

# 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.**

Thursday, March 12, 1903.

Prayer by Rev. Mr. Webber of Hallowell.

Mr. Davis of Waterville, was here called to the chair and presided during the session.

Papers from the Senate were disposed of in concurrence.

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

**Judiciary.**

By Mr. Drew of Portland, bill, An Act to incorporate the Peak's Island Water and Light Company.

By Mr. Gannett of Augusta, bill An Act to incorporate the Augusta Water District.

**Legal Affairs.**

By Mr. Oakes of Auburn, bill An Act to amend Chapter 96 of the Public Laws of 1899, entitled "An Act to prevent incompetent persons from conducting the business of pharmacist.

By Mr. Thornton of Ashland, bill, An Act to incorporate the Munsungin Telephone Company.

By Mr. Littlefield of Rockland, bill, An Act to amend Chapter 44 of the Public Laws of 1899 relating to acceptance of bequest by cities and towns.

**Interior Waters.**

By Mr. Cook of Casco, bill, An Act to permit the Long Lake Railroad Company to construct a wharf in Long Lake in the town of Naples.

Also, bill An Act to authorize the town of Naples to maintain and operate a draw-bridge at the foot of Long Lake in the town of Naples.

**Pensions.**

By Mr. Thompson of Orono, bill An Act to amend Section 2 of Chapter 144 of the Revised Statutes.

**Railroads, Telegraphs and Expresses.**

By Mr. McFaul of Machias, bill An Act to incorporate the Lumberman's Electric Railway Company.

**Orders.**

On motion of Mr. Drew of Portland, Ordered, That Joseph F. Hall, member from Fort Fairfield, be excused af-

ter March 18, from further attendance at this session, and that the clerk be instructed to make up his pay and travel for this session.

**Reports of Committees.**

Mr. Allen from the committee on judiciary, on bill, An Act relating to the election of assessors of taxes in the city of Saco, reported ought not to pass.

Mr. Weeks from the same committee, on bill, An Act to incorporate the F. R. Wilson Taxidermy and Fur Company of Houlton, reported ought not to pass.

Mr. Littlefield from the same committee, which was instructed by an order of the Legislature to inquire into the expediency of complying with the request of the Jackson Club of Rockland, as to the change of time when the municipal year shall begin in the city of Rockland, and other necessary changes, and report by bill or otherwise, reported legislation thereon inexpedient.

Mr. Newcomb from the committee on legal affairs on bill, An Act to allow the inhabitants of Moose River, Somerset county, to assess and collect taxes to build and keep in repair the roads and bridges in said plantation, reported ought not to pass.

Mr. Oakes from the same committee on 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 ocean or any inlet thereof below the mouth of any tributary river of said inlet in the jurisdiction of the State, reported ought not to pass.

Mr. Maybury from the same committee, on bill, An Act relating to hawkers and peddlers, reported ought not to pass.

Mr. McFaul from the same committee, on 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, reported ought not to pass.

Mr. Mabury from the same committee on banks and banking, on bill,

An Act to amend the charter of the Maine Trust and Banking Company, reported ought not to pass.

Same gentleman from same committee, on bill, An Act to amend the charter of the Livermore Falls Trust and Banking Company, reported ought not to pass.

Mr. Buxton from the committee on mercantile affairs and insurance, on bill, An Act relating to casualty insurance, reported ought not to pass.

Same gentleman from same committee, on bill, An Act relating to the duties and powers of fire insurance brokers or agents of any mutual or stock fire company, reported ought not to pass.

Mr. Shackford from the committee on shore fisheries, on petition of Earl L. Bridges of Pembroke, and 67 others, relating to seining in East Bay, Penamaquam and Cobscook Bays, reported leave to withdraw.

Mr. Stearns from the committee on claims, on resolve in favor of Frank Kilborn, F. Kilborn & Company and Ella Simpson, reported that same be referred to the committee on military affairs.

Same gentleman from same committee, on resolve in favor of George D. Gaddis of East Machias, reported that same be referred to the committee on military affairs.

Same gentleman from same committee, on resolve in favor of A. J. Cameron, reported ought not to pass.

Mr. McKusick from the same committee, on resolve in favor of the town of Parkman, reported ought not to pass.

On motion of Mr. McKusick, this resolve was laid on the table, pending the acceptance of the report of the committee.

Mr. Pike from the committee on State prison, on order of the Legislature on that portion of the Governor's message of 1901, relating to a reformatory prison for women, reported legislation thereon inexpedient.

Mr. Eaton from the Washington County Delegation, on bill, An Act to protect fish and game in township No. 18, middle division, Washington county, with petition of J. A. Coffin and 39

others for same, reported that same ought not to pass.

