

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

**Seventy-Second Legislature**

OF THE

STATE OF MAINE.

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1905.

# Legislative Record

## SEVENTY-SECOND LEGISLATURE.

### SENATE.

Augusta, Wednesday, Jan. 4, 1905.

Pursuant to the provisions of the constitution and the laws of the State of Maine, the Senators-elect to the 72d Legislature convened in the Senate Chamber and were called to order by Kendall M. Dunbar, Secretary of the Senate of 1903.

Prayer was offered by Rev. Mr. Mosher of Augusta.

The following communication was read by the Secretary:

"State of Maine,  
Office of the Secretary of State.  
To the Secretary of the Senate:

In compliance with Section 26, Chapter 2 of the Revised Statutes, I hereby certify that the following are the names and residences of the Senators-elect to the 72d Legislature, as appears by the reports of the Governor and Council, under dates of November 1 and December 30, 1904.

#### FIRST SENATORIAL DISTRICT.

John B. E. Tartre, Biddeford.  
Fred J. Allen, Sanford.  
Joseph W. Simpson, York.

#### SECOND SENATORIAL DISTRICT.

Barrett Potter, Brunswick.  
Charles H. Randall, Portland.  
Oakley C. Curtis, Portland.  
H. Herbert Sturgis, Standish.

#### THIRD SENATORIAL DISTRICT.

Jonathan Bartlett, Stoneham.

#### FOURTH SENATORIAL DISTRICT.

Everett L. Philoon, Auburn.  
Walter E. Plummer, Lisbon.

#### FIFTH SENATORIAL DISTRICT.

Harry A. Furbish, Rangeley.

#### SIXTH SENATORIAL DISTRICT.

Albert H. Shaw, Bath.

#### SEVENTH SENATORIAL DISTRICT.

George W. Heselton, Gardiner.  
F. I. Brown, Readfield.  
William M. Ayer, Oakland.

#### EIGHTH SENATORIAL DISTRICT.

William G. Bailey, Harmony.  
Forrest Goodwin, Skowhegan.

#### NINTH SENATORIAL DISTRICT.

William S. Owen, Milo.

#### TENTH SENATORIAL DISTRICT.

Isaiah K. Stetson, Bangor.  
Amos W. Knowlton, Newburgh.  
Halbert P. Gardner, Patten.

#### ELEVENTH SENATORIAL DISTRICT.

Cyrus R. Tupper, Boothbay Harbor.

#### TWELFTH SENATORIAL DISTRICT.

L. M. Staples, Washington.

#### THIRTEENTH SENATORIAL DISTRICT.

Lucius C. Morse, Liberty.

#### FOURTEENTH SENATORIAL DISTRICT.

Edward S. Clark, Eden.  
Sumner P. Mills, Stonington.

#### FIFTEENTH SENATORIAL DISTRICT.

Edward W. Shackford, Harrington.  
Bion M. Pike, Lubec.

#### SIXTEENTH SENATORIAL DISTRICT.

George W. Irving, Caribou.  
Howard Pierce, Fort Kent.  
Beecher Putnam, Houlton.

In testimony whereof, I have caused the seal of the State to be hereunto affixed at Augusta, this 4th day of January, A. D. nineteen hundred and five, and of the Independence of the United States of America the one hundred and twenty-ninth.

(Signed) BYRON BOYD

Seal Secretary of State.

The roll being called, the following named Senators-elect responded to their names: Messrs Fred J. Allen, Forrest Goodwin, William G. Bailey, Jonathan Bartlett, Fred I. Brown, Edward S. Clark, Oakley C. Curtis, Harry A. Furbish, Halbert P. Gardner, George W. Heselton, George W. Irving, Amos W. Knowlton, Sumner P. Mills, Lucius C. Morse, William S. Owen, Everett L. Philoon, Howard Pierce, Bion M. Pike, Walter E. Plummer, Barrett Potter, Beecher Putnam,

Charles H. Randall, Edward W. Shackford, Albert H. Shaw, Joseph W. Simpson, Lindley M. Staples, Isaiah K. Stetson, H. Herbert Sturgis, John B. E. Tartre and Cyrus R. Tupper (30), and thirty senators-elect having answered to their names, a quorum was declared present.

