

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

Mr. GARDNER: Was the subject-matter of this amendment incorporated in the bill at that time?

Mr. CLARK: It was not incorporated but it was talked over and the suggestion of an amendment was not considered advisable by the committee.

Mr. GARDNER: The Committee did not consider the subject of the amendment at the committee meeting, did it?

Mr. CLARK: We certainly did consider it fully. Aside from the bill the amendment was talked of, and it was suggested that this amendment be made; and it was fully understood by the committee and was not thought advisable.

The question being put upon the motion to recommit the bill and amendment to the committee, the chair declared itself in doubt, and a rising vote was taken, six voting in favor of the motion, and twelve voting against the same. So the motion was lost.

The question being put upon the adoption of the amendment offered by the senator from Lincoln, the chair declared itself in doubt, and a rising vote was taken, seven voting in favor of its adoption and seventeen voting against the same. So the motion was lost.

The bill thereupon took its first reading, and was assigned.

On motion by Mr. Bailey of Somerset, the Senate adjourned to meet on Friday, Feb. 17, 1905, at 10 o'clock in the forenoon.

HOUSE.

Thursday, February 16, 1905.

Prayer by Rev. Fr. Hamel of Augusta.

Journal of yesterday read and approved.

Mr. REED of Portland: Mr. Speaker, I arise to a question of personal privilege. On Tuesday last, at a hearing before your committee on legal affairs, a witness was examined by me and by others on that committee in reference to what he knew in regard to the matter being then and there considered. The Portland Evening Express in its issue of February 15th has seen fit to comment on my behavior on that occasion in the following words:

"Portland Republicans who, with considerable enthusiasm and much unanimity, chose Joseph B. Reed to be one of their representatives to the Legislature are amazed to find that gentleman acting in his official capacity as a member of the committee before whom a hearing is in progress, and as the special representative and counsel for the Democratic sheriff of Cumberland county, at that hearing."

This, Mr. Speaker and Gentleman of the House, is practically a direct reflection upon me, and in effect a direct accusation that I have violated the rules of this House and that I have been guilty of conduct thoroughly reprehensible. This would be so if it were true. I brand the statement of the Express as an absolute falsehood. It is true in no way. I am not the attorney of the Democratic sheriff of Cumberland county, and never was. At that hearing I neither represented him nor anybody for him nor at the request of anybody for him for any purpose whatever. But I did, at that hearing, cross-examine one of the witnesses who appeared, for the purpose of bringing out, as I had a right to do, matters that I believed pertained to the question then at issue, for the enlightenment of the members of the committee.

If this charge were against me alone it would be unseemly and unbecoming in me to reply here to a newspaper; I never can get another chance; they

have all the chance left in the world—it would be foolish, I recognize that. But the matter to which this insinuation alludes now lies upon the table of your committee on legal affairs pending the report to this House; and I claim that this charge against me, one of the members of your legal affairs committee, is a direct attempt on the part of a newspaper in this State to intimidate a representative of the people in the discharge of his official duty. It is on that ground that I arise here and claim your indulgence and your privilege. I brand this statement as false, and I demand here before you, the representatives of the people, that the Portland Evening Express, retract this false and scandalous statement, and that they do it in as public a manner as that in which they have already stated it.

Just a word more, gentlemen. In the future, as I have endeavored to do in the past, while I remain a member of this House, without fee and without favor, unintimidated, and in the fear of God and in the fear of God only, I will ask of any witness who appears before any committee upon which I serve, any question that I honestly believe is pertinent to the occasion and that is for the purpose of honestly bringing before the committee on which I serve information in regard to the matter which they are to determine.

Gentlemen of this House, I believe that you are in accord with me in this matter, and I believe that you will support me unanimously in the position with which I assume. (Applause.)

Mr. OAKES of Auburn: Mr. Speaker and Gentlemen of the House, it seems fitting that as a member of the legal affairs committee and as the chairman of the committee on the part of the House, that I should say a word in this connection. I believe that I should voice the sentiment of every member of our committee, and I think of every member of this House, in saying that we believe that no constituency is represented by any more faithful or conscientious member in this body than is the constituency of the city of Portland as represented by the gentleman who has just spoken. I believe that it is of the utmost im-

portance, especially I will say with reference to the matter under discussion, relating as it does to one of the phases of the great question of enforcement which is before this Legislature, and which we are all anxious should be decided in a way which will be for the best interests of our State—I believe it is of great importance that both sides of every question before our committee, or any other committee, should be fully considered. I believe that the action of the gentleman from Portland before our committee was in accord with the highest interests of the committee and this House and of the city of Portland and of the State of Maine; and I think I voice the sentiment of our committee although I speak without consultation with them. I think that this should be corrected. I think that no such statement as this, attacking the position, attacking the honesty of the member from Portland, should be allowed to pass unquestioned; and I present at this time a resolution and ask that it be passed by this House:

Resolved, That it is the sense of this House that the charge against Representative Reed in the editorial columns of the Portland Evening Express of February 15, is entirely unjust and should be retracted.

