

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, March 2, 1899.

Prayer by Rev. Mr. Miller of Hallowell.

Papers from the Senate disposed of in concurrence.

The following Senate order was received:

Ordered, The House concurring, that on and after Wednesday, March 8, the Legislature hold two sessions a day until otherwise ordered.

Mr. Philbrook of Waterville: I wish to ask the House to lay that order upon the table. The order calls for two sessions a day on and after the 8th of March. A few of us, and I think the majority, perhaps I had better say, had formed the hope that we should get through at an early date; but it has occurred in this instance, as it frequently occurs, that matters of a great deal of importance are before committees at the last end of the session. Such is the fact, today. An important hearing has been advertised by the committee on taxation for the 8th of March. An important hearing has been advertised by the committee on railroads for the 8th of March. There are upon the table of the judiciary committee between 40 and 50 matters to be acted upon in executive session. Most of those are matters which require patience and long research in order to get them into shape. And I am quite confident that the committee on legal affairs have a good many measures of importance which they cannot dispose of with any credit to themselves or to the Legislature by using hasty or superficial methods. Now I think you will agree with me that it is hardly fair to insist upon sessions in the afternoon in this body when quite a percentage of its members will be required to be in the committee rooms. It may be that on the 8th of March, or the 7th, the atmosphere may have cleared, and if it shall have cleared it may be possible for us then to concur with this order holding two sessions a day after the 8th; and I desire—and in stating this I state it after conference with leading members of the House—I desire that this matter shall be laid on the table and that the 7th of March be assigned for its consideration. At that time we can tell more intelligently whether we are able to have two sessions a day, and do jus-

tice to those members who are confined to their committee rooms. And I therefore move that the order be laid on the table and that March 7th be assigned for its consideration.

The motion was agreed to.

The report of the committee on interior waters reporting leave to withdraw on petition of Warren B. Chute and others for improvement of Songo and Chute rivers came from the Senate recommitted to the committee.

The House reconsidered its vote whereby the report was accepted and recommitted the bill to the committee on interior waters in concurrence.

(Mr. Webb of Portland, in the chair).

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

JUDICIARY.

By Mr. Wood of Camden—Petition of F. Z. Adams and 46 others of Knox county for the early passage of an act to regulate the practice of veterinary surgery, medicine and dentistry in the State of Maine.

By Mr. Beal of Bangor—Bill an act relating to innholders and victualers.

LEGAL AFFAIRS.

By Mr. Fogg of Freeport—Petition of J. W. Amick and 40 others of Freeport for a village corporation in the town of Freeport.

By Mr. Gentleman of Porter—Bill an act to amend an act entitled "An act to annex Franklin Plantation in the county of Oxford to the towns of Rumford and Peru, approved by the Governor, February 21, A. D. 1899."

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Sanborn of Newport—Petition of S. F. Sawyer and 47 others of Newport that railroad corporations be required to issue mileage books at two cents per mile, good to bearer.

By Mr. Parkhurst of Bangor—Petition of Fred Johnson and 53 others of Bangor for same.

By Mr. Murphy of Lewiston—Remonstrance of C. H. Gifford and 14 others against the passage of the anti-scalping bill.

SHORE FISHERIES.

By Mr. McFadden of Dresden—Bill an act to amend Section 35 of Chapter 285, Public Laws of 1897, entitled "An act to revise and consolidate

the Public Laws relating to sea and shore fisheries.”

AGRICULTURE.

By Mr. Sanborn of Newport—Remonstrance of C. Bangs and 7 others of Farmington, against repeal of feeding stuffs inspection law.

By Mr. Smith of Presque Isle—Remonstrance of S. C. Greenlaw and 8 others of Maysville Center, against same.

By Mr. Smith of Hartland—Remonstrance of S. H. Goodwin of St. Albans and 44 others, against same.

By Mr. Wilson of Brunswick—Remonstrance of W. C. Higgins and 12 others of Brunswick, against same.

By Mr. Harris of Auburn—Remonstrance of C. G. Sturgis and 11 others of Auburn, against same.

By Mr. Purinton of Woolwich—Remonstrance of I. W. Reed and 18 others of Woolwich, against same.

By Mr. Nickerson of Orrington—Remonstrance of George M. Holland and 30 others of Hampden, against same.

By Mr. Jellison of Surry—Remonstrance of H. B. Gray and 15 others of Bluehill, against same.

By Mr. Reed of Roxbury—Remonstrance of W. B. Foster and 27 others of Sumner, against same.

By Mr. Ryerson of Livermore—Remonstrance of H. L. Irish and 34 others of Turner, against same.