Mr. Clark of Hancock moved that a message be sent to the Governor and Council, informing that body that a quorum of senators-elect of the Seventy-second Legislature is present in the Senate Chamber, ready to take and subscribe the oaths of office to qualify them to enter upon their official duties. The motion being duly seconded, prevailed, and Senator Clark of Hancock was appointed to convey such message, and thereafter reported that he had delivered the message with which he was charged.

The Governor and Council thereupon came in, before whom the senators-elect took and subscribed the oaths required by the constitution, and the Governor and suite then withdrew.

On motion by Mr. Randall of Cumberland, that senator, and Messrs. Pike of Washington and Tupper of Lincoln were appointed by the Secretary a committee to receive, sort and count votes for President of the Senate. The committee having attended to their duty reported as follows:

Whole number of votes cast,	28
Necessary to a choice,	15
Forrest Goodwin of Somerset received	25 votes
Lindley M. Staples of Knox received	3 votes.

The report was accepted, and Forrest Goodwin of Somerset was declared elected President of the Senate for the years 1905, 1906.

Messrs. Staples of Knox and Morse of Waldo were appointed to conduct the President to the chair.

The PRESIDENT: Senators: I thank you from the bottom of my heart for this token of your confidence and esteem; and while I think I fully appreciate the honor of this high place to which you have elected me, I can but shrink somewhat from the duties and responsibilities attendant upon

the same, duties and responsibilities which are of a two-fold kind, those owed to the people of the State and those owed to yourselves. As far as the first are concerned, I think I can say with the endorsement of every Senator present, that your President represents no class nor coterie of men and that every citizen of the State of Maine will receive at his hands courteous consideration and just decision upon the merits of claims as far as in his power lies. As far as the duties are parliamentary and relate to yourselves, I wish to ask your indulgence for the mistakes that I must necessarily make. In this respect I understand also that I am the President of no party and of no faction in any party, but of the entire Senate; and so, asking your cordial co-operation and assistance in the enactment of all wise and necessary legislation, and a speedy return to our homes with a record of honor to ourselves and of advantage to the State, the Chair awaits your pleasure. (Applause.)

On motion by Mr. Gardner of Penobscot, that Senator with Messrs. Furbish of Franklin and Curtis of Cumberland, were appointed a committee to receive, sort and count votes for Secretary of the Senate; and the committee having attended to their duty reported:

Whole number of votes cast,	25
Necessary for a choice,	13
and that Kendall M. Dunbar of Damariscotta received	25 votes.

The report was accepted, and Kendall M. Dunbar was declared duly elected Secretary of the Senate, and Senator Stetson of Penobscot was appointed by the Chair to conduct the Secretary-elect to the Council Chamber to take and subscribe the necessary oaths of office before the Governor and Council, and subsequently that Senator announced that Mr. Dunbar had taken and subscribed said oaths of office; and the Secretary of the Senate thereupon entered upon the discharge of his official duties.

On motion by Mr. Sturgis of Cumberland, that Senator with Messrs. Plummer of Androscoggin and Knowlton of Penobscot, were appointed a committee to receive, sort and count

votes for Assistant Secretary of the Senate; and the committee having attended to their duty reported:

Whole number of votes cast	25
Necessary for a choice,	13
and that F. C. Farrington had received	25 votes,

and he was therefore declared duly elected Assistant Secretary.

Mr. Farrington subsequently took and subscribed the necessary oaths of office before Abel D. Russell, Esq., authorized by *dedimus protestatam*.

On motion by Mr. Irving of Aroostook, that Senator with Messrs. Shackford of Washington and Tartre of York, were appointed a committee to receive, sort and count votes for messenger; and the committee having attended to their duty reported:

Whole number of votes cast,	25
Necessary for a choice,	13
and that Charles A. Lovejoy had received	25 votes

The report was accepted, and Charles A. Lovejoy was declared duly elected Messenger.

On motion of Mr. Shaw of Sagadahoc, that Senator with Messrs. Bailey of Somerset and Philoon of Androscoggin, were appointed a committee to receive, sort and count votes for Assistant Messenger, and the committee having attended to their duty reported:

Whole number of votes cast,	25
Necessary for a choice,	13
and that J. F. Ashford had received	25 votes.

The report was accepted, and J. F. Ashford was declared duly elected Assistant Messenger.