Mr. Speaker, I move the adoption of the resolution.

Mr. HOLMES of Caribou: Mr. Speaker, as a member of the legal affairs committee I wish to heartily endorse everything that the gentleman from Auburn (Mr. Oakes) has said, and to second the motion; and I move you further that this resolve be passed by rising vote.

The question being on the adoption of the resolution, a rising vote was taken.

The SPEAKER: The resolution is unanimously adopted. (Applause.)

Papers from the Senate disposed of in concurrence.

Senate bill in relation to a close time on caribou was tabled for printing pending reference in concurrence on motion of Mr. Byron of Phillips.

Resolve in favor of the Maine General Hospital, came from the Senate, was

read once and assigned for tomorrow for its second reading.

The report of the committee on the judiciary, reporting ought not to pass on bill, an act to extend the charter of the Caratunk Power Company, comes from the Senate re-committed to the committee in non-concurrence. The House reconsidered the vote whereby the report was accepted, and re-committed the bill and report to the committee in concurrence with the Senate.

Bill, an act to divide the town of Tremont and incorporate the town of South West Harbor, having been passed to be engrossed in the House, comes from the Senate with Senate amendments A and B. The House reconsidered the vote whereby the bill was passed to be engrossed, Senate amendments A and B were adopted, and the bill was then passed to be engrossed as amended.

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

Judiciary.

By Mr. Higgins of Limerick: Bill, an act to amend section 26 of chapter 3 of the Revised Statutes in relation to printing of the different departments.

By Mr. Scribner of Springfield: Petition of J. A. Mix and 27 others asking that chapter 415 of the private and special laws of 1868 relating to ways and bridges in Drew plantation be amended, and that bill already pending have a passage.

By Mr. Higgins of Limerick: Bill, an act to amend section 3 of chapter 92 of the Revised Statutes relating to mortgages of real estate.

By Mr. Littlefield of Rockland: Bill, an act to incorporate the Union Cemetery Improvement Company; also bill, an act to amend section 4 of chapter 128 of the Revised Statutes relating to injury to property used for public water supply; also, bill, an act to amend section 1 of chapter 129 of the Revised Statutes relative to corrupting water used for domestic and other purposes.

By Mr. Whitmore of Brunswick: Bill, an act establishing homes for dipsomaniacs and inebriates.

The SPEAKER: The chair will rule that bill, an act to incorporate the Union Cemetery Improvement Company, cannot be received under our joint order unless the rules are suspended.

Legal Affairs.

By Mr. Hutchins of Penobscot: Bill, an act entitled "An act to limit the tenure of office."

By Mr. Talpey of York: Petition of F. H. Ellis and 25 others in favor of legislation regulating use of boats propelled by explosive engines.

By Mr. Hagerthy of Ellsworth: Bill, an act to amend section 60 of chapter 29 of the Revised Statutes in relation to intoxicating liquors.

Agriculture.

By Mr. Cousins of Limington: Bill, an act to regulate the sale and analysis of food; also bill, an act to further regulate the analysis of food and agricultural seeds.

Railroads and Expresses.

By Mr. Longfellow of Addison: Petition of John R. McDonald and 42 others in favor of two-cent mileage on Washington county railroad; also petition of George M. Dorr and 36 others of Columbia Falls for same.

Inland Fisheries and Game.

By Mr. Longfellow of Addison: Petition of V. C. Plummer and 40 others of Addison asking for a law to prevent the throwing of sawdust and other refuse into Pleasant river.

Temperance.

By Mr. Milliken of Island Falls: Bill, an act to provide for the proper labeling of proprietary medicines containing alcohol and narcotic drugs. (Tabled for printing pending reference on motion of Mr. Milliken.)

Reports of Committees.

Mr. Johnson from the committee on appropriations and financial affairs, on resolve in favor of the Maine Industrial school and shop for the blind, reported that the same be referred to the next Legislature.

On motion of Mr. Knapp of South Portland, pending the acceptance of the report, the bill and report were tabled,

and Tuesday of next week assigned for their consideration.

Mr. Holmes from the committee on legal affairs reported in a new draft bill, an act to extend the time in which the Van Buren Sewerage Co. is authorized to commence business, and that it ought to pass.

Mr. Weatherbee from same committee reported ought to pass on bill, an act to extend the charter of the Matinacook Manufacturing Co.

Mr. Morey from the committee on appropriations and financial affairs reported in a new draft resolve in favor of the Maine Children's Home Society, and that it ought to pass.

Mr. Buzzell from the committee on railroads and expresses reported ought to pass on bill, an act to authorize the European and North American Railroad and the Maine Central Railroad Co., its lessee, to change the location of its railroad bridge across the Kenduskeag stream in Bangor.