Mr. Potter from the committee on judiciary, reported in a new draft and ought to pass bill, An Act to supply the town of Lisbon with pure water.

Mr. Libby from the same committee, reported in a new draft and ought to pass bill, An Act relating to the powers of the Portland & Rumford Falls Railway.

Mr. Smith from the same committee, on bill, An Act relating to claims against the estates of deceased persons, reported ought to pass.

Mr. Campbell from the committee on legal affairs, on petition of inhabitants of Anson, for right to purchase the Norridgewock Falls toll bridge, reported bill, An Act authorizing the town of Anson with the town of Madison in the county of Somerset, the Norridgewock toll bridge.

Same gentleman from same committee, on petition, reported bill, An Act authorizing the sale of the Norridgewock Falls bridge, and that it ought to pass.

Same gentleman from same committee, on petition, reported bill, An Act authorizing the town of Madison to purchase the Norridgewock Falls bridge.

Same gentleman from the same committee on bill, An Act to incorporate the Mount Abram Cemetery Company, reported ought to pass.

Mr. Barker from the same committee, on bill, An Act additional to Chapter 73 of the Revised Statutes, relating to the title to property, reported ought to pass.

Mr. Manson from the same committee, on bill, An Act to extend the time for the acceptance of the charter of the city of Dexter, reported ought to pass.

Mr. Oakes from the same committee, on bill, An Act to incorporate the Hillside Water Company of Frankfort, reported ought to pass.

Mr. Kelley from the same committee, on bill, An Act to incorporate the Buckfield Water Power and Electric Light Company, reported ought to pass.

Same gentleman from same committee, on bill, An Act amending Section 1

of Chapter 284 of the Public Laws of 1893, in relation to ways, reported ought to pass.

Mr. Manson from the same committee, on bill, An Act to amend the law relating to electric posts and wires, reported ought to pass.

Mr. Oakes, from the same committee, reported in a new draft and ought to pass bill, An Act to authorize the Lewiston Trust and Safe Deposit Company to establish a branch at Freeport.

Mr. Manson, from the same committee, reported in a new draft and ought to pass bill, An Act to extend the charter of the Sebasticook Manufacturing Company.

Same gentleman, from same committee, reported in a new draft and ought to pass bill, An Act to incorporate the Sullivan Harbor Water Company.

Mr. Maybury, from the committee on banks and banking, on bill, An Act to incorporate the Somerset Trust Company, reported ought to pass.

Same gentleman, from same committee, reported in a new draft and ought to pass bill, An Act to extend the charter of the Waldo Trust Company.

Same gentleman, from same committee, on bill, An Act to authorize the Augusta Trust Company to increase its capital stock, reported ought to pass.

Same gentleman, from same committee, on bill, An Act to incorporate the Wilson Trust Company, reported ought to pass.

Same gentleman, from same committee, on bill, An Act to incorporate the Lubec Trust and Banking Company, reported ought to pass.

Same gentleman, from same committee, reported in a new draft and ought to pass bill, An Act to extend and amend the charter of the Bangor Loan and Trust Company.

Mr. Sturgis, from the committee on towns, to which was re-committed bill, An Act to amend Chapter 149 of the Private and Special Laws of 1895, entitled "An Act to divide the town of Sullivan and incorporate the town of Sorrento," reported ought to pass.

Mr. Stearns, from the committee on claims, reported in a new draft and ought to pass, Resolve in favor of the city of Eastport. (Referred to the committee on appropriations and financial affairs).

Mr. Cordwell, from the committee on inland fisheries and game, on petition reported bill, An Act regulating fishing in the streams in Salem and Strong in Franklin county.

Same gentleman, from same committee, on petition and remonstrance, reported bill, An Act to permit ice fishing in Peace pond on Saturdays of each week during certain months.

Mr. Greenleaf, from the committee on sea and shore fisheries, on petition, reported bill, An Act to prevent the destruction of smelts in the waters of the towns of Lubec and Trescott in the county of Washington.

Mr. Sturgis, from the committee on towns, reported bill, An Enabling Act for the annexation of South Portland to Portland, and that it ought to pass.

Mr. Burrill, from the Hancock county delegation, on bill, An Act in relation to the Ellsworth municipal court, reported ought to pass.

Mr. Pettengill, from the committee on appropriations and financial affairs, on resolve in favor of the Central Maine General Hospital, reported ought to pass.

Mr. Page, from the same committee, on resolve in favor of the Bangor Children's Home, reported ought to pass.

Same gentleman, from the same committee, on resolve in favor of the Maine Home for Friendless Boys, reported ought to pass.

Mr. Bodwell, from the same committee, on resolve in favor of Knox County General Hospital, reported ought to pass.