By Mr. Eaton of East Livermore—Remonstrance of Ely Hodgkins and 23 others of Greene, against same.

By Mr. Turner of Somerville—Remonstrance of A. C. Fossett and 14 others of Bristol, against same.

By Mr. Kilborn of Bethel—Remonstrance of John F. Talbot and 19 others of Andover, against same.

By Mr. Pierce of Blaine—Remonstrance of J. W. Dudley and 19 others of Castle Hill, against same.

TOWNS.

By Mr. Bryant of Knox—Petition of M. E. Murray and 28 others of Burnham, in favor of setting off Ocean Park and annexing same to city of Saco.

ORDERS.

On motion of Mr. Beal of Bangor,

Ordered, The Senate concurring, that a special committee consisting of seven members of the House of Representatives and three from the Senate, be appointed to ascertain how many reports of the several departments are printed each year and the cost of same, and

recommend to the Legislature how many it is advisable to have printed, and to further take into consideration the necessity and advisability of continuing the office of secretary of the board of agriculture.

On motion of same gentleman,

Ordered, The Senate concurring, that the State treasurer be and he is hereby directed to furnish as soon as practicable the special committee on printing and binding, the amount of printing done by each department with the cost of same, specifying the amount of reports, also all special printing for each department.

Mr. BEAL of Bangor: That there may be no misapprehension in regard to this order I will state that it is aimed at no particular department, but it is introduced simply with a view of ascertaining if there are any extra expenses incurred for printing.

(The Speaker in the chair.)

REPORTS OF COMMITTEES.

Mr. Hopkins from the committee on legal affairs, on petition of T. H. Gillen and others, for amendment of section 39, chapter 79, of the Revised Statutes, in relation to the practice of law, reported that same be referred to the committee on judiciary.

Mr. Gardner from the committee on education, reported leave to withdraw on petition of E. H. Bryant and others, that a normal school be located at Machias.

Mr. Walker from same committee, reported same on petition of C. M. Cleary and others, that school district lines be changed.

Same gentleman from same committee, reported same on petition of D. W. Hewes and others, for an appropriation to aid the town of Danforth in establishing a Normal school.

Same gentleman from same committee, reported same on petition of Daniel R. Stover and others, that there be a change made in school district lines.

Same gentleman from same committee, reported ought not to pass on resolve that the State board of Normal trustees may maintain a Teacher's Training school at Machias.

Mr. Wilbur from the committee on railroads, telegraphs and expresses, reported ought not to pass on bill an act to incorporate the Boothbay Harbor and Newcastle Railroad Company.

Mr. Leavitt from same committee, reported same on bill an act to incorporate the Castine and Eastern Railroad Company.

Mr. Drummey from same committee, reported same on bill an act to revive and extend an act to incorporate the Passadumkeag Railroad Company.

Mr. Cleveland from the committee on banks and banking, reported ought not to pass on bill an act to incorporate the Maine Annuity Company.

Mr. Peabody from the committee on interior waters, reported ought not to pass on bill an act to establish a bounty on porcupine.

Mr. Stetson from the committee on towns, on petition of F. E. Mitchel and others that said Mitchel and his estates be set off from the town of Litchfield, and annexed to the town of Wales, reported that same be referred to the next Legislature for want of legal notice.

Mr. McFadden from same committee, reported leave to withdraw on petition of John T. Rackliff and others that a part of the town of Industry be annexed to the town of Farmington.

Mr. Wilson from same committee, reported same on petition of Hiram Norton and others, that they be annexed to the town of Farmington.

Mr. Bird from the committee on railroads, telegraphs and expresses, reported ought not to pass on bill an act to amend an act relating to the Franklin, Somerset and Kennebec Railway Company.

Pending acceptance the report was tabled on motion of Mr. Philbrook of Waterville.

Mr. Manley from the committee on the judiciary, reported ought to pass on bill an act to amend section 11, chapter 78, of the Revised Statutes, relating to the duties of county commissioners.

Mr. Smith from same committee, reported same on bill an act relating to steam riding galleries.

Same gentleman from same committee, reported ought to pass in new draft under same title bill an act to prevent incompetent persons from conducting the business of an apothecary.

Mr. Perkins from same committee on bill an act providing for the appointment of the recorder of the municipal court of the city of Saco, reported ought to pass in new draft bill an act providing for the appointment and

compensation of recorder of the municipal court of the city of Saco.

Mr. Virgin from same committee on order reported bill an act to amend Section 196 of Chapter 6 of the Revised Statutes as amended by Section 5 of Chapter 70 of the Public Laws of 1895, relating to the sale of real estate for non-payment of taxes.

