

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.

Thursday, Feb. 23, 1899.

Prayer by Rev. Mr. Degen of Augusta.

Papers from the Senate disposed of in concurrence.

The following Senate resolves were read and assigned:

Resolve in favor of Wilton Academy.

Resolve in favor of Lee Normal school.

On motion by Mr. Chase of Portland, the House reconsidered the vote whereby it placed on file in concurrence the remonstrance of W. H. Stackpole and 19 others of Thomaston, against any change in the seining law.

On further motion by the same gentleman the remonstrance was referred to the committee on shore fisheries in non-concurrence.

(Mr. King of Caribou, in the chair.)

The following bills, petitions, etc., were presented and referred, matters of a private nature being introduced under suspension of rules limiting the same to February 1:

JUDICIARY.

By Mr. Hyde of Bath—Remonstrance of J. R. Allen and 96 others of Woolwich against the passage of that section of the act organizing the Bath & Brunswick Water District, which exempts from taxation the property of said company situate in Woolwich. Remonstrance of Arthur Dalgle and others against the moving of the Northern Aroostook Registry of Deeds from Madawaska to Fort Kent.

Remonstrance of Louis Dionne and others against same.

LEGAL AFFAIRS.

By Mr. Webb of Portland—Bill an act to authorize Franklin and Somerset Land and Lumber Company to hold stock and bonds in other corporations.

EDUCATION.

By Mr. Burns of Westbrook—Resolve in favor of Normal school trustees.

Resolve in favor of Madawaska Training school.

Resolve in favor of State Normal schools.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Teel of St. George—Petition of E. F. Geyer and 30 others of Friend-

ship, in favor of requiring railroad corporations of this State to issue two-cent mileage books, good to bearer.

By Mr. Abbott of Dexter—Petition of J. S. Fogg and 28 others of Garland, for same.

By Mr. Pierce of Blaine—Petition of Cyrus W. Chase and 38 others of Westfield, for same.

By Mr. Murphy of Lewiston—Petition of George A. Ulmer and 30 others of Auburn, in favor of same.

TAXATION.

By Mr. Reed of Roxbury—Bill an act entitled "An act to apportion State and county taxes for the years 1899 and 1900 on township formerly known as Franklin Plantation in the County of Oxford."

AGRICULTURE.

By Mr. McFaul of Machias—Bill an act for the better protection of sheep in the town of Perry.

TOWNS.

By Mr. Gordon of Readfield—Petition of C. E. Butler and three others of Mt. Vernon, for the setting off of Ocean Park from the town of Old Orchard and annexing the same to the city of Saco.

By Mr. Colburn of Windsor—Petition of Isalah Gifford and 24 others of Vassalboro, for same.

By Mr. Bryant of Knox—Petition of D. Brackett and 12 others of Jackson, for same.

By Mr. Purinton of Woolwich—Petition of W. M. Davis and 40 others of Topsham, for same.

By Mr. Brown of Falmouth—Petition of F. E. Freese and 12 others of Falmouth, for same.

By Mr. Beath of Kenduskeag—Petition of I. F. Sanford and 17 others of Corinth, for same.

By Mr. Gardner of Patten—Petition of W. G. Drew and 12 others of Patten, for same.

LINCOLN COUNTY DELEGATION.

By Mr. McFadden of Dresden—Remonstrance of R. G. Linscott and 52 others of Jefferson, against increase of salary of register of probate for Lincoln county.

PLACED ON FILE.

By Mr. Forhan of Raymond—Petition of Henry Harmon and 37 others of Raymond that the law relating to road commissioner be left optional with the town.

ORDERS.

On motion of Mr. Macomber of Augusta,

Ordered, That the committee on counties be directed to inquire where the county line is between Kennebec and Androscoggin counties in the vicinity of Androscoggin lake and report by bill or otherwise.

On motion of Mr. Wood of Camden,

Ordered, That leave of absence be granted to M. F. Taylor of Hope for one week on account of urgent town business.

On motion of Mr. Smith of Presque Isle,

Ordered, That J. A. Laliberte of Fort Kent, be and hereby is excused from attendance upon the sessions of this House for a period of 10 days from this date.

On motion of Mr. Wilbur of Avon,

Ordered, That the use of this hall be granted to the committee on railroads, telegraphs and expresses at 1.50 P. M. today.

