

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Tuesday, January 31, 1905.

Senate called to order by the President.

Prayer by the Rev. Mr. Mosher of Augusta.

Journal of the last session read and approved.

Papers from the House disposed of in concurrence.

Bill, an act relating to the Superior court in Kennebec county. This bill came from the House referred in that branch to the Kennebec county delegation. On motion by Mr. Heselton of Kennebec the bill was tabled.

On motion by Mr. Heselton of Kennebec, bill, an act to authorize the Augusta Water District to take water from Carleton pond; took its two several readings under suspension of the rules, and was passed to be engrossed.

Read and Assigned.

An act to validate and legalize the organization of Muscle Ridge Plantation.

An act to ratify mortgage of the Fort Fairfield Electric Company.

An act to authorize the Camden and Rockland Water Company to issue bonds for the purpose of retiring certain of its outstanding bonds.

An act to legalize the doings of the town of Sanford in the county of York, and the selectmen thereof in the construction of a sewer system, and validating a temporary loan therefor.

An act to amend section 115 of chapter 4 of the Revised Statutes. (House amendment "A" adopted in concurrence.)

The following bills, petitions and resolves were presented and referred.

Judiciary.

By Mr. Heselton of Kennebec: Remonstrance of A. R. Hayes & Co. and 68 others against passage of bill No. 97 entitled, "An act relating to trustee process or any change in law relating to trustee process."

By Mr. Bailey of Somerset: Remonstrance of Samuel W. Vose and 40 others, citizens of Madison, Somerset county, against passage of bill entitled, "An act relating to trustee process or any change in law relating to trustee process."

By Mr. Randall of Cumberland: Bill, an act to prohibit sales of merchandise in bulk in fraud of creditors.

Also, Petition of Byron Greenough & Co., and 69 others, merchants of Portland for legislation to prohibit sales of merchandise in bulk in fraud of creditors.

Also, Petition of Rice & Miller and 53 others, merchants of Bangor, for same.

Also, Petition of Kimball Bros. Co. and 3 other merchants of Lewiston and Auburn, for same.

Also, Petition of the Fuller-Holway Company of Augusta, for same.

By Mr. Plummer of Androscoggin: Petitions of citizens of towns of Lisbon, Durham and Webster for legislative investigation of the alleged abuses perpetrated at Shiloh.

Legal Affairs.

By Mr. Pierce of Aroostook: Bill, an act to incorporate the Fort Kent Light and Power Company.

By Mr. Staples of Knox: Bill, an act to amend chapter 140 of the Revised Statutes relating to the support of persons in the Insane asylum.

By Mr. Pike of Washington: Petition of L. A. Gray and others of Wesley, Washington county, opposed to repeal of a law granting a bounty on porcupine.

By Mr. Shackford of Washington: Remonstrance of H. P. McKenney and 11 others of Northfield, Washington county against repeal of law granting a bounty on porcupine.

Appropriations and Financial Affairs.

By Mr. Shackford of Washington: Petition of E. R. McKenzie and 14 others for aid of the Maine State Sanatorium Association for Consumptives.

By Mr. Stetson of Penobscot: Petition of George B. Canfield and 35 others of Bangor in favor of appropriation for the Maine State Sanatorium Association.

Also, petition of Leon F. Higgins and 20 others of Brewer, for same.

By Mr. Plummer of Androscoggin: Petition of citizens of East Livermore in favor of same.

By Mr. Shaw of Sagadahoc: Petition of A. J. Hutchinson and 31 others of Brunswick and Topsham in favor of same.

By Mr. Sturgis of Cumberland: Petition of John S. Clark and five others for same.

By Mr. Staples of Knox: Petition of L. W. Chandler of Camden and 60 others, for same.

By Mr. Putnam of Aroostook: Petition of C. E. Williams and 25 others of Houlton, for same.

By Mr. Tupper of Lincoln, petition of A. P. Wiley and 60 others of Boothbay Harbor, for same.

Education.

By Mr. Mills of Hancock: Bill, an act in relation to the Superintendent of Schools.

Telegraphs and Telephones.

By Mr. Pierce of Aroostook: Bill, an act to incorporate the St. Francis Telephone Company.

Also, bill, an act to incorporate the Eagle Lake Telephone Company.

