

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

**Seventy-First Legislature**

OF THE

**STATE OF MAINE.**

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1903.

## HOUSE.

Tuesday, Feb. 24, 1903.

Prayer by the Rev. Mr. Mosher of Augusta.

Mr. Page of Skowhegan announced the attendance of Representative-elect Savage of Bingham, and was charged with the duty of conducting him before the governor to take and subscribe the necessary oaths to qualify him to enter upon the discharge of his official duties.

Subsequently Mr. Page reported that he had attended to the duty assigned him, and thereupon Mr. Savage appeared and took his seat.

Papers from the Senate disposed of in concurrence.

Bill, An Act to increase the salary of the county attorney of Oxford county, came from the Senate referred to the Oxford county delegation. On motion of Mr. Weeks of Fairfield it was referred to the committee on salaries in non-concurrence.

Resolve in favor of Mathias Cullnan, came from the Senate, passed to be engrossed in that body, the House having non-concurred in that action and having accepted the report of the committee on appropriations and financial affairs, ought not to pass.

Mr. WEEKS of Fairfield: Mr. Speaker, I would ask if there is a printed resolve accompanying the papers?

The SPEAKER: There is; it is Senate Document No. 68.

Mr. WEEKS: I understand that this is a resolve that was introduced into the Senate, referred to the committee on pensions, and that that committee heard the evidence, examined all the witnesses, and reported that the resolve ought to pass. It was then referred under joint rule 18 to the committee on appropriations and financial affairs. That committee reported that the resolve ought not to pass. Now I know nothing about the facts of the case but I would like to know upon what grounds the financial affairs committee has reversed the action of the committee on pensions who looked into this matter carefully, candidly and conscientiously, and reported to the Legislature. I say I simply ask for

information, and I think it is fair that this information should be given to this House in every case where the committee on appropriations and financial affairs reverses the action of the primary committee. For one I am going to say right here and now, that I do not believe in this joint rule 18. I believe it is a hindrance, that it is putting the Legislature under guardianship. For one I don't believe in it; but I think it is fair, since we are under this rule, that the committee on appropriations and financial affairs, when they reverse the action of the first committee, should give their reasons to this House for so doing; and I simply ask that the committee do so in this case.

Mr. PETTENGILL of Rumford: Mr. Speaker, it is my misfortune not to hear the remarks of the gentleman from Fairfield, who has preceded me. But in regard to the reason why the committee on financial affairs did not report favorably on this resolve, I will say that in this particular case we invited the chairman of the committee on pensions to come before us, and from his statement it appeared that this man was a member of the militia, and received what injury he did receive in his service as a militiaman. Now your committee on appropriations and financial affairs feel that if the State is to adopt the policy of pensioning the militia, it should be by a general bill and not in these specific cases. As a committee we cannot see why a man in the militia should be placed in a preferred class as compared with a man who served in the Civil War for instance. We have a general pension bill, and the committee felt that in all these cases of a man who serves in the militia, or a man who may have served in the Aroostook War or the Spanish War or in the Civil War, there certainly should be no preferred class for the militia. That is the reason why we reported adversely; and if they are to be pensioned, it seems to me that it should be by a general bill.

Mr. WEEKS: I would like to inquire whether this Mathias Cullnan receives a pension now under a special act passed by the Legislature; then I would like to know what is the extent

of his disability and under what circumstances those disabilities were contracted. It may be that this is a case that demands our especial attention. Those are the questions I would like to ask, and I think this House would like to have full and complete information about it. If the gentleman from Rumford (Mr. Pettengill) is able to state the facts, I for one should like to hear them.

Mr. PETTENGILL: I would state for the information of the gentleman from Fairfield (Mr. Weeks) that the printed statement of facts, accompanying the resolve, answers his interrogatories.

The SPEAKER: The chair would suggest that there is no motion before the House.

Mr. PETTENGILL: I move that the House insist and join a committee of conference.

The motion was agreed to.

