

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

HOUSE.

Wednesday, Feb. 11, 1903.

Prayer by Rev. Mr. Clark of Gardiner.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An Act to authorize the State Land Agent to convey to the Fish River Railroad Company rights of way over public roads owned by the State.

An Act to authorize the Bangor and Aroostook Railroad Company to extend yard tracks across a way in Houlton.

An Act relating to the width of the location of the Fish River Railroad.

An Act to ratify certain doings of the Eliot Bridge Company.

An Act to amend Chapter 407 of the Private and Special Laws of 1846 entitled "An Act to incorporate the Penobscot Log Driving Company.

On motion of Mr. Ross of Bangor this bill was tabled for printing.

On motion of Mr. Shaw of Bath, the clerk was charged with and conveyed a message to the Senate notifying that body of the appointment to committees as announced by the speaker yesterday.

The clerk subsequently reported that he had performed the duty assigned him.

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

Judiciary.

By Mr. Knapp of South, Portland: Petition of the city of South Portland and of the People's Ferry Company to amend the charter of the People's Ferry Company.

By Mr. Allen of Sanford: Bill, An Act to amend charter of Sanford Light and Water Company and to consolidate with Springvale Aqueduct Company and Butler Spring Water Company.

By Mr. Parrott of Oxford: Bill, An Act to amend Section two of Chapter 508 of the Private and Special Laws of 1885, as amended by Chapter 134 of the Private and Special Laws of 1887, chapter 527 of the Private and Special Laws of 1893 and chapter 425 of the Private and Special Laws of 1901.

By Mr. Allen of Sanford: Bill, An Act to authorize the town of Bucksport

to retire its bonded indebtedness and to issue new bonds.

By Mr. Drew of Portland: Bill, An Act amending Section 6 of Chapter 495 of Special Laws of 1885 entitled "An Act to incorporate the People's Ferry Company."

By Mr. Davis of Waterville: Bill, An Act to increase the capital stock of the Ticonic foot bridge.

By Mr. Smith of Presque Isle: Bill, An Act amendatory of Section one of Chapter 221 of the Public Laws of 1897 relating to waiving the provisions of a will by the widow or widower, and to wills in which no provision is made for the widow or widower, and the interest which the widow or widower shall have in the personal estate of the testator or testatrix.

By Mr. Hawkes of Windham: Remonstrance of H. H. Boody and 12 others against special restrictions as to building rights on the shores of the lakes of Cumberland county.

Also: Remonstrance of L. W. Welch and seven others against same.

Legal Affairs.

By Mr. Butler of South Thomaston: Bill, An Act to amend Chapter 42 of the Revised Statutes relating to timber upon rivers, streams and adjacent lands, so as to extend its provisions to timber found in the mouth of any inlet thereof below the mouth of the lowest tributary river of said inlet, in the jurisdiction of the State.

By Mr. Oakes of Auburn: Bill, An Act authorizing the Estes lumber company to locate piers and booms in the Kennebec river opposite lands of said company in Solon and Embden.

By Mr. Downing of Sorento: Bill, An Act to incorporate the Sullivan harbor water company.

Education.

By Mr. Spear of Warren: Bill, An Act to amend Section 57 of Chapter 11 of the Revised Statutes as amended by Chapter 211 of the Public Laws of 1901.

Railroads, Telegraphs and Expresses.

By Mr. Shaw of Bath: Bill, An Act to grant additional powers to the Auburn, Mechanic Falls and Norway street railway.

By Mr. Mewer of Old Orchard: Bill, An Act to provide for the comfort and

safety of persons and property in Old Orchard in county of York during the months of June, July, August and September of each year.

By Mr. Davis of Waterville: Bill, An Act to incorporate the Waterville and Winslow bridge company.

Banks and Banking.

By Mr. Dudley of Augusta: Bill, An Act to extend the charter of the granite trust company.

By Mr. Stearns of Millinocket: Bill, An Act to incorporate the Millinocket trust company of Millinocket, Me.