Inland Fisheries and Game.

By Mr. Heselton of Kennebec: Remonstrance of C. W. Prescott and 23 others, farmers and business men of Monmouth, against repeal of the law protecting deer and moose in unorganized towns and plantations.

Shore Fisheries.

By Mr. Tupper of Lincoln: Bill, an act authorizing West Harbor Ice Company to construct a fishway and to protect alewives in West Harbor Ice Pond, and its tributaries.

Orders.

On motion by Mr. Stetson of Penobscot, it was, ORDERED, that the committee on Salaries be granted the use of the Senate Chamber for public hearings on Wednesday and Thursday afternoons of each week, when not conflicting with any special order of the Senate.

Read and Assigned.

An act to amend section 26 of chapter 69 of the Revised Statutes relating to the disability of adults under guardianship.

An act to authorize the Northern Maine Seaport Railroad Company to lease or to sell its railroad to the Bangor & Aroostook Railroad Company.

On motion by Mr. Irving of Aroostook the rules were suspended, and the bill took its second reading, and was passed to be engrossed.

An act in relation to the assessment of taxes on the estates of deceased persons before the appointment of executors or administrators of such estates.

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 154 of the private and special laws of 1895 as amended by chapter 239 of the private and special laws of 1901 relating to the charter of the Wiscasset Water Company.

An act to authorize the Northern Maine Seaport Railroad to locate across tide waters of the Passagassawaukeag river. The bill having had its first reading, on motion by Mr. Irving of Aroostook the rules were suspended, and the bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to amend section 39 of chapter 93 of the Revised Statutes relating to the filing of certificates of liens on real estate.

Resolve for the purpose of operating fish-hatcheries and feeding-stations for fish and for the protection of fish. The resolve having had its first reading, on motion of Mr. Staples of Knox, the same was tabled.

Resolve in favor of the Maine State Library.

Reports of Committees.

Mr. Curtis, for the committee on claims, on resolve in favor of Bowdoin College, president and trustees; reported that the same ought to pass. Report accepted.

Mr. Clark for the Hancock County Delegation, on bill, "An Act to amend chapter 407 of the special laws of 1903, relating to fishing on Long pond, Hancock county;" reported that same ought to pass. Report accepted.

Passed to be Engrossed.

An act to authorize the Augusta Water District to take water from

Carleton Pond.

An act to authorize the Northern Maine Seaport Railroad Company to lease or to sell its railroad to the Bangor and Aroostook Railroad Company.

An act to authorize the Northern Maine Seaport Railroad to locate across tide water of the Passagassawaukeag river.

Resolve in favor of the Aroostook Normal School.

An act to provide for the treatment of persons suffering from the effects of the habitual use of narcotics.

An act to authorize the Northern Maine Seaport Railroad Company and the Bangor Investment Company to build wharves and piers in or near Cape Jellison harbor

An act to authorize the Bangor and Aroostook Railroad Company to guarantee the first-mortgage bonds of the Northern Maine Seaport Railroad Company.

An act to authorize the Northern Maine Seaport Railroad Company to locate and build its road across an inlet of Cape Jellison Harbor.

Passed to be Enacted.

An act to amend section 19 of chapter 114 of the Revised Statutes, relating to disclosure commissioners

Finally Passed.

Resolve providing for clerk hire in the State Library under Legislative session of 1905.

Orders of the Day.

On motion by Mr. Mills of Hancock, the vote was reconsidered whereby the Senate concurred with the House in referring to the Committee on Judiciary, bill, an act to amend chapter 34 of section 3 of the Revised Statutes, relating to notaries public. On further motion by the same Senator, the bill was tabled for printing, pending reference.

On motion by Mr. Shaw of Sagadahoc, bill "an act to abolish the office of Public Printer" was taken from the table.