Mr. Chase from the committee on legal affairs reported ought to pass in new draft under same title bill an act relating to Chapter 366 of the Private and Special Laws of 1897, entitled "An act to incorporate the Livermore Falls Water Company."

Same gentleman from same committee on petition reported bill an act to amend Chapter 450 of the Private and Special Laws of 1893, incorporating the city of Eastport.

Mr. Burns from the committee on education reported ought to pass on bill an act to amend Section 3 of Chapter 216, Public Laws of 1893, as amended by Chapter 295, Public Laws of 1897, relating to discontinuing schools and conveying school children.

Mr. Merrill from same committee reported same on bill an act to amend Chapter 295 of the Public Laws of 1897, relating to discontinuing schools and conveying school children.

Mr. Webster from same committee reported same on bill an act to amend the title of Chapter 295 of the Public Laws of 1897.

Mr. Gardner from same committee reported same on resolve in favor of Ricker Classical Institute.

Mr. Peaslee from same committee reported same on resolve in favor of Wiscasset Academy.

Mr. Wilbur from the committee on railroads, telegraphs and expresses reported ought to pass on bill an act to extend the time for the constructing of the Boothbay Railroad.

Mr. Maxwell from same committee reported same on bill an act to amend Chapter 282 of the Laws of 1889, relating to railroad crossings.

Same gentleman from same committee reported same on bill an act relating to the charter of the Wiscasset & Quebec Railroad.

Mr. Drummey from same committee reported same on bill an act to extend the rights, powers and privileges of the Eastport Street Railway.

Mr. Deering from the committee on banks and banking reported ought to

pass on bill an act to incorporate the Boothbay Harbor Banking Company.

Same gentleman from same committee reported same on bill an act authorizing the Manufacturers' Trust Company to establish a branch at Old Orchard.

Mr. Bennett from same committee reported same on bill an act to amend Section 6 of Chapter 562 of the Private and Special Laws of 1868, said chapter being entitled "An act to incorporate the Buxton and Hollis Savings Bank."

Mr. Bodwell from the committee on taxation reported ought to pass on 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."

Mr. Freese from the committee on interior waters reported ought to pass on bill an act to extend the rights, powers and privileges of the Mopang Dam and Improvement Company.

Mr. Hughes from the committee on towns on petition reported bill an act to set off part of Township No. 7 in the county of Hancock and annex the same to the town of Sullivan.

Mr. Kalloch from the Knox county delegation, reported ought to pass in new draft under same title bill an act to increase the salary of the register of probate for the county of Knox.

Mr. Ryerson from the committee on education, reported ought to pass in new draft under same title, resolve in favor of North Yarmouth Academy.

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

READ AND ASSIGNED.

Bill an act in relation to corporations issuing contracts for annuities commencing in the future.

Bill an act to amend section 1 of chapter 6 of the Revised Statutes, relating to poll taxes, by adding to said section the words "which said poll tax shall not exceed \$3 and shall not be less than \$1."

Bill an act to amend section 2 of chapter 115 of the Revised Statutes as amended by chapter 264 of the Public Laws of 1893, relating to the salary of the county attorney of Cumberland county.

Were severally twice read and tomorrow assigned for third reading.

Bill an act to incorporate the Kennebec Water District.

Was read once and tabled on motion of Mr. Maxcy of Gardiner.

Bill an act to create a lien upon monumental work.

Was read once and tabled on motion of Mr. Powers of Fort Fairfield.

Bill an act to amend section 17 of chapter 128 of the Revised Statutes, as amended by section 2 of chapter 288 of the Public Laws of 1889, relating to tramps.

Was read once and tabled on motion of Mr. Virgin of Portland.

Bill an act to authorize a topographic survey of the State, in co-operation with the United States Geological Survey.

Was tabled pending first reading, on motion of Mr. Manley of Augusta.

Resolve authorizing a change in the location of a right of way to State lands in Augusta.

Resolve in favor of improving the sanitary condition of the State camp ground.

Resolve to reimburse Daniel S. Chadbourne for repairs on breakwater at Mat-tawamkeag bridge.

Resolve to reimburse F. I. Campbell, treasurer of the town of Cherryfield, for money paid to State pensioners.

PASSED TO BE ENGROSSED.

Bill "An act to amend section 65 of chapter 70 of the Revised Statutes, as amended by chapter 101 of the Public Laws of 1891, relating to fees in insolvency proceedings."

Bill "An act to incorporate the Wiscasset Academy."

Bill "An act to amend section 3 of chapter 216 of the Public Laws of 1893, as amended by section 1, chapter 295 of the Public Laws of 1897, relating to discontinuing schools and conveying school children."