On motion by Mr. Morse of Waldo, that Senator with Messrs. Curtis of Cumberland, and Bartlett of Oxford, were appointed a committee to receive, sort and count votes for Second Assistant Messenger, and the committee having attended to their duty, reported:

Whole number of votes cast	21
Necessary for a choice	11

and that F. Ray Neal had received 21 votes.

The report was accepted and F. Ray Neal was declared duly elected Second Assistant Messenger.

On motion by Mr. Pierce of Aroostook, that senator with Messrs. Mills of Hancock and Simpson of York were appointed a committee to receive, sort and count votes for Folder of the Senate, and the committee having attended to their duty reported:

Whole number of votes cast	24
Necessary for a choice	13
and that W. D. Fuller had received	24 votes.

The report was accepted, and W. D. Fuller was declared duly elected Folder of the Senate.

On motion by Mr. Potter of Cumberland, that senator with Messrs. Putnam of Aroostook and Owen of Piscataquis were appointed a committee to receive, sort and count votes for Assistant Folder, and the committee having attended to their duty reported:

Whole number of votes cast	25
Necessary for a choice	13
and that J. B. Dearborn had received	25 votes.

The report was accepted and J. B. Dearborn was declared duly elected Assistant Folder.

On motion by Mr. Heselton of Kennebec, that senator with Messrs. Shaw of Sagadahoc, and Tupper of Lincoln, were appointed a committee to receive, sort and count votes for Doorkeeper. The committee attended to their duty, reported:

Whole number of votes cast	23
Necessary for a choice	12
and that Stephen D. Lord had received	23 votes.

The report was accepted, and Stephen D. Lord was declared duly elected doorkeeper.

The PRESIDENT: The Chair will say that S. C. W. Simpson of Portland, has received endorsement of 19 Republican members of the Senate; and the Chair, therefore, appoints S. C. W. Simpson of Portland, as postmaster and mail carrier for the ensuing session.

On motion by Mr. Pike of Washington, it was

Ordered: That the secretary of the Senate be authorized to procure the services of a typewriter operator during the present session of the Legislature.

On motion by Mr. Brown of Kennebec, it was

Ordered: That the President of the Senate be authorized to appoint two pages for the Senate.

The President thereupon appointed as pages for the Senate, Albert W. Buck of Orland, and Leon S. Lippincott of Augusta.

On motion by Mr. Randall of Cumberland, it was

Ordered: That Edward K. Milliken of Standish, be appointed official reporter of the Senate with compensation fixed at the same amount as that of the official reporter at the last session.

On motion by Mr. Morse of Waldo, that senator was appointed to convey a message to the House of Representatives, informing that body that the Senate is duly organized by the choice of Hon. Forrest M. Goodwin as President of the Senate, Kendall M. Dunbar of Damariscotta, as Secretary, and Frank G. Farrington of Augusta, Assistant Secretary. Subsequently that senator reported that he had delivered the message with which he was charge.

On motion duly seconded, it was

Ordered: That a committee of seven be appointed by the President to whom be the returns of the votes for Senators for the political years 1905, 1906 shall be referred for examination and report.

The following committee on Senatorial vote was thereupon appointed: Messrs. Plummer of Androscoggin, Putnam of Aroostook, Sturgis of Cumberland, Mills of Hancock, Bartlett of Oxford, Staples of Knox and Knowlton of Penobscot.

On motion by Mr. Shaw of Sagadahoc, that senator was appointed to convey a message to the Governor and Council, informing them that the Senate has been duly organized with the election of Hon. Forrest M. Goodwin as President of the Senate, Kendall M. Dunbar of Damariscotta, secretary of the Senate, and Frank G. Farrington of Augusta, assistant secretary. Thereafterwards that senator reported that

he had delivered the message with which he was charged.

On motion by Mr. Furbish of Franklin, it was

Ordered: That the returns of votes for Governor, cast in the several cities, towns and plantations of the State for the political years 1905 and 1906 be referred to a joint committee of seven on the part of the Senate with such as the House may join.

The President thereupon appointed as such committee on the part of the Senate, Messrs. Furbish of Franklin, Simpson of York, Bailey of Somerset, Owen of Piscataquis, Pierce of Aroostook, Plummer of Androscoggin, and Curtis of Cumberland.