Mr. SHAW: Mr. President, and members of the Senate: There seems to be a difference of opinion as to the reference of this bill. The Senator from Knox who introduced the bill, feels that as it provides for the abolish-

ing of a State office, it should go to the Committee on Legal Affairs. This certainly seems proper. The Senator from Hancock feels that, as there has been a special committee appointed to investigate the public printing, that it should go to that committee. That too, seems proper. I have the honor of being a member of the Committee on Salaries. This committee is a special committee appointed to investigate the question of salaries and the fee system, with the object of abolishing the fee system for the reason that we all believe that the people of our State wish to know what we are paying our office-holders, and for having the work of the State done; so I feel that that committee is the proper place for this bill; but I believe, as a rule, that a senator who introduces a bill should have the right to name the Committee to which the bill shall be referred unless some especially good reason can be given for referring it to some other committee; and, for this reason, Mr. President; and as a matter of fairness, justice and courtesy to the Senator from Knox, I hope that the motion to "amend by striking out the words 'legal affairs'" and inserting instead thereof the words "special committee on State Printing" will not prevail.

Mr. STAPLES of Knox: Mr. President, and Senators: The Senator from Sagadahoc has voiced my sentiments in regard to the courtesy that should be extended to any member of this Senate who in his own good judgment desires to present a bill to any appropriate committee. I beg leave to say that when a bill was introduced by myself to abolish the office of State liquor commissioner, and was referred to the committee on Temperance, that this Senate, on motion of the Senator from Washington, who said that he believed that this bill which called for the abolishing of a State office should go not to the committee on temperance, to which I desired to refer it, but to a Legal committee, voted to send it to that committee. This Senate agreed with the Senator from Washington, that being a bill to abolish a State office, it should go to a legal committee; and this Senate so voted, sixteen being in favor of taking it from the com-

mittee on Temperance and sending it to the committee on Judiciary. They set the precedent in this matter of abolishing the office of State Printer which is in the same category as the abolishment of the office of the State Liquor Commissioner; and I believe this Senate will not reverse itself within a few days, and now vote to accept the amendment of the Senator from Hancock. This matter should go to one of the legal committees, as I claim, and should not be sent to the committee on printing, which is not a standing committee of the Senate, Mr. President, but is a special committee appointed, not for the purpose of saying whether the office of Public Printer should be abolished; but to find out what has been done and whether the prices that have been paid are large, or whether they are fair. That is the purpose for which that committee was organized. It was not to see whether the office should be abolished. I hope, Mr. President, that in fairness to myself and to the members of this Senate, the amendment will not prevail and I trust that the members of the Senate, sixteen of them, who considered that being a question as to abolishing a State office it should go to a legal committee, I hope they are of that mind today.

Mr. CLARK of Hancock: Mr. President: I have not had the legislative experience that some of you have had in this matter, and especially that of the Senator from Knox. I had never presumed it was a matter of senatorial courtesy in any case; nor do I believe there is any precedent for that courtesy, that a member introducing bills in the Senate or House has a right to say, as a matter of courtesy, to which committee it shall go. Nor do I believe that the Senator from Knox believes that, himself. Now, I want to act fairly and impartially in this matter to every member of the Senate; and if there is any senatorial courtesy due any member of this Senate, I am perfectly willing to subject any of my rights that I have, and will not try to raise my voice against any Senator's having his full rights in that matter. But, it is merely an argument of the Senator—and I do not think he intends

it to be taken very seriously—so far as I have been able to find out, there is no such precedent. Now, it is our duty in these matters to look at them very carefully. A report of a committee is adopted from the fact that its members are able men, able to go into the particular matters that are referred to them. For instance, in referring a matter to a committee and in getting a report of the committee upon it, that report is advice to us as to what should be done about it; but if it goes to a committee which has no especial knowledge, not having any special work in that line, it cannot be advice to this Senate as to what should be done, and that report must necessarily be reversed when it comes in here for action. It is the duty, it seems to me, of each member of this Senate, to see that bills do not go before committees they do not belong to; because if we do we shall constantly have reference after reference. I have no personal interest in this matter. I do not care a cent which way it goes, or where it goes. My only idea is to get it before the proper committee. Now, this committee is not a special committee; as my brother would make us think it is. It is a joint standing committee of both houses of this Legislature, appointed to investigate the printing, and see what need there is of a public printer. If there is no need of a public printer, and no need of having the public printing done, that committee is more able to pass upon it than the committee on legal affairs. The committee on printing are going into this whole question and that committee this very day is, and previously has been going into the question of public printing, investigating every item, and seeing what the entire business is costing, and seeing what it is costing to do their printing in the commercial houses in this State; and they are going into the whole question of the necessity of a public printer. This is not a question of abolishing the office. This is a question as to the necessity of having a public printer, which that committee will be more able to pass upon than any other committee of this Legislature. If this is a legal question, as my brother tried to make us think it is, we have five of the ablest lawyers in

this Legislature on that committee.