By Mr. Kimball of Rockland: Bill, An Act to incorporate the security trust company.

Agriculture.

By Mr. Oakes of Auburn: Resolve of the Maine State poultry and pet stock association.

Interior Waters.

By Mr. Sargeant of Brewer: Petition of Edward B. Neally and 153 others of Bangor and Brewer to extend the charter of the Bangor and Brewer steam ferry company.

By Mr. Tapley of Brooksville: Protest of John T. Tapley and 63 others of Brooksville against a bill entitled "An Act to incorporate the West Branch driving and reservoir dam company."

By Mr. Allen of Wellington: Bill, An Act to incorporate the Ferguson stream improvement company.

By Mr. Ross of Bangor: Bill, An Act to amend the charter of the Penobscot lumbering association. (Tabled for printing on motion of Mr. Ross of Bangor.)

By Mr. Gagnon of Van Buren: Bill, An Act to authorize the St. John lumber company to build and maintain piers in the St. John river in the town of Van Buren.

Ways and Bridges.

By Mr. Rice of Farmington: Petition of county commissioners of Franklin county in favor of Resolve for repairing roads in Jerusalem Plantation.

By Mr. Smith of Hartland: Petition of T. B. Barrett and 59 others asking for a law making the payment of highway money in cash or road labor optional with towns.

Also: Petition of C. B. Brown of Hartland and 61 others for same.

By Mr. Bailey of Bradford: Petition of W. E. Dunning and 40 others for same.

Also: Petition of Herbert L. Brann and 33 others for same.

Also: Petition of Melvin R. Bean and 19 others for same.

Also: Petition of C. F. Smith and 24 others for same.

Also: Petition of L. E. Bailey and 47 others for same.

Also: Petition of B. F. Shaw and 37 others for same.

Also: Petition of Zophar Bither and 14 others for same.

By Mr. Hill of Buxton: Petition of D. J. Flanders and 25 others of Buxton asking for a law regulating the width of wheel tires to be used in said town.

By Mr. Thurlow of Cutler: Petition of F. S. Stevens and 33 others of Cutler asking for an appropriation of \$1000 to aid the town of Cutler in repairing highways and bridges.

By Mr. Bailey of Bradford: Bill, An Act to repeal Chapter 329 of the Public Laws of 1897, and Chapter 32 of the Public Laws of 1899, and to amend Sections 70 and 75 of Chapter 18 of the Revised Statutes relating to the repair of highways.

By Mr. Rice of Farmington: Resolve appropriating \$500 to aid in repairing roads in Jerusalem Plantation.

By Mr. Thurlow of Cutler: Resolve to aid and assist the town of Cutler in repairing highways and bridges.

Inland Fisheries and Game.

By Mr. Brewster of Dexter: Petition of L. B. Waldron and 209 others asking that the law on Dexter pond be amended so as to permit fishing through the ice.

By Mr. Furbish of Rangeley: Petition of J. Frank Nile and 68 others regarding fishing in Kennebago river in Franklin county.

By Mr. Perkins of Wilton: Petition of James Walker and 38 others that Pease pond in Wilton be opened for fishing through the ice; of S. Palmer and 36 others, for same.

By Mr. Furbish of Rangeley: Petition of G. L. Kempton and 13 others to prohibit fishing above Smith bridge.

By Mr. Waterhouse of Westbrook: Petition of Levi Libby and 33 others in favor of a fish hatchery at Sebago lake; of M. Stevens and 19 others; of John Hart and 19 others; of Nathaniel Hobbs and 35 others; of E. G. Plummer and 14 others; of William H. Milliken and 34 others; of T. B. Davis Arms Co. and 9 others; of Charles W. Blake and 49 others; of Elmer N. Bacheider and 23 others—all for same.

By Mr. Smith of Hartland: Bill, An Act providing for fishing in Higgins stream so called and its tributaries in Harmony, Wellington and Plantations of Brighton and Kingsbury.