REPORTS OF COMMITTEES.

Mr. Hopkins from the committee on legal affairs reported ought not to pass on bill an act to provide for the appointment of a State highway engineer to improve the public roads and to define his powers and duties.

Mr. McFaul from same committee reported same on bill an act to amend Section 48 of Chapter 77, Revised Statutes.

Mr. Spofford from the committee on agriculture reported leave to withdraw on petition of J. N. Hill and others for measure for the extermination of weeds.

Mr. Davis from same committee reported same on petition of William B. Tobey and others, directors of the North Berwick Agricultural Association for an appropriation in aid of same.

Mr. Macfarlane from the committee on inland fisheries and game on petition of H. K. Stearns and others to prohibit the catching of pickerel or any other fish in Marshall pond through the ice, reported that the petition be referred to the commissioners of inland fisheries and game.

Same gentleman from same committee reported same on petition of L. H. Mosher and others for the enactment of a law protecting trout in Sandy

stream and tributaries in the town of Unity for a period of three years.

Same gentleman from same committee reported same on petition of W. S. Marble and others to prohibit fishing for or catching land-locked salmon or trout in the inlet of Rangeley lake above the bridge between July 1 and May 1 for a term of six years.

Same gentleman from same committee on petition of C. P. Brown and others for open time on deer in Knox county during the month of October in each year reported that the petition be granted and that the same bill be incorporated in the general law.

Same gentleman from same committee reported leave to withdraw on petition of R. E. Scammon and others for the regulating of the taking of pickerel in Weld pond.

Same gentleman from same committee reported same on petition of E. I. Merrick and others that a screen be placed at the outlet of Gull pond in Franklin county.

Same gentleman from same committee reported same on remonstrance of E. A. Dudley and others against the enactment of any law prohibiting winter catching in Cochnawogon pond in Monmouth and Annabessacook pond in said town.

Same gentleman from same committee on petition of W. S. Marble and others that a law be passed prohibiting the taking of trout and blue-backs reported that the same be granted and incorporated in the general law to be submitted.

Same gentleman from same committee on petition to secure the better protection of inland fish and game by the regulating of the registration of guides and providing for properly trained guides reported that same be referred to the next Legislature.

Mr. Wood from the committee on shore fisheries reported leave to withdraw on petition of Sewell E. Peters and others that they be allowed to take fish in Bagaduce river inside the 500 yard limit.

Same gentleman from same committee reported ought not to pass on bill an act to amend Chapter 285 of the Public Laws of 1897, relating to the taking of fish as legislation is inexpedient.

Mr. McFadden from the committee on towns on petition of J. H. Littlefield and others that Ogunquit be set off from the town of Wells reported that same be referred to the next Legislature for want of legal notice.

Mr. Garcelon from the committee on interior waters, on bill an act authorizing the city of Lewiston to take water for municipal purposes, reported ought to pass in new draft bill an act to authorize the city of Lewiston to take water for domestic purposes.

Mr. Freese from same committee, reported ought to pass on bill an act giving a lien for shoring and running logs.

Mr. Macfarlane from the committee on inland fisheries and game, reported ought to pass on bill an act to prohibit the killing of deer on the Isle au Haut in Hancock county.

Same gentleman from same committee, reported same on bill an act to enable the commissioners of inland fisheries and game to increase the State museum consisting of mounted specimens and pictures of the birds, wild animals, and fishes native to the State of Maine.

Mr. Wood from the committee on shore fisheries, reported ought to pass on bill an act to amend chapter 72, Special Laws of 1887, in relation to the taking of fish in Nequasset lake.

Mr. Beath from the committee on towns, on petition reported bill an act to set off a part of the town of Trescott and annex the same to the town of Edmunds.

Mr. Wilson of Cherryfield, from same committee, reported same on bill an act to divide the town of Windham in the county of Cumberland and fix the names of the respective portions thereof.

Mr. Nickerson from the committee on agriculture, reported ought not to pass on resolve in favor of the York County Agricultural Society.

Pending acceptance the report was re-committed to the committee on agriculture, on motion of Mr. Deering of Saco.

Mr. Philbrook from the committee on the judiciary, reported ought to pass on bill an act to amend and extend the charter of the public works.