On motion by Mr. Clark of Hancock, it was

Ordered: That the rules and orders of 1903 be the rules and orders of the Senate until otherwise ordered.

On motion by Mr. Putnam of Aroostook, it was

Ordered: That the secretary of the Senate prepare and have printed 150 diagrams of the Senate chamber for the use of the Senate.

On motion by Mr. Staples of Knox, it was

Ordered: That the secretary of the Senate be authorized to furnish wrappers and postage stamps to each officer and member of the Senate not to exceed ten dollars to each, for the purpose of distributing various reports of departments of State, and such other documents as they may desire to distribute.

On motion by Mr. Simpson of York, it was

Ordered, That the secretary of the Senate prepare the usual register of the Senate, 800 copies of the same to be printed for the use of the Senate.

On motion of Mr. Tartre of York, it was

Ordered, That the Secretary of the Senate be directed to furnish each member and officer of the Senate one copy of the Kennebec Journal, and two other daily papers published in the State, such as each member and officer may select.

On motion by Mr. Heselton of Kennebec, it was.

Ordered, That the secretary of the Senate be directed to invite the clergymen settled over parishes in Augusta, Gardiner and Hallowell, namely: Degen, Doherty, Hamel, Hayden, Hope, Kerney, McKinnon, Mosher and Spencer of Augusta; Canham, Livingston, Nelligan, Plummer and Wight of Hallowell; Clarke, Joscelyn, Lawton, Plant, Quimby, Reardon and Tanberg of Gardiner, to officiate as chaplains of the Senate in rotation during the present session.

On motion by Mr. Gardner of Penobscot, it was

Ordered, That the Secretary of State be directed to furnish for the use of the Senate four copies of the Revised Statutes of the State, one copy each of the Holy Bible, Webster's International and Webster's Unabridged Standard Dictionaries, Lippincott's Pronouncing Gazetteer and Reed's Rules of Practice of Legislative Assemblies.

On motion by Mr. Tupper of Lincoln, it was

Ordered, That the Secretary of State be directed to provide each member and officer of the Senate with a copy of the Acts and Resolves of 1903.

On motion by Mr. Randall of Cumberland, it was

Ordered, That the Senate hold one session a day, commencing at 10 o'clock in the forenoon, until otherwise ordered.

On motion by Mr. Stetson of Penobscot, it was

Ordered, The House concurring, that the joint rules and orders of 1903 and 1904 be adopted as the joint rules and orders of this Legislature, with the following amendments. In Rule 1 strike out the word "telegraphs" from the line "Railroads, Telegraphs and Expresses," so that the same shall read: "Railroads and Expresses." Strike out the words "public charities and State beneficiaries," and substitute the words "Insane hospitals." Strike out the words "Reform School" and substitute the words therefor "State School for Boys." Strike out Rule 18 and substitute therefor the following: "18, Every Act, Re-

solve or order appropriating money shall be referred to "the appropriate committee for consideration and no further action shall be had thereon in either branch until the same shall have been reported back by said committee."

Mr. STETSON of Penobscot: I desire, Mr. President, to say a few words in explanation. There was a committee appointed at the last Legislature to investigate the desirability of changing the rules. Many of you who were in the last Legislature and some of you who were not, know the friction under which the committee on Joint Rules worked. All bills appropriating money, after being referred to a proper committee for action, and after action had been taken, were then referred to the committee on Finance, thus putting the burden and responsibility of passing appropriations upon one committee. It seemed to work very disadvantageously, last session. This committee, therefore, was appointed and it consisted of your present presiding officer and the presiding officer of the present House, the presiding officer of the last Senate, Mr. Manley of Augusta, Page of Skowhegan, myself and the two officers of the House and Senate. They had a meeting in December and discussed the matter pro and con, and it was the unanimous report of the committee that to get more satisfactory work it was better to go back to the old system with some slight modifications, and if you will turn to your journal, page 734, you will discover the joint rules. In those rules there is a committee known as the committee on railroads, telegraphs and expresses, a very important committee, a committee that has a large amount of work. The telephones and telegraphs of our State are increasing and multiplying constantly and are coming to our Legislatures for the interpretation of laws and the passage of Acts, and it was thought advisable by this special committee that that committee should be separated so that there should be two committees, one on railroads and expresses and the other on telegraphs and telephones. That was the reason of the change recommended in this order.