By Mr. Spear of Warren: Remonstrance of N. B. Eastman and 45 others against unlawful fishing in South Pond situated in Warren.

Also: Remonstrance of F. E. Littlehale and 125 others against any change in the law relating to deer in Knox county.

Shore Fisheries.

By Mr. Hill of Winterport: Petition of Amos F. Carlton and 47 others asking that Section 46 of Chapter 40 of the Revised Statutes relating to smelt fishing be changed.

By Mr. Shackford of Harrington: Remonstrance of John R. McDonald and 22 others of Addison that the law relating to clams, Section 37 of Chapter 284 of the Public Laws of 1901, remain as it is.

By Mr. Farnsworth of Tremont: Remonstrance of James E. Stockbridge and 75 others of Swans Island against any change in the lobster law.

By Mr. Shackford of Harrington: Remonstrance of J. W. Kelley and 93 others of Milbridge against any change in the law as regards lobsters inside line drawn from Bois Bubert island to Cape Split.

Indian Affairs.

By Mr. Putnam of Danforth: Resolve in favor of Passamaquoddy tribe of Indians for the completion of a new church at Pleasant Point in the town of Perry.

Public Charities and State Beneficiaries.

By Mr. Drew of Portland: Petition of officers of Diet Mission of Portland

in favor of establishing a home and school for the feeble minded.

Also: Petition of Albert Drummond and 18 others of Portland for same.

By Mr. Benner of Waldoboro: Petition of Joseph B. Welt and 16 others of No. Waldoboro for same.

By Mr. Poor of Belfast: Petition of A. O. Stoddard and members of the board of health of Belfast, Me., for the enactment of a law providing for a State laboratory of Hygiene.

By Mr. Libby of Oakland: Petition of the board of health of Oakland for same.

Temperance.

By Mr. Briggs of Auburn: Petition of J. S. P. H. Wilson and 186 others of Auburn, Lewiston and Lisbon Falls in favor of resubmission.

By Mr. Purinton of Gorham: Remonstrance of Lucien Hunt and 31 others against resubmission.

By Mr. Farnsworth of Tremont: Remonstrance of James S. Powers and 27 others of Tremont against same.

By Mr. Mills of Stonington: Remonstrance of C. H. S. Webb and 31 others of Oceanville against same.

By Mr. Dilling of Easton: Remonstrance of F. E. Smith and 107 others of Easton against same.

By Mr. Pettengill of Rumford: Remonstrance of G. A. McCubrey and 85 others of Rumford against same.

Taxation.

By Mr. Campbell of Cherryfield: Resolve waiving a forfeiture of the public lot in the southeast quarter of township number four, Hancock county, north division.

Orders.

On motion of Mr. Smith of Hartland, Ordered, That F. J. Frederic be excused from further duties on account of sickness, and paid up to the end of the session.

By Mr. Barker of Bangor, Ordered, That Mr. Jones of Corinna be permitted to change his seat 131 and occupy seat 86 left vacant by Mr. Bur-rill of Ellsworth.

Mr. Barker of Bangor presented the following order:

Ordered, That L. E. Thornton be appointed first folder for the remainder of the session.

Mr. MEAD of Bridgton: Mr. Speaker, I understand that there are other candidates for this position, and I move that this order be laid on the table until tomorrow.

The motion was agreed to.

Placed on File.

By Mr. Taylor of Wiscasset: Remonstrance of Mrs. W. D. Blake and 18 others, women of Wiscasset, against conferring suffrage upon women.

By Mr. Benner of Waldoboro: Remonstrance of Joseph B. Welt and 15 others of Waldoboro against reduction in savings bank tax.

Reports of Committees.