The Speaker appointed on that committee, Messrs. Swett of Portland, Davis of Waterville and Libby of Mechanic Falls, Mr. Pettengill declining to serve.

#### Senate Bills on First Reading.

Resolve in favor of Bernhard Pol of Bangor, to reimburse him for taxes paid through error.

An Act to incorporate the Lily Water Company.

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

#### Judiciary.

By Mr. Allen of Sanford: Bill, An Act to incorporate the Kittery Municipal Court. (Tabled for printing pending reference on motion of Mr. Allen of Sanford).

By Mr. Smith of Presque Isle: Bill, An Act to abolish the issuing of separate executions for costs by disclosure commissioners in disclosure proceedings.

Also: Bill, An Act relating to bonds to be given by treasurers of towns and plantations.

By Mr. Drew of Portland: Bill, An Act to amend Section 30 of Chapter 27 of the Revised Statutes relating to intoxicating liquors.

Also: Bill, An Act to amend Section 14 of Chapter 133 of the Revised Statutes relating to binding over material witnesses.

Also: Bill, An Act to amend Section 35 of Chapter 99 of the Revised Statutes relating to bail commissioners.

Also: Bill, An Act to regulate the taking of bail in criminal prosecutions.

By Mr. Howe of Canton: Bill, An Act in regard to claims for bodily injuries.

#### Legal Affairs.

By Mr. Poor of Belfast: Remonstrance of the commissioners and bar of Waldo county against the abolishment of Searsport municipal court.

By Mr. Newcomb of Eastport: Bill, An Act to amend Section 98 of Chapter 82 of the Revised Statutes relating to evidence.

By Mr. Mills of Stonington: Bill, An Act to change the name of Burt Island in the town of North Haven to Scallop Island.

#### Federal Relations.

By Mr. Knapp of South Portland: Petition of Harry E. Rouillard and 14 others of South Portland for national ownership of anthracite coal mines and permanent municipal coal and wood yards.

#### Railroads, Telegraphs and Expresses.

By Mr. Spear of Warren: Petition of A. P. Starrett and 15 others of North Warren for free telephone lines and telephone connections.

By Mr. Weatherbee of Lincoln: Bill, An Act to incorporate the Lee Telephone Company.

By Mr. Libby of Mechanic Falls: Bill An Act in relation to street railroads.

By Mr. Nelson of New Gloucester: Bill, An Act to incorporate the Maine Rural Telephone System.

#### Interior Waters.

By Mr. Searns of Millinocket: Petition of P. W. Cody and 724 others of Millinocket in favor of An Act to incorporate the West Branch Driving and Reservoir Dam Company.

By Mr. Williams of Williamsburg: Petition of F. S. Drake and 105 others

of Milo in favor of Millinocket bill; of John A. Perkins and 44 others of Katahdin Iron Works; of G. A. Farnum and 15 others of Boyd Lake; of Geo. L. Herrick and 71 others of Brownville—all for same.

By Mr. Thompson of Orono: Petition of James H. Cain in favor of An Act to incorporate the West Branch Driving and Reservoir Dam Company, as amended; of John Woolcott and 83 others; of William Colburn and 50 others—all for same.

By Mr. Littlefield of Rockland: Remonstrance of Wm. H. Glover and 75 others of Rockland against the passage of House Bill No. 1, entitled "An Act to incorporate the West Branch Driving and Reservoir Dam Company."

By Mr. Page of Drew Plantation: Remonstrance of R. G. Leonard and 29 others of Passadumkeag against same.

By Mr. Hill of Winterport: Remonstrance of Luther W. Frederick and 82 others of Winterport and Frankfort against same.

By Mr. Sweeney of Fort Kent: Bill, An Act to repeal Chapter 389 of the Private and Special Laws of 1846 entitled "An Act to incorporate the Heron Lake Dam Company."

#### Ways and Bridges.

By Mr. Smith of Presque Isle: Petition of Columbus Hayford and 6 others in favor of making change in highway law.

By Mr. Thomas of Topsham: Protest of citizens of West Bath against freeing the city of Bath of expense of supporting Bull Rock Bridge; of citizens of West Bath against same.