Mr. Perkins from same committee, reported same on bill an act to repeal

chapter 461, of the Private and Special Laws of 1885, and chapter 377, of the Private and Special Laws of 1897, and acts additional thereto and amendatory thereof, relating to School District No. 5, in the town of Kennebunk.

Mr. Virgin from same committee, reported ought to pass in new draft under same title bill an act to incorporate the Strong Water Company.

Mr. Hopkins from the committee on legal affairs, reported ought to pass on bill an act to authorize Benjamin Desjardin to maintain a wharff into the tide waters of New Meadows river in the town of Brunswick, the county of Cumberland.

Same gentleman from same committee, reported same on bill an act for the prevention of certain kinds of nuisances.

Mr. Morey from the same committee, reported same on bill an act to legalize the incorporation of the Second Baptist Society of North Bowdoin.

Same gentleman from same committee, reported same on bill an act to incorporate the Ogunquit Sewerage Company.

Mr. Sanborn from same committee, reported same on bill an act to legalize the incorporation, the records and the doings of the Hartland Hall Association of Hartland.

Mr. Gentleman from same committee reported bill an act to incorporate the Van Buren Water Company.

Mr. Deering from the committee on banks and banking, on bill an act to amend the charter of the Peoples Trust Company, reported ought to pass in new draft bill an act additional to chapter 445, of the Private and Special Laws of 1885, as amended by chapter 423, of the Private and Special Laws of 1893, incorporating the People's Trust Company.

Mr. Britton from the Hancock County Delegation, reported ought to pass on bill an act to establish the salary of the judge of probate of the county of Hancock.

Mr. Hyde from the Sagadahoc County Delegation, reported ought to pass in new draft bill an act to amend chapter 135, of the Public Acts of 1895, and acts additional thereto.

The reports were accepted and bills ordered printed under joint rules.

READ AND ASSIGNED.

Bill an act to increase the salary of the county attorney of Sagadahoc county.

Bill an act to establish a salary for the clerk of the judicial courts of Washington county.

Bill an act to amend the charter of the Bangor Boom Company.

Bill an act to amend section 1, of chapter 115, of the Revised Statutes, relating to salaries of public officers.

Bill an act to prevent a preference of creditors.

Was read once and tabled on motion of Mr. Philbrook of Waterville.

Bill an act extending certain powers of the Mutual Fire Insurance Company.

On motion by Mr. Philbrook of Waterville, the rules were suspended, the bill was read the third time and was passed to be engrossed.

Bill an act amendatory of chapter 287, of the Public Laws of 1893, relating to the better protection of sheep.

On motion by Mr. Philbrook of Waterville, the rules were suspended, the bill was read the third time and was passed to be engrossed.

Bill an act to incorporate the Guilford Electric Light and Power Company.

On motion by Mr. Philbrook of Waterville, the rules were suspended, the bill was read the third time and was passed to be engrossed.

An act amendatory of and additional to chapter 18, of the Revised Statutes, as amended by chapter 329, of the Public Laws of 1897, relating to the repair of highways.

Mr. MERRILL of Skowhegan, offered amendments "A" and "B," which were adopted.

Mr. McFADDEN of Dresden: Pending the second reading of the bill I move that it be laid on the table.

(Voices) No, no.

Mr. CHASE of Portland: I am aware that it is not in order to debate such a motion, but I trust that the gentleman will withdraw that motion. I ask this for this reason: I know that it is the very general desire of this House that this bill shall be acted upon this morning.

Mr. McFADDEN: I merely suggested laying it on the table thinking that I would like to examine it further. But I will withdraw the motion.

The bill was then read the second time.

Mr. CHASE of Portland: I move that the rules be suspended and that the bill take its third reading at the present time and be passed to be engrossed. I wish to say that if any member of the House desires to ask any question or desires any information as to the effect of these

amendments, which may not be entirely plain, I should be very glad to explain them.

Mr. CRAIG of Island Falls: I was not here yesterday, and I would like to ask if the repealing of this section leaves it optional with the towns whether they shall go back to the old system and work out their taxes by statute labor, or must they raise it in money as the law of two years ago provided?

Mr. CHASE: I would inform the gentleman that the purport of the act is to leave the law as it is now as to the raising of money for the maintenance of the highways and makes it optional with the towns whether they will elect a road commissioner as under the present law, or have the money expended by the selectmen.