Mr. Littlefield from the committee on elections, to which was referred the communication of Hon. Byron Boyd, secretary of State, transmitting to the Speaker of the House of Representatives the official returns of votes for Representatives to the seventy-first Legislature given in on the 8th of September last in the several cities, towns and plantations of the State, reported that said official list of Representatives prepared by the honorable secretary of State and duly submitted, is a true list of persons elected to said House of Representatives, except that Alonzo M. Garcelon, Frank A. Morey and Michael A. Coyne, shown by said list to be elected from the city of Lewiston, and acting as Representatives until the fifth day of February 1903, were declared by this House not legally elected, but that Jacob R. Little, George B. Haskell and Stephen J. Kelley were declared legal representatives from the city of Lewiston, and that with this correction said list submitted by the honorable secretary of State is the true and correct list of the Representatives to the seventy-first Legislature of Maine.

Mr. Howe from the committee on taxation, on Bill, An Act additional to Chapter 6 of the Revised Statutes of 1883 providing for a tax on direct inheritances, reported ought not to pass.

Mr. Smith of Hartland from the committee on towns, on Bill, An Act additional to and amendatory of Chapter 54 of the Private and Special Laws of 1895 creating the Rumford Falls village corporation, reported ought to pass.

Mr. Page from the committee on appropriations and financial affairs, to which was referred the official bond of Oramandal Smith, State treasurer-elect, reported that the committee find the bond in due and legal form, the sureties good and sufficient, and recommend that the same be approved and the bond deposited with the secretary of State.

The report was accepted and the bond was approved.

Mr. Butler from the committee on commerce, on Bill, An Act to amend Section 43 of Chapter 284 of the Public Laws of 1901, reported that the same be referred to the committee on shore fisheries.

Mr. Drew from the committee on the judiciary, on petition of Albert W. Paine praying for an act to provide for voting by proxy at public elections, reported leave to withdraw.

Mr. Oakes from the committee on legal affairs, on Bill, An Act to repeal Chapter 228 of the laws of 1901 relating to fees and taxable costs, reported ought not to pass.

Mr. Newcomb from same committee, on Bill, An Act to grant Paul Castor a certificate of registration to practice medicine, reported ought not to pass.

Mr. Allen of Sanford from the committee on the judiciary, on petition of Frederic Danforth and 26 others of Gardiner, reported Bill, An Act to incorporate the Gardiner water district, and that it ought to pass.

Mr. Littlefield from same committee, on Bill, An Act to amend Sections 27, 28, 29 and 30, of Chapter 79 of the Revised Statutes relating to attorneys at law, reported ought to pass.

Mr. Barker from the committee on legal affairs, reported in a new draft Bill, An Act to legalize the doings of the Crosbyville chapel at Bangor, Maine, and that it ought to pass.

Mr. Oakes from same committee, on bill, An Act to amend the charter of the city of Portland, reported ought to pass.

Mr. Campbell from same committee, on bill, An Act in relation to the election of school committee of the city of Portland, reported ought to pass.

Mr. Eaton from the committee on appropriations and financial affairs, on bill, An Act in relation to the salaries

of the justices of the supreme judicial court, reported ought to pass.

Mr. Bodwell from same committee, on Resolve providing for the compensation of steamboat inspectors for the years 1900, 1901 and 1902, reported ought to pass.

Mr. Cordwell from the committee on inland fisheries and game, on petition of B. M. Fernald and others of Poland, reported bill, An Act to amend Section 5 of Chapter 42 of the Public Laws of 1899, as amended by Chapter 326 of the Private and Special Laws of 1901 relating to fishing through the ice in Thompson's pond, and that it ought to pass.

Mr. Hill of Buxton from the committee on towns, on bill, An Act to amend Section 12 of Chapter 3 of Revised Statutes of 1883, as amended by Chapter 335 of the Public Laws of 1885, reported ought to pass.

Mr. HILL of Buxton: Mr. Speaker, I move that the rules be suspended and that the bill receive its three readings at the present time and be passed to be engrossed—for this reason: That is one of the best laws for towns, in my opinion, that can be enacted, and I would like for the towns to have the benefit of that law at the coming annual election which will be held next month, and the warrants for the several town meetings will have to be issued within ten days.