Mr. Stevens from same committee reported ought to pass on bill, an act to extend the charter of the Eastport Street Railway Co.

Mr. Knapp from the committee on banks and banking reported ought to pass on bill, an act to extend the charter of the Cumberland Trust Co.

Mr. Knapp from the same committee reported ought to pass on bill, an act to extend the charter of the Merchants' Trust Co. and to change the name of some of the corporators.

Mr. Knapp from same committee reported ought to pass on bill, an act to continue in force the charter of the Van Buren Trust Co.

Mr. Knapp from same committee reported ought to pass on bill, an act to extend the charter of the Wilton Trust Co.

Mr. Laliberte from the committee on State lands and State roads reported ought to pass on resolve authorizing the land agent to sell certain public lots in Wallagrass and Eagle Lake plantation in Aroostook county.

Mr. Irving from the Aroostook county delegation reported in a new draft bill, an act to authorize the county commissioners of Aroostook county to create a sinking fund for the purpose

of paying the bonded indebtedness of said county, and that it ought to pass.

Mr. Kimball from the committee on railroads and expresses reported in a new draft bill, an act to provide for the better protection of motormen and conductors on electric cars, and that it ought to pass.

Mr. Treworgy from the committee on shore fisheries reported ought to pass on bill, an act to amend Section 4 of Chapter 41 of the Revised Statutes relating to a close time for smelts.

Mr. Leonard from the committee on State lands and State roads reported ought to pass on bill, an act in relation to land reserved for public uses in the plantation of Kingsbury.

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

On motion of Mr. Higgins of Limerick the vote was reconsidered whereby the House accepted the report of the committee on railroads and expresses reporting ought to pass on bill for the better protection of motormen and conductors on electric cars, and on further motion by the same gentleman the bill and report were tabled for printing pending acceptance of the report.

Passed to be Engrossed.

An Act to extend the charter of the Phillips Trust Co.

An Act to amend Section 11 of Chapter 32 of the Revised Statutes relating to the close time on beaver.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes relating to the taking of smelts.

Resolve in favor of the Eastern Maine General Hospital, Bangor.

Resolve in favor of the Bangor Children's Home.

Resolve in favor of A. H. Small of Portland, Maine.

Resolve in favor of Fred W. Lee, Augusta, Maine.

Passed to Be Enacted.

An Act to incorporate the Clinton Trust Company.

An Act to incorporate the Bethel Trust Company.

An Act to incorporate the Gardiner Trust Company.

An Act to extend the charter of the Rangeley Water Company.

An Act to amend and extend the charter of the Kineo Trust Company.

An Act to extend the charter of the Maine Water and Electric Power Company.

An Act to authorize the construction of a highway and bridge across York river.

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

An Act to amend and extend the charter of the Millinocket Trust Company.

An Act to change the name of Cabbage Island to Independence Island.

An Act authorizing the construction of a wharf into the tide waters of Casco bay in the town of Falmouth, Maine.

An Act to authorize F. C. Robinson and sons to build and maintain piers, booms and buoys in Portage lake in the county of Aroostook.

An Act to amend Chapter 326 of the Private and Special Laws of 1864 entitled "An Act to incorporate the Passadumkeag Boom Company."

An Act to amend Section 79 of Chapter 48 of the Revised Statutes, relating to the authority of the bank examiner over trust and banking companies.

An Act to amend Chapter 173 of the Laws of 1883 entitled "An Act to amend the charter of the city of Auburn."

An Act to extend the provisions of Chapter 241 of the Private and Special Laws of 1903 entitled "An Act to supply the town of Lisbon with pure water."

An Act to amend Section 4 of Chapter 118 of the Revised Statutes relating to the punishment of persons who enter upon lands claiming authority from a foreign government or magistrate.

An Act to amend Chapter 11 of the Private and Special Laws of 1903 relating to the Dover and Foxcroft Water District for the purpose of correcting errors therein, making the sections of said chapter read consecutively, and to ratify the acts heretofore done by said district under said Chapter 11.

Finally Passed.

Resolve in favor of the Maine Eye and Ear Infirmary.

Resolve in favor of Frank P. Pennell.

Resolve in favor of the Central Maine General Hospital.

Resolve in favor of the Central Maine Fair Association.

Resolve in favor of the King's Daughters Home, Bangor, Me.

Resolve in favor of Benjamin Smith of Appleton, Knox county.

Resolve in favor of the Bar Harbor Hospital, located at Bar Harbor, Me.

Resolve in aid of the Temporary Home for Women and Children at Portland.

Resolve in favor of John Chadwick & Company to aid navigation on Mooselookmeguntic lake.

Resolve in favor of the Society of the Listers of Charity for the use of the Healey Asylum, Lewiston, Me.

