READ AND ASSIGNED.

An act authorizing the construction of a wharf into the tide waters of Penobscot river in the town of Bucksport.

An act relating to the charter of the Waldo and Penobscot Agricultural Society.

Resolve in favor of Thomas Bailey, representative of the Passamaquoddy tribe of Indians.

An act for the protection of fish in the west outlet of Moosehead lake.

PASSED TO BE ENACTED.

An act to extend the charter of the Waterville & Wiscasset Railroad Co.

An act to amend chapter 203 of the Public Laws of 1893, relating to the education of the deaf, dumb and blind.

An act ratifying the purchase of the Bangor & Piscataquis Railroad and authorizing a mortgage thereof by the Bangor & Aroostook Railroad Co.

An act to amend the charter of the Maine Charitable Mechanics Association.

An act to amend section 54 of chapter 51 of the Revised Statutes relating to assignment of charter or rights under it by railroad corporations.

Resolve providing for the payment to the town of Jay, the amount deducted from said town's proportion of the school fund for the year 1898, on account of an imperfect school return.

Paper from the Senate:

Ordered, The House concurring, that when the Senate and House adjourn it be to meet on Monday, Jan. 30, at 4.30 o'clock.

The order received a passage in concurrence.

ORDERS OF THE DAY.

On motion of Mr. Chase of Portland—Bill an act to create a board of overseers for the poor and workhouse of the city of Portland. was taken from the table, and on further motion by the same gentleman it was referred to the committee on legal affairs.

On motion of Mr. Guernsey of Dover—Bill an act relating to free public libraries was taken from the table.

Mr. Guernsey moved that the bill be referred to the committee on library.

Mr. Philbrook of Waterville: I do not desire at this time in any way to oppose the bill which has been presented by the gentleman from Dover (Mr. Guernsey). It is proper that the bill should be referred as the gentleman from Dover has suggested; but it has occurred to me that it would be a proper time to say a word upon the bill so that the members might be posted upon its purport, and then if they desired to attend the hearing before the committee they could do so. I do not oppose the reference, but I desire to call attention to the effect of the bill.

This bill, in substance, provides as follows: That the amount of money which is now received by the State treasury from dog taxes shall go to the various towns, cities and plantations

from which the sums came, for the purpose of supporting a public library, and all acts and parts of acts inconsistent therewith are repealed. It is quite important, I think, for us to understand how much money is turned into the State treasury from this dog tax, and what becomes of it at present. I think that the members of the Legislature will be surprised—I know that I was—to learn that nearly \$33,000 is turned into the State treasury as a result of this dog tax. Under the law as it exists, today, if I sustain damage to any of my domestic animals by reason of the attacks of dogs, I may go to the aldermen of my city or the selectmen of my town or the assessors of my plantation, and lay before them a statement of facts, and my city, town or plantation will reimburse me for the damage so done. The city, town or plantation, having paid me, then has a right of action against the owner of the dog, if it can be ascertained who owned the dog and if the man who owns him happens to be good for the damages. If the town, city or plantation is not able to collect the damages from the owner of the dog, those officers may then go to the State treasury and have paid back to the city, town or plantation out of this \$33,000 the amount which the town had to pay me for the damages which I sustained. And if at the end of the year the entire sum is not paid back to me, then such remainder as there may be is credited upon my town's State tax. Now, then, if this act should become a law and repeal such provisions of the statute as are inconsistent therewith, the effect would be this: That if my domestic animals are injured I still would have the opportunity, as I understand the act, to go to the town, city or plantation and require the town, city or plantation to reimburse me. The town, city or plantation would still have its action against the owner of the dog, if the officers of the town, city or plantation could ascertain who owned the dog. But failing in that action, or being unable to ascertain the owner, the town would have no further recourse, because the fund which is accumulated under the present law would have been disposed of for the maintenance of the public libraries in the towns, cities or plantations. So you see the direct effect of this act will be

to prevent the towns, cities and plantations from being reimbursed from the State treasury, and will also cut off the possibility of having the State credit upon the State taxes of your city, town or plantation the balance which may remain in the State treasury after the year has expired.

As I said, I do not desire to oppose the reference of this matter to the proper committee, and I do not say I shall oppose the bill, but it occurred to me to explain the effect of the bill so that when the hearing is advertised it may be taken under consideration; and after these remarks I take pleasure in seconding the motion of the gentleman from Dover that this matter be referred to the committee on library.

The question being to refer the bill to the committee on library,

The motion was agreed to.

On motion of Mr. Wilson of Gorham,
Adjourned.