#### Inland Fisheries and Game.

By Mr. Furbish of Rangeley: Petition of R. E. Scammon and 20 others regarding fishing in Webb Lake in Franklin county.

By Mr. Sturgis of Standish: Petition of Rufus E. Gray and 65 others for a law prohibiting the putting of mill waste or other refuse into any of the tributaries of Crooked river.

By Mr. Mills of Stonington: Remonstrance of G. H. Mitchell and 30 others against the passage of an act to amend Section 14 of Chapter 42 of the Revised Statutes relating to taxidermists' license.

By Mr. Allen of Sanford: Remonstrance of Wm. H. Cunningham and 44 other sportsmen of Worcester, Mass., against hunter's license tax.

By Mr. Sturgis of Standish: Bill, An Act to protect fish in Rich's mill pond in Standish.

Also: Bill, An Act to prevent the putting of sawdust or other mill waste into any of the tributaries of Crooked river in the county of Cumberland.

By Mr. Blake of Sidney: Resolve in favor of a fish screen at the outlet of Androscoggin pond.

#### Shore Fisheries.

By Mr. Thurlow of Cutler: Petition of F. S. Stevens and 67 others against any change in the lobster law in Cutler.

By Mr. Newcomb of Eastport: Remonstrance of E. A. Holmes and 126 others of Eastport against close time on lobsters in Passamaquoddy Bay.

By Mr. Mills of Stonington: Remonstrance of W. H. Purington and 20 others against the passage of a proposed bill to amend Chapter 463 of the Private and Special Laws of 1901.

#### Pensions.

By Mr. Nickerson of Orrington: Resolve to provide for the examination of claims for State pensions.

#### Public Charities and State Beneficiaries.

By Mr. Favour of Kittery: Petition of Board of Health of Kittery in favor of establishing State Laboratory of Hygiene.

By Mr. Hubbard of Paris: Petition of the Board of Health of Buckfield for same.

Also: Petition of the Board of Health of Paris for same.

By Mr. Benner of Waldoboro: Petition of Board of Health of Jefferson for same.

#### Salaries.

By Mr. Daniels of Portland: Bill, An Act to regulate the salary of the justice of the Superior court within and for the county of Cumberland.

#### Revision of the Statutes.

By Mr. Thornton of Ashland: Bill, An Act to amend Chapter 101 of the

Public Laws of 1887 relating to paupers.

#### Reports of Committees.

Mr. Weeks from the Committee on the Judiciary, on Bill, An Act to provide in part for the expenditures of government for the year 1903, reported ought to pass. (Referred to Committee on Appropriations and Financial Affairs).

Mr. Allen from same committee, on Bill, An Act relating to commitments by trial justices and judges of police and municipal courts, reported ought to pass.

Mr. Potter from same committee, on Bill, An Act amendatory of Section 6 of Chapter 495 of the Special Laws of 1835, entitled "An Act to incorporate the People's Ferry Company," reported ought to pass.

Mr. Drew from same committee, on Bill, An Act to increase the capital stock of the Ticonic Foot Bridge Company, reported ought to pass.

Mr. Smith from same committee, on Bill, An Act to authorize the town of Bucksport to retire its bonded indebtedness and to issue new bonds, reported ought to pass.

Mr. Weeks from same committee, on Resolve providing for a temporary loan for the year 1904, reported ought to pass. (Referred to the Committee on Appropriations and Financial Affairs).

Mr. Weeks from same committee, on Resolve providing for a temporary loan for the year 1903, reported ought to pass. (Referred to Committee on Appropriations and Financial Affairs).

Mr. Thomas from the Committee on Education, on Bill, An Act to amend Section 3 of Chapter 216 of the Public Laws of 1893 relating to the conveyance of scholars and to the maintenance of public schools, reported ought to pass.

Mr. Thomas from same committee, on Bill, An Act to amend Section 3 of Chapter 80 of the Public Laws of 1899 relating to the election of truant officers and the filling of vacancies in the office of truant officer, reported ought to pass.