Same gentleman, from same committee, on resolve in favor of the Maine Industrial School for Girls, reported ought to pass.

Mr. Eaton, from the same committee, reported in a new draft and ought to pass, resolve in favor of the Passamaquoddy tribe of Indians for the completion of a new church at Pleasant Point in the town of Perry.

Same gentleman, from same committee, on resolve in favor of rebuilding the house of the Sisters of Mercy at Peter Dana's Point, within the jurisdiction of the Passamaquoddy tribe of Indians, reported ought to pass.

Same gentleman, from same committee, on resolve in favor of the Eastern

Maine General Hospital, reported ought to pass.

Mr. Dudley, from the same committee, on resolve in favor of the hospital of the Society of the Sisters of Charity of Lewiston, reported ought to pass.

Same gentleman, from same committee, on resolve in favor of the Augusta City Hospital, reported ought to pass.

Same gentleman, from same committee, on resolve for an appropriation for the use of the commissioner of sea and shore fisheries, reported ought to pass.

Same gentleman, from same committee, on resolve in favor of the Farmington Normal School, reported ought to pass.

Mr. Sewall, from the same committee, on resolve in favor of the Bar Harbor Medical and Surgical Hospital, reported ought to pass.

Same gentleman from same committee, on resolve in favor of Island Falls, reported ought to pass.

Same gentleman from same committee, on resolve in favor of the St. Elizabeth's Roman Catholic Orphan Asylum of Portland, reported ought to pass.

Mr. Swett from the same committee, on resolve in favor of the Maine Eye and Ear Infirmary, reported ought to pass.

Same gentleman from same committee, on resolve in favor of the Maine General hospital, reported ought to pass.

Mr. Gannett from the committee on inland fisheries and game, reported in a new draft and ought to pass, bill, An Act to amend Chapter 329 of the Private and Special Laws of 1901, relating to ice fishing in certain lakes and ponds in Kennebec county.

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

Mr. Stearns from the committee on claims, on resolve in favor of Lyman E. Smith of Brunswick, reported ought to pass. (Referred to the committee on appropriations and financial affairs.)

Same gentleman from same committee, on resolve in favor of town of Newport, reported ought to pass. (Referred to the committee on appropriations and financial affairs.)

Mr. Swett from the committee on federal relations, on resolve for purchase of photographic views of Maine to be presented to the battleship Maine, reported ought to pass. (Referred to the committee on appropriations and financial affairs.)

Mr. Gannett from the committee on public buildings, on resolve providing for completing the fire-proofing and necessary repairs in the south wing of the State Capitol, reported ought to pass. (Referred to the committee on appropriations and financial affairs.)

### First Reading of Printed Bills and Resolves.

An Act to incorporate the Messalonskee Electric Company.

Mr. LITTLEFIELD of Rockland: Mr. Speaker, pending the first reading of the bill I move that it lie on the table and be specially assigned for Tuesday of next week.

Mr. WEEKS of Fairfield: Mr. Speaker, I thought I had the assurance of the gentleman from Rockland that this matter was not to be contested in the House but was to go along in regular order. If it does not, I would like to have the matter taken up, tomorrow morning, and disposed of. I know of no reason why there should be any delay in the House in this matter except a reason which may be entirely outside of the House. I think the matter ought to go right along and that we ought not to encumber our pages with unnecessary business; and I would ask the gentleman from Rockland if we cannot take this matter up, tomorrow morning, and dispose of it?

Mr. LITTLEFIELD: Mr. Speaker, I would say that I intended to get a chance to speak to the gentleman from Fairfield in relation to the matter; but I should prefer to have it assigned for Tuesday. I don't think there will be any contest in the House in relation to it; but at the request of parties interested I should prefer not to change the date of assignment at this time.

Mr. WEEKS: Mr. Speaker, I don't know that there is to be any contest in this matter, but it would seem that a request has been made to the gentleman from Rockland by parties in interest, that this matter should go over until Tuesday. I feel that it ought to go right along. We are drawing near the close of the session, and it is imperative, in order to close up our business in two weeks, that we take these matters up and push them along; and if the gentleman from Rockland insists upon his motion, I shall ask that the motion be amended so we may take it up tomorrow morning. I think that is sufficient delay. This matter was thoroughly discussed before the committee and I think the different members of the committee well understand it, and if it is to be discussed on the floor of this House it will be discussed by members of the committee, probably, who have had this matter before them for weeks, and I can see no reason in a delay of three or four days, throwing this matter over into next week which will probably be the next to the last week of the session. I move that the motion be amended by making it "tomorrow morning."