Mr. BROWN of Falmouth: I would like to inquire in regard to section 4. I understand that section 8 is obliterated by the amendment of the gentleman from Skowhegan. I would like to ask what is to become of that provision of the old law about "keeping accurate account," etc.

Mr. CHASE: I will say, by that amendment, as offered, section 8 was stricken out, and amendment "A" took the place of section 8. Then amendment "B" added section 9, containing the same provisions as section 8 in the printed bill.

I do not understand that the amendment affects section 4 in any way. Section 4 of this act is an amendment to section 6 of the original act, which contains the following provision: Seventy-five per cent. of the highway taxes assessed shall be expended upon the highways prior to the fifteenth day of July, and the balance at such time as the commissioner deems for the best good of the public."

Mr. GARDNER of Patten: I would inquire if this goes back to the old idea of country towns raising their highway money in labor, or whether they pay cash?

Mr. CHASE: I explained that, I thought, a moment ago. The purport of this act is not to change in any way the present method of raising money, cash, for the maintenance of the highways. The passage of this act does not send us back to the old system of maintaining the highways by working out highway taxes. The system of assessing a money tax for the support of highways is left precisely as it is under the present system. This simply leaves it optional with each town whether they will expend that money by a road commissioner or expend it by the selectmen, and provides that they may elect a road commissioner. If they do not elect a road commissioner, the money shall be expended by the selectmen.

Mr. GARDNER: There is where I object. I think it is better to have it optional whether we raise money; and I, for one, say that my constituents in the towns I represent wish to go back to the old way of raising money to be expended in labor and not in cash.

Mr. DAWSON of Monroe: This bill is one that comes home to the farmers more than any other bill before the House, and of course it is advisable that we should understand these matters thoroughly.

We are not lawyers—I am not, at least, and I want you to understand this matter, and I believe, today, that the farmers of my section, without any exception, are in favor of the present law that we have at the present time. Neither do I know of a man that wants to go back to the old system of labor. I think we believe, as a whole, that we should have the money raised as we do at the present time. All we want and all we ask for, in the farming communities, is this, that we have the privilege of electing a road commissioner or not, as we see fit, and also to have the money expended as we see fit; and we in our small towns elect selectmen that are capable of spending this money to the best advantage, and if we need a road commissioner we want to elect one, and if we don't, our selectmen will appoint surveyors in the different districts who will be sworn and they will expend that money to the satisfaction of the town. Leave it as it is; raise the money, let each of us pay our money. I am willing to pay my proportional part in money. It is more to our advantage. As you all know, every town has idlers, and if the surveyor does not want to employ those men on the road he has a right to employ whom he sees fit. Another thing—we have some men who have large draft horses, good horses to work. We have some men who have small and poor horses; and that gives the selectmen or the surveyors the right to hire whichever horses they choose to do the work on the roads; but if you leave it where it is assessed in labor, every man goes on and works. And I believe that the towns in general would rather raise the tax in money and have it expended under the supervision of our selectmen.

Mr. MERRILL: Perhaps all the members do not understand the amendment. As I understand the amendment, it provides that any town in the State of Maine may, at its option, at its annual town meeting, elect, or refuse to elect, one, or not exceeding three, road commissioners, the money to be expended under the direction of the selectmen of the town, the road commissioner, or commissioners, whichever they see fit to choose, who give bonds to the selectmen or to the town for the faithful fulfillment of their duty under this law. It does not in any way change the law as it stands in relation to the raising of money for the repair of highways. That is to be a money tax. It leaves it just the same as it is now, and the whole import and meaning and gist of this amendment of the law of 1895 is to leave it optional with the towns simply as to the election of one or three road commissioners, or not any.

Mr. Manley of Augusta, offered amendment "C."

Mr. GARDNER of Patten: I acknowledge that I have not looked into this matter, but there is quite a sentiment in this State for expending the funds in labor. I move that this lie on the table.

(Voices): No, no.

Mr. MERRILL: I hope the gentleman will withdraw that motion. The object of having the bill take its third reading at this time is that the towns are already on the verge of holding their annual elections and they want this law to go into effect this year. It is compulsory under

the old law to elect a road commissioner and they want this to go into effect this year. (Applause).

Mr. GARDNER: I withdraw my motion. (Applause).

Amendment "C" was adopted.