Mr. Stearns from same committee, on Bill, An Act to amend Chapter 152

of the Public Laws of 1895 relating to State examination and certification of teachers, reported ought to pass.

Mr. Mead from same committee, on Bill, An Act to amend Chapter 273 of the Public Laws of 1885 relating to the holding of county teachers' conventions, reported ought to pass.

Mr. Stearns from same committee, on Resolve to provide for the expenses of the Maine industrial school for girls, reported ought to pass. (Referred to committee on appropriations and financial affairs.)

Mr. Snowe from committee on agriculture, to which was referred an order of the Legislature relating to foul brood among bees in Maine, reported legislation thereon inexpedient.

Mr. Gannett from the committee on inland fisheries and game, on Bill, An Act to amend Section 14 of Chapter 42 of the Public Laws of 1899 relating to taxidermists' license, reported ought not to pass.

Mr. Mills from the committee on shore fisheries reported in a new draft bill, An Act to amend Chapter 284 of the Public Laws of 1901 relating to sea and shore fisheries, and that it ought to pass.

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

#### First Reading of Printed Bills and Resolves.

An Act to amend chapter two hundred twenty-nine of the Private and Special Laws of 1883, as amended by Chapter three hundred eighty-three of the Private and Special Laws of 1885, entitled "An Act to incorporate the Passadumkeag Log Driving Company."

An Act to authorize the erection of piers and booms in the Mattawamkeag River, at Jenkins Cove.

Resolve providing for paying to the city of Rockland the amount deducted from its school fund for the year one thousand nine hundred and two on account of imperfect school returns.

An Act to amend Chapter two hundred and four of the Private and Special Laws of eighteen hundred and eighty-three entitled "An Act to establish a Municipal Court in the town of Westbrook."

An Act to incorporate the South West Harbor Trust Co.

An Act to consolidate Atlantic Shore Line Railway, Sanford & Cape Porpoise Railway Company, Mousam River Railroad and Sanford Power Company.

An Act in relation to the trustees of Westbrook Seminary.

An Act to consolidate and amend Chapter 78 of the Special Laws of 1861, Chapter 395 of the Special Laws of 1864, Chapter 140 of the Special Laws of 1866, Chapter 536 of the Special Laws of 1874, Chapter 304 of the Special Laws of 1895, and Chapter 398 of the Special Laws of 1901, relating to a Police Court in the city of Rockland.

An Act to amend Chapter 154 of the Private and Special Laws of 1895, relating to the charter of the Wiscasset Water Company.

An Act to set apart an annual "Old Home Week."

An Act relating to the Camden Trotting Park Association.

Resolves in relation to the completion of the fifth revision of the General and Public Laws, appointing a commissioner therefor.

An Act to extend the charter of Sebasticook Manufacturing and Power Company.

Mr. Manson of Pittsfield offered House Amendment A, which was adopted, and the bill was then assigned for tomorrow morning.

An Act to incorporate the St. John River Toll Bridge Company.

An Act relative to the Clinton Electric Light and Power Company.

An Act authorizing the Great Northern Paper Company to locate, erect and maintain piers and booms in the Kennebec river.

#### Passed to be Engrossed.

An Act to prevent the pollution of the waters of Sebago lake.

An Act to legalize the doings of the town of Williamsburg.

An Act to repeal the provisions of Section 3 of Chapter 544 of the Special Laws of 1899, relating to the Bangor Street Railway.

An Act to extend the charter of the Ellsworth Street Railway Company.

An Act extending the charter and changing the name of the Van Buren Trust and Banking Company.

An Act to amend Section 129 of Chapter 47 of the Revised Statutes relating to officers and corporators of savings banks.

An Act to amend Chapter 215 of the Resolves of the State of Maine of 1897, relating to tuition of students in agriculture at University of Maine.

An Act in relation to the Hancock County Railway Company.

Resolve in favor of the town of Sanford.