Mr. WEEKS of Fairfield: Mr. Speaker, I would like to have the bill read or explained by some gentleman who is familiar with its contents.

The clerk read the bill.

Mr. WEEKS: Mr. Speaker, I don't want to discuss the merits of this bill but I do object to its going through under a suspension of the rules. It is an important public matter, and I believe for one that it should be printed under the joint rules and that we should have time to think it over and see whether we want such a law. I therefore believe that the motion of the gentleman from Buxton ought not to prevail, and I desire for one to enter my objection.

Mr. SMITH of Presque Isle: Mr. Speaker, I wish to state that I heartily concur in all that has been said by the gentleman from Fairfield (Mr. Weeks),

and I hope that the bill will take its usual course.

The question being on the motion that the rules be suspended and that the bill take its three readings and be passed to be engrossed at the present time.

The motion was lost.

The bill was then laid on the table for printing under joint rules.

Mr. Shackford of Poland, from the committee on towns, on bill, An Act to change the name of the town of St. Agatha in the county of Aroostook to Cleveland, reported out to pass.

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

Passed to be Engrossed.

An Act to amend Chapter 25 of the Private and Special Laws of 1899, relating to taking eels in Bagaduce river, bay and tributaries.

An Act to amend Section 10 of Chapter 19 of the Revised Statutes, relating to the law of the road.

An Act to amend Section 84 of Chapter 6 of the Revised Statutes, relating to country roads and bridges in unincorporated townships.

An Act to grant additional powers to the Waterville & Oakland Street Railway.

An Act to amend the charter of the Rockland, Thomaston & Camden Street Railway.

An Act to incorporate the Swans Island Telegraph and Telephone Company.

An Act to amend the charter of the Lewiston, Brunswick & Bath Street Railway.

On motion of Mr. Briggs of Auburn, this bill was laid on the table.

An Act to incorporate the Pittsfield Trust and Banking Company.

An Act to grant additional powers to the Portland & Brunswick Street Railway.

An Act to authorize the Norway & Paris Street Railway to purchase or lease the property and franchises of the Oxford Light Company.

An Act to amend the charter of the Augusta, Winthrop & Gardiner Railway.

An Act to extend the franchises held by the Wiscasset, Waterville & Farmington Railroad Company.

An Act to amend and extend the charter of the Waldo Street Railway Company.

An Act to amend the charter of the Home for Aged Men in Portland.

An Act to amend Section 30 of Chapter 450 of the Private and Special Laws of 1893, incorporating the city of Eastport.

An Act establishing the salary of the county treasurer of the county of York.

An Act authorizing and empowering the Springer Lumber Company to erect and maintain piers and booms in the Mattawamkeag river.

An Act amendatory of Chapter 279 of the Private and Special Laws of 1901, entitled "An Act to incorporate the Mattagammon Manufacturing Company."

An Act to amend Chapter 64 of the Private and Special Laws of 1899, as amended by Chapter 472 of the Private and Special Laws of 1901, relating to the Wilson Stream Dam Company.

An Act to extend the charter of the Mattanawcook Manufacturing Company.

An Act to legalize the doings of St. Francis Plantation, Aroostook county.

An Act to correct an error in Chapter 79 of the Public Acts of 1899, and to amend Section 2 of Chapter 60 of the Revised Statutes.

Orders of the Day.

On motion of Mr. Peaslee of Upton, House document No. 54 was taken from the table.

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

On motion of Mr. Putnam of Houlton, House document No. 46 was taken from the table, and on further motion by the same gentleman it was referred to the committee on legal affairs in concurrence with the Senate.

Bill, An Act to establish a street and sewer commission for the city of Bath, came from the Senate amended by Senate amendment A, by adding the following: "Section 13. This Act shall take effect when approved."

On motion of Mr. Sewall of Bath, the vote was reconsidered whereby this bill

was passed to be engrossed. Senate amendment A was adopted, and the bill was then passed to be engrossed as amended.

On motion of Mr. Allen of Wellington, Adjourned.