Bill "An act to regulate the taking of herring in the town of Cutler."

Bill "An act to fix the salary of the sheriff of the county of Waldo."

Bill "An act for the protection of fish in the tributaries of Moosehead lake."

Pending third reading, tabled, on motion of Mr. Macfarlane of Greenville.

PASSED TO BE ENACTED.

An act relating to the Indian reservation in the town of Perry, Washington county.

An act to incorporate the Portland, Maine, Past Chancellors Association.

An act for the prevention of certain kinds of nuisances.

An act to repeal chapter 461 of the Private and Special Laws of 1885, and chapter 227 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.

An act amendatory of and additional to chapter 511 of the Private and Special Laws of 1889, entitled "An act to incorporate the Mechanic Falls Water and Electric Light and Power Company, as amended by chapter 494 of the Private and Special Laws of 1893."

An act relating to the Young Men's Christian Association of Portland, Maine.

An act giving a lien for shoring and running logs.

An act authorizing the city of Bangor to construct a bridge over Kenduskeag stream, near the European and North American Railroad bridge.

An act authorizing the Manufacturing Investment Company to locate, erect and maintain piers and booms in the Kennebec river.

An act to incorporate the Sebasticook Manufacturing and Power Company.

ORDERS OF THE DAY.

On motion of Mr. Burns of Westbrook, the vote was reconsidered whereby the House accepted the report of the committee on education, reporting ought to pass

in a new draft, resolve in favor of North Yarmouth Academy.

On further motion by the same gentleman the report was recommitted to the committee on education.

Resolve in favor of the Maine Eye and Ear Infirmary came up as a special assignment.

Mr. FIELD of Oakland: After having this matter under consideration, and after consideration with many members of the House, and those who are not members of the House, while there are many things connected with the institution that do not seem quite satisfactory to me, in view of the fact that those who are better acquainted with the institution than I am, tell me that the institution has done and is doing a great work for the poor, I think that possibly I may be in error in opposing the resolve. And I now stand up and say to you that, for fear of doing something that may be an injustice to the poor, I shall now withdraw any objection to the resolve.

The resolve was then read the first time and assigned to Wednesday of next week.

On motion of Mr. Craig of Island Falls, an act to consolidate, simplify, revise and amend the laws pertaining to inland fisheries and game, was taken from the table.

On further motion by the same gentleman, the vote was reconsidered whereby March 8 was assigned for the consideration of the bill.

Mr. Manley of Augusta, offered amendment "A," which was adopted.

Mr. Manley of Augusta, moved that the rules be suspended and that the bill take its third reading at the present time and be passed to be engrossed.

Mr. CRAIG: In view of the fact that there is a certain gentleman who would like to make an amendment to this bill, and as he is not here, this morning, I object to its taking its third reading at the present time.

The bill was then assigned to tomorrow morning.

On motion by Mr. Philbrook of Waterville, an act to create a lien upon hay for the cutting and pressing thereof, was taken from the table.

Mr. Philbrook offered amendment "A," to strike out the words, "by him or his co-laborers," in the second and third lines of section 1.

Mr. HOPKINS of Deering: I would like to ask the gentleman from Waterville to explain the purpose of the amendment.

Mr. PHILBROOK: I will gladly do so. The wording of this act varies so much from the phraseology of the lien law in other cases that my attention was drawn to it immediately, and I had it tabled in order that I might confer with attorneys of standing in whose judgment I have perfect confidence, and the impression seems to prevail among those with whom I have talked that some confusion and misunderstanding was liable to arise with this phraseology. If the gentleman from Deering will notice, in the lien law for bricks, for logs, and certain other liens, the wording is as this act would be left with those words left out. Some doubt seems to arise in the minds of some attorneys as to whether this phraseology would not create confusion, and they further thought that the act, as amended by this amendment, would be left the same as liens upon

bricks, upon logs and upon other articles, and would make the law more harmonious with the decisions already upon these points. I have no opposition to the spirit of this act. It is an exceedingly proper one, and one which has been needed in a great many cases, and it is only my desire to get it in harmony with other lien acts which have been construed by the courts.

On motion of Mr. Hopkins, the bill and amendment were laid on the table.

On motion by Mr. Chase of Portland, resolve in aid of repairing the bridge across the Narraguagus river in the town of Milbridge, was taken from the table.

The resolve was then passed to be engrossed.

On motion by Mr. Chase, resolve in favor of building a bridge across the Fish river in the town of Fort Kent, was taken from the table.

The resolve was then passed to be engrossed.

On motion by Mr. De Coster of Buckfield, Adjourned.