Mr. LITTLEFIELD: I will say to the gentleman from Fairfield that I will make the motion to assign it for tomorrow morning, reserving the right, if further delay should be necessary, to make a further motion for more delay tomorrow morning.

Mr. WEEKS: I don't think we can curtail the rights of the gentleman from

Rockland in any way, and I don't think we would desire to. I would like to have a fair understanding that this matter is to be taken up tomorrow morning.

Mr. LITTLEFIELD: I simply made that suggestion so that the gentleman from Fairfield could not say tomorrow morning that I had agreed that the matter should be considered tomorrow morning whether or no. I make the motion that the matter lie on the table pending its first reading, and be now assigned for tomorrow morning.

The motion was agreed to.

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An Act to authorize Frederick J. Merrill of Damariscotta, to construct a tide-wheel in tide waters of the Damariscotta river.

An Act to regulate the taking of ball in criminal prosecutions.

An Act to amend Section 35 of Chapter 99 of the Revised Statutes relating to powers and duties of bail commissioners.

#### Passed to be Engrossed.

Resolve in favor of the Maine School for the Deaf.

An Act to provide for the protection of trees and shrubs from injurious insects and diseases.

An Act to incorporate the City Trust Company of Bangor, Maine.

An Act to amend Section 2 of Chapter 56 of the Private and Special Laws of 1895 relative to the water supply of Boothbay Harbor.

An Act to correct an error and repeal an act approved, February 11, 1903, relating to migratory fish.

An Act to authorize the navigation by steam of Eagle lake and the connecting lakes in the county of Aroostook.

On motion of Mr. Thornton of Ashland, this bill, pending its third reading, was laid on the table.

An Act to construe and continue in force Chapter 106 of the Private and Special Laws of 1891 relating to the election of a school committee and superintendent of schools in the town of Skowhegan.

Resolve in favor of the committee on revision of the statutes.

On motion of Mr. Manson of Pittsfield, the rules were suspended and that gentleman introduced bill, An Act to amend Section 8 of Chapter 73 of the Revised Statutes. (Referred to the committee on legal affairs.)

#### Passed to Be Enacted.

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

An Act to amend Section 11 of Chapter 68 of the Revised Statutes, relating to trust estates.

An Act to amend Chapter 43 of the Public Laws of 1891, relating to the practice of dentistry.

An Act to amend Section 15 of Chapter 51 of the Revised Statutes, relating to recording locations of railroads.

#### Orders of the Day.

On motion of Mr. Peaslee of Upton, the rules were suspended and that gentleman introduced resolve authorizing the land agent to sell certain public lots in Dallas Plantation in Franklin county. (Referred to the committee on State lands and State roads.)

On motion of Mr. Libby of Mechanic Falls, the rules were suspended, and that gentleman introduced the following order:

Ordered, That an invitation by and hereby is extended to E. C. Swett of Portland, a member of this House, to deliver his illustrated lecture entitled "Picturesque Maine" before the Legislature, and that the use of this hall be tendered for that purpose on Thursday evening, March 19, 1903.

The order was given a passage.

On motion of Mr. Oakes of Auburn, bill, An Act to protect the waters of Lake Auburn, was taken from the table.

Mr. Oakes offered amendment A, to strike out from the ninth and 10th lines the words "nor make use of said lake or any part thereof for a winter highway."

The amendment was adopted. The bill was then read a second time and assigned for tomorrow morning.

On motion of Mr. Dudley of Augusta, bill, An Act to extend the charter of the Bluehill Trust and Banking Company was taken from the table, and on further motion by the same gentleman the bill was re-committed to the committee on banks and banking.

On motion of Mr. Josselyn of Portland, bill, An Act to regulate the sale and analysis of concentrated commercial feeding stuffs, was taken from the table.

Mr. Josselyn further moved that the bill be re-committed to the committee on agriculture with instructions to return to this House in new draft, providing for the appropriation for the operating expenses of the bill of \$1000 for the year 1903 and \$1000 for the year 1904, instead of the proposed annual tax of \$60 per annum; also to eliminate from the bill any and all parts of same inconsistent with these instructions.

The motion was agreed to and the bill was re-committed with instructions.

#### Today Assigned.

Bill, to establish a municipal court in city of Eastport.

Mr. Pike of Lubec, offered amendment A, to amend Section 3, 18th line, by striking out the word "Trescott" after the word "of" and before the word "Cutler," and in Section 4 by striking out in the seventh line the word "Trescott" after the word "Cutler" and before the word "Whiting."

The amendment was adopted.

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

On motion of Mr. Littlefield of Rockland, the rules were suspended and that gentleman introduced bill, An Act to amend the charter of the city of Rockland. (Referred to the committee on judiciary.)

On motion of Mr. Benner of Waldoboro, Adjourned.