Brother Heselton, the Chairman, has had large experience in this county, and two others are on judiciary committee. There are five lawyers on that committee, who can take into consideration the matter of abolishing a State office. I do not know which committee my brother is going to refer his bills as to all the various offices of the State of Maine. Evidently he has picked out a legal committee to abolish a State office. These matters should all go to the various committees appointed by the House and Senate. This is not a matter of courtesy. I would yield to him in any matter of courtesy. It is a question which the committee on printing should go into, not the question of abolishing the office, but whether we shall continue the public printing or not.

Mr. STAPLES of Knox: Mr. President: The Senator from Hancock misapprehends the bill that was put in by myself. It is not that we do not need a public printer; it is whether that public printer shall be elected by the Legislature, or whether that matter shall go to the Governor and Council, and the Governor and Council have charge of the making of contracts for printing in these different departments. That is the only question. Now I know that the Senator from Hancock was in favor of keeping it where it is, for I happened to hear his speech in the House of Representatives upon the election of a certain officer for public printer who is public printer today. I know that my Brother Heselton is on that committee, the special committee on printing; and I also recollect that upon the floor of the House, in that caucus, he expressed himself as believing in the State Printer as being absolutely correct and almost immaculate in the manner in which he had done his business; but when he is appointed on that committee I have a right to its not going to a man who is already, as I suppose, in favor of the office of public printer. Now, as far as courtesy is concerned, it has ever been my practice, and has ever been the practice of the Maine Senate for the last three terms that I have been here, that whenever a Senator introduced a bill

and sent it to a committee, as a matter of courtesy it went to that committee unless it was grossly wrong. I believe every matter pertaining to temperance should go to the temperance committee. The Senate voted otherwise the other day, because they said the abolishing of a State office was a legal question and it should therefore go to a legal committee. I believe, in all fairness, that this matter should go to the legal affairs committee. Barring myself, I think the legal affairs committee is just as capable of settling the fact whether the public printer should be elected by the Legislature, or whether that matter should be delegated to the Governor and Council, as a special committee on printing. Just as capable! Just as competent; and I hope, Mr. President, the amendment will not prevail. I trust that, because I am in the minority party, it will make no difference in the vote of the Senate; because this is not a party question.

It is a question for the best interests of the State. I believe, as I always have believed, that the Public Printer should not be elected by the legislature. I was looking over the New Hampshire reports last night. The whole matter of public printing should be done as it is in other states, as New Hampshire does it. It should be left entirely with the Governor and Council; and let me say that on looking at the Treasurer's report of New Hampshire, I found there was only \$24,000, while our's was 70,000. It should be left with the Governor and Council as to what contracts they will make, printing, stitching, binding and everything else. That is the purport of the bill—not that we shall not have a public printer, but that the matter shall be left with the Governor, instead of the public printer being elected by the Legislature.

Mr. CLARK of Hancock: Mr. President, I am surprised that the Senator from Knox impugns the motives of the committee by talking of Bro. Heselton in this matter in saying that he listened to his argument on the floor of the joint caucus when we organized this body, in which he says that a member of the committee is prejudiced in this matter. I think I would as soon go to Brother Heselton in the matter

so far as prejudice has disabled him, as to the Senator from Knox who, by his attitude is disabled in this matter. I think he has expressed himself as much prejudiced against it as Brother Heseiton has for it. This matter was thoroughly thrashed out two years ago before the same committee that my brother the Senator from Knox is on. He introduced this same order and went before the committee on legal affairs; and I ask him, today, to show me the report, or if he in any way signed a minority report? Did not a unanimous report come in here that was favorable to this committee. I do not believe there is any such Senatorial courtesy as he speaks of; and we all know there is not. It is an argument by which he is trying to influence our votes. If any such courtesy is due him, I would be one of the last to take away that right. I think this matter should go before that committee, and if it is a question purely upon the abolishing of the office, we have some of the most able and capable lawyers upon that committee.

Mr. POTTER of Cumberland: May I trouble the Chair to state precisely the question before the Senate.