The question being to suspend the rules and give the bill its third reading at the present time,

The motion was agreed to.

The bill was then read the third time and was passed to be engrossed as amended.

PASSED TO BE ENGROSSED.

Bill, "An Act to repeal Section 7 of Chapter 194 of the Private and Special Laws of 1895 so far as it applies to the town of South Portland."

Bill, "An Act relating to the powers of the Lewiston Gas Light Company."
(The Speaker in the chair.)

PASSED TO BE ENACTED.

An Act to authorize the Stevens Lumber Company to erect and maintain a dam across the Aroostook river in the town of Fort Fairfield.

An Act to incorporate the Ripley Water Company of Andover, Maine.

An Act to amend chapter 126 of the Public Laws of 1895, relating to the Penobscot Tribe of Indians.

An Act to amend section 32 of chapter 285 of the Public Laws of 1897, regarding taking of Smelts in Tide Waters.

An Act to incorporate the Bath Trust Company.

An Act to set off certain lands from Oxford Village Corporation.

An Act to repeal chapter 111 of the Private and Special Laws of 1872, entitled "An Act authorizing the city of Gardiner to raise money for the maintenance of a Public Library."

An Act to authorize Registers of Probate to receive petitions in vacation, and the Judge of Probate to order notice thereon in vacation.

An Act authorizing the Hallowell Granite Works to lay and maintain pipes in the city of Hallowell for the use and distribution of compressed air.

An Act to increase the salary of the Judge of Probate in and for the County of Aroostook.

An Act to increase the salary of the Register of Probate in and for the County of Aroostook.

An Act to amend Section 1 of Chapter 298 of the Public Laws of 1889, relating to hawkers and peddlers.

An Act to incorporate the Wilson Stream Dam Company.

ORDERS OF THE DAY.

On motion of Mr. Belleau of Lewiston, bill "An Act relating to foreigners not naturalized," was taken from the table and referred to the Committee on Legal Affairs in concurrence.

On motion of Mr. Deering of Saco, report of the Committee on Banks and Banking on bill "An Act to amend Section 83 of Chapter 47 of the Revised Statutes, relating to private, associated and foreign banking, reporting "ought to pass" in new draft bill "An Act relating to foreign banking associations and corporations," was taken from the table.

On motion of same gentleman the report was re-committed to the committee on banks and banking.

On motion of Mr. King of Caribou, bill "An Act to incorporate the Wiscasset Academy," was taken from the table and Wednesday next assigned for its consideration.

On motion of Mr. Virgin of Portland, the vote whereby the House February 22 referred resolve relative to the payment of appropriations for academies and similar institutions, to the committee on Education, was re-considered.

On motion of same gentleman the resolve was indefinitely postponed.

On motion of Mr. King of Caribou, bill "An Act relating to the Indian Reservation in the town of Perry, Washington county, was taken from the table, read twice and tomorrow assigned for third reading.

On motion of Mr. Virgin of Portland, bill "An Act additional to chapter 365 of the Private and Special Laws of 1893, relating to the Rumford Falls Light and Water Company, was taken from the table, read twice and tomorrow assigned for third reading.

On motion of same gentleman, bill "An Act to authorize the record of contracts for the sale of land," was taken from the table and read once, when Mr. Virgin of Portland offered House amendment "A" which was adopted. The bill was then read a second time and tomorrow assigned for third reading.

On motion of Mr. Merrill of Skowhegan, report of the committee on the judiciary, reporting "ought to pass" on bill "An Act to enable the Winter Harbor Company to purchase stock of the Grindstone Neck Water Company," was taken from the table and accepted in concurrence.

The bill was read once when Mr. Merrill of Skowhegan offered House amendment "A" which was adopted. The bill was then read a second time and tomorrow assigned for third reading.

On motion of Mr. Spofford of New Sharon, the vote was re-considered whereby the House referred to the committee on legal affairs the remonstrance of J. W. Patterson and 52 others against division of the town of Industry and referred the same to the committee on towns.

On motion of Mr. King of Caribou, resolve in favor of blasting a lodge in the town of Frenchville, was taken from the table, House amendment "A" offered by Mr. Daigle of Madawaska, February 22, was adopted, resolve read the second time and was passed to be engrossed as amended.

On motion of Mr. Hahn of Waldoboro, Adourned.