Resolve in favor of the Hospital of the Society of the Sisters of Charity of Lewiston, Me.

Resolve to complete the improvements of Songo river and to establish and maintain buoys in Long and Sebago lakes in Cumberland county.

The following bills came from the Senate for concurrent action:

An Act to extend the charter of the Hancock County Railroad Company.

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

An Act to permit the Bar Harbor and Union River Power Company to increase its issue of bonds.

An Act to extend the charter of the Union River Water Storage Company.

The Speaker announced that under the joint order these bills could not be considered by the House except by a suspension of the rules.

On motion of Mr. Powers of Houlton, the bills were tabled.

Orders of the Day.

The following were received under a suspension of the rules:

By Mr. Foss of Scarborough: Remonstrance of John M. Kaler and 20 others of Scarborough, against Prout's Neck Village Corporation; of Benjamin Larabee and 14 others of Scarborough against same. (Referred to the committee on the judiciary.)

By Mr. Littlefield of Rockland: Bill, An Act to incorporate the Union Cemetery Improvement Company. (Referred to the committee on the judiciary.)

By Mr. Morrison of Eden: Petition

of B. C. Reynolds and 72 others for 2-cent mileage on Washington County Railroad. (Referred to the committee on railroad and expresses.)

Also petition of W. E. Brann and 15 others of Eden in favor of the initiative and referendum; of E. S. Paine and 8 others of Eden for same. (Referred to the committee on the judiciary.)

By Mr. Verrill of West Brooks: Petition of Ellen L. Mayo of Westbrook, with accompanying act, for the right to sell land for burial purposes in said city; petition of Thurston S. Burns and 44 others of Westbrook for the passage of An Act allowing Ellen L. Mayo to sell land for burial purposes in said city. (Referred to the committee on legal affairs.)

By Mr. Milliken of Island Falls: Bill, An Act to prevent the throwing of waste and other matter into the Mattawamkeag river; petition of R. S. Crabtree and 41 others of Island Falls for same. (Referred to the committee on inland fisheries and game.)

By Mr. Tupper of Bangor: Petition of William Chadwick and 69 others of Bangor, in favor of the initiative and referendum. (Referred to the committee on the judiciary.)

By Mr. Turner of Whitefield: Petition of A. R. G. Smith and 39 others in favor of Wiscasset bridge. (Referred to the committee on ways and bridges.)

By Mr. Morey of Lewiston: Endorsement of the Central Labor Union of Lewiston in favor of the initiative and referendum; endorsement of the Boot and Shoe Workers' Union of Auburn, for same; petition of Elmer E. Jennings and 137 others of Lewiston and Auburn, for same; petition of W. E. Peltier and 11 others of Lewiston for same. (Referred to the committee on the judiciary.)

By Mr. Longfellow of Addison: Petition of H. M. Hooker and 85 others of Washington county in favor of 2-cent mileage on Washington County Railroad. (Referred to the committee on railroads and expresses.)

By Mr. Hutchins of Penobscot: Petition of Charles F. Silsby and 27 others for an appropriation for bridges. (Referred to the committee on ways and bridges.)

Also petition of Frank A. Miller and

40 others of Penobscot for an amendment to the constitution in reference to taxes on unincorporated townships. (Referred to the committee on legal affairs.)

By Mr. Morton of Jackson: Petition of A. R. Riley and 82 others in favor of closing Marsh river in Waldo county and its tributaries for two years from May 1, 1905. (Referred to the committee on inland fisheries and game.)

On motion of Mr. Higgins of Limerick, House document 28, resolve in favor of the University of Maine, was assigned for consideration for Thursday of next week.

Mr. Higgins moved a suspension of the rules to introduce two orders out of order. The motion prevailed.

Ordered, That the president of the board of trustees of the University of Maine be requested to present to this House a detailed statement of all salaries paid professors, instructors and employes, and the departments with which they are connected, together with the number of students from each state on the 4th day of January, last past.

Ordered, That the treasurer of State be requested to furnish this House with the amount appropriated by the State of Maine in aid of the State College of Agriculture and its successor the University of Maine, from its foundation to the present year with the restrictions and limitations if any annexed thereto, also the amounts appropriated under the control of the university or any officers connected therewith in House bill 34 of the present year.

The orders received a passage.

On motion of Mr. Merrill of Skowhegan, resolve in favor of Knox County General hospital was taken from the table.

Mr. Kimball moved the adoption of House amendment A, by striking out in lines 2, 4 and 5 the words "one thousand five hundred dollars," and inserting the words "two thousand dollars," and by adding to said resolve the words, "also the sum of one thousand dollars for the purpose of maintenance

and repairs, or addition to its buildings and grounds.”

The amendment was adopted and the resolve was then read a second time and passed to be engrossed as amended.

On motion of Mr. Libby of South Berwick,

Adjourned.