Last session there was a committee of public charities and State beneficiaries.

That was created, last session, by abolishing the old committee on insane hospital. This is simply a change back, for if we adopt the rules prior to the last session, we will change back the committee from public charities to insane hospitals, so that the old committee on finance will have the work of public charities as they had in the past. Otherwise the committee on finance which would be created by this order would have little to do other than the passage of what we call the budget bill. That is merely a change back to it as it was before. The part of the order relating to the striking out of the words "Reform School" is simply to remedy an act passed at the last Legislature, changing the name and making a change in the name of the committee to correspond to the change in the name of the institution. On page 736, Rule 18. The only change in that rule is striking out the part where reference is made to the committee on finance after passage by its proper committee, with the exception that the words "or order" have been added in the first line. It reads there "Every act and resolve appropriating money," and the words "or order" are added, so as to read "Every act, resolve or order appropriating money coming in here and passed and having the consideration of a committee and a report, for the constitution provides that members of the House, officers, Senate officers and members of the Legislature shall receive a specific sum in compensation for their duties; and it is not wise, it is not right, it is not legal, that certain men should get additional compensation, and if not legal, they are not entitled to it. There is no question but that many of the orders coming in here are all right, but it is proper that if any of these orders appropriate money they should be referred to a committee, and that is the reason why the words "or order" are put in there.

Mr. STAPLES of Knox: Mr. President, I think the order contains many good ideas, but it is new to me, as I apprehend it is to every member of this Senate, and I should like to look it over, before voting for its passage, and I move that it lie upon the table until tomorrow morning, so that senators may have a chance to examine it, and I promise the senator from Penobscot that I will take it up at tomorrow morning's session.

The PRESIDENT: If this order is passed, we make up one set of committees, if it is not passed we necessarily make up another. The order should, of course, have a full and fair examination.

Mr. STEINSON: I have attempted to show this order to all the senators and should have done so to the senator from Knox had I had opportunity. I wish also to impress him with the fact that the two presiding officers have been consulted, and it meets with their approval.

Mr. STAPLES: I do not want to embarrass the making up of the committees, and trusting that the order is all right, I withdraw my motion.

The Senate here took a recess of 15 minutes, after which the Senate was again called to order.

A message was received from the House, conveyed by Mr. Newcomb of Eastport, as follows:

Mr. President and Senators: I am charged with a message from the House to inform this honorable body of the organization of the House by the election of the Hon. Morrill N. Drew as Speaker, E. M. Thompson as clerk, and Harry E. Cooledge as assistant clerk.

Mr. HESELTON of Kennebec: My colleague, Senator Ayer, was necessarily absent, this morning. He is now here and should qualify by oath of office, and I move that a committee be appointed to conduct him before the Governor and Council, that he may there qualify.

The President thereupon appointed Mr. Heselton of Kennebec, as such committee; and that senator subsequently reported that he had attended to the duty assigned him, and that Senator Ayer had duly qualified before the Governor and Council.

The President read the following message from the secretary of State:

"Augusta, Jan. 4, 1905.

"To the President of the Senate and Speaker of the House:

"I have the honor to herewith transmit returns of the votes given by the several cities, towns and plantations of this State for Governor on the 12th day of September last.

"Very resp'y,

Your obdt. servant,

(Signed)

"BYRON BOYD,  
"Secretary of State."

And the same was referred to the committee on gubernatorial vote.

The Senate here took a recess of 10 minutes, and upon thereafter being called to order the following communication from the secretary of State was read:

"Augusta, Jan. 4, 1905.

"To the President of the Senate and Speaker of the House:

"I have the honor to herewith transmit the votes given by the several cities, towns and plantations on the 12th day of September last, for senators.

"Very respectfully,

"Your obdt' servant,

(Signed)

"BYRON BOYD,  
"Secretary of State."

And the same was referred to the committee on senatorial vote.

The order passed by the Senate in reference to votes for Governor having been sent to the House was returned, committee joined on the part of the House.

On motion by Mr. Staples of Knox, the Senate adjourned until Thursday, Jan. 5, at 10 o'clock A. M.