The PRESIDENT: The bill introduced by the Senator from Knox, Senator Staples, is "An Act to abolish the office of Public Printer." The Senator from Knox moved its reference to the committee on legal affairs. The Senator from Hancock, Senator Clark, moved to strike out the words "Legal Affairs" and insert instead thereof the words "Special Committee on Printing." The question is upon the amendment offered by the Senator from Hancock.

The question being put, the Chair declared itself in doubt. A rising vote being taken the Chair declared that 13 had voted in favor of the amendment and 15 against the same.

The question was then put upon the motion of the Senator from Knox, Senator Staples, that the bill be referred to the committee on legal affairs.

The question being put, the Chair declared itself in doubt and a rising vote being had, the Chair declared that 13 had voted in the affirmative and 12

in the negative. So the motion prevailed.

On motion by Mr. Simpson of York, the Senate reconsidered the vote whereby the Senate concurred with the House in referring to the committee on judiciary, bill, an act to incorporate the Kittery Water and Electric Light Company. On further motion by the same Senator, the bill was tabled for printing, pending reference.

On motion by Mr. Clark of Hancock, the following order was taken from the table, namely: Ordered, the Senate concurring, that the committee on agriculture be instructed to inquire into the expediency of amending Chapter 237 of our Public Laws relating to the use of automobiles and motor vehicles on our public ways, so as to better insure the safety of public travel in our rural towns; and report by bill, or otherwise.

The Chair stated the pending question to be upon the motion offered by Senator Potter of Cumberland.

Mr. POTTER of Cumberland: Mr. President, I renew my motion to amend the order by substituting "committee on judiciary" for "committee on agriculture." I do not wish to be misunderstood in making this motion. I understand, of course, that the committee on agriculture is the most competent committee here to deal with matters relating to the most important single industry in the State. But, on the other hand, the committees on law should be more competent to deal with questions involving, in the first instance, important questions of law. Two years ago a plan came before the judiciary committee involving the precise object of this order. That plan was dropped because a member of the supreme court expressed the opinion in a letter to one of this body that the plan would be unconstitutional. I state that merely as illustrating my point that in this matter the question of what we can do precedes the question of what we ought to do. I think I stated the other day that my sole object in suggesting that this matter go to the committee on judiciary rather than the legal affairs, is merely because the automobile bill of two years ago happened to originate in the com-

mittee on judiciary. I renew my motion.

The question being put, the motion prevailed. Order as amended passed.

On motion by Mr. Heselton of Kennebec, the Senate adjourned to meet on Wednesday, February 1, 1905, at ten o'clock in the forenoon.

HOUSE.

Tuesday, January 31, 1905.

Prayer by Rev. Mr. Kearney of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An act to provide for sewerage in the town of Caribou.

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

Judiciary.

By Mr. Powers of Houlton: Bill, an act to amend section 9 of chapter 81 of the Revised Statutes relating to the appointment of deputy clerk of courts.

By Mr. Thurlough of Fort Fairfield: Petition of D. E. Edwards and 25 others of Fort Fairfield for an act preventing the throwing of refuse into the Aroostook river.

Ways and Bridges.

By Mr. Sawyer of Milbridge: Resolve in aid of repairing the bridge across the Narraguagus river in the town of Milbridge.

Also petition for aid to repair Great Bridge, Milbridge, Washington county.

Inland Fisheries and Game.

By Mr. Newbegin of Gray: Bill, an act to prohibit fishing in the tributaries of Little Sebago lake in Gray and Windham, Cumberland county.

By Mr. Walker of Lovell: Petition of Harold L. Gray and others of Fryeburg asking that gray squirrels be protected on certain lands in Fryeburg.

By Mr. Blanchard of Blanchard: Bill, an act to regulate fishing in Marble brook, Marble pond, Chase brook or Blackstone brook, and Bolt brook, in Piscataquis county.

By Mr. Littlefield of Rockland: Petition of W. E. Vinal and 15 others in relation to fishing in Branch and Meadow brooks in Thomaston and Rockland.

By Mr. Sawyer of Milbridge: Bill, an act to repeal the first clause of subdivision entitled "In Washington county," of section one of chapter 407 of the private and special laws of 1903, entitled "An act to consolidate and revise