An Act additional and amendatory of Chapter 326 of the Private and Special Laws of 1889, as amended by Chapter 479 of the Private and Special Laws of 1901, to enable the Maine Lake Ice Company to increase its capital stock.

#### Passed to be Enacted.

An Act to amend Chapter 507 of the Private and Special Laws of 1889 entitled "An Act to establish the Dover municipal court, as amended by Chapter 196 of the Private and Special Laws of 1899.

An Act to amend Chapter 52 of the Public Laws of 1895 relating to the salary of the register of probate for the county of Penobscot.

On motion of Mr. Cameron of Bangor the vote was reconsidered whereby this bill was passed to be engrossed. Mr. Cameron then offered amendment A, which was adopted, and the bill was then passed to be engrossed as amended.

An Act to amend Section 3 of Chapter 292 of the Public Laws of 1889 entitled "An Act to fix the salary of the judge and register of probate and the county commissioners of Waldo county."

An Act to authorize the county of Piscataquis to negotiate a loan for temporary purposes.

An Act amendatory of and additional to Chapter 142 of the Revised Statutes relating to the State reform school.

An Act to authorize the Bodwell Water Company to generate, use, transmit and sell electricity.

An Act to amend Chapter 1897, Section 3, of the Revised Statutes relating

to bastard children and their maintenance.

An Act to amend the charter of the city of Portland.

An Act to authorize the Orono Pulp and Paper Company to generate, use and sell electricity.

An Act to amend Chapter 486 of the Private and Special Laws of 1889 relating to the city of Westbrook.

An Act to amend Chapter 346 of the Private and Special Laws of 1897, entitled "An Act to amend the charter of the city of Westbrook."

An Act to amend Section 41 of Chapter 77 of the Revised Statutes relating to the Supreme Judicial court.

An Act to incorporate the Gardiner Water District. (Tabled on motion of Mr. Norton of Gardiner).

An Act to abolish Chapter 582 of the Public Laws of 1868 relating to taking fish in Frenchman's Bay except by the ordinary process of fishing with hook and line.

An Act to extend sundry existing statutes to street railroads.

An Act to amend Section 14 of Chapter 51 of the Revised Statutes relating to the width and location of railroads.

An Act to incorporate the Camden and Liberty Railway.

An Act to incorporate the Mapleton and Presque Isle Railroad Company.

An Act to incorporate the Forest Telegraph and Telephone Company.

An Act to authorize the Augusta, Winthrop and Gardiner Railway to supply electricity in the towns of Winthrop and Manchester.

An Act for the protection of railroad signals.

An Act to extend the charter of the South Portland Trust and Banking Company.

An Act to incorporate the Central Trust Company.

An Act to incorporate the Kineo Trust Company.

An Act to incorporate the Union Trust Company of Saco, Maine.

An Act for the better protection of shell-fish within the town of Georgetown.

An Act authorizing and empowering Samuel W. Hanscomb of Reed Plantation in the county of Aroostook to

erect and maintain piers and booms in the Mattawamkeag river.

An Act to incorporate the town of Castle Hill in the county of Aroostook.

#### Finally Passed.

Resolve in relation to extra pay of Maine volunteers in the war with Spain.

Resolve in favor of Mary C. Rankin.

Resolve in favor of the dairying interests of the State of Maine.

Resolve in favor of the Bath Military and Naval Orphan Asylum.

Resolve for the purpose of operating fish hatcheries and feeding stations for fish and for the protection of fish.

Resolve in favor of Allagash road.

Resolve in favor of the purchase of the Maine State year book and Legislative manual for the years 1903 and 1904. (Tabled on motion of Mr. Weeks of Fairfield).

Resolve in favor of the State Reform School.

#### Orders of the Day.

On motion of Mr. Buzzell of Old Town, the rules were suspended and that gentleman introduced two petitions and moved their reference to the Committee on Interior Waters; petition of mayor and aldermen of Old Town in favor of the Millinocket bill; of George A. Gray and 282 others for same.

The motion was agreed to.

On motion of Mr. Savage of Bingham,

Adjourned.