

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Wednesday, February 1, 1905.

Senate called to order by the President.

Prayer by the Rev. Mr. Clark of Gardiner.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

House Bills Read and Assigned.

An act to prevent the pollution of the waters of Nequasset lake.

An act to authorize the Dover Gas-light Company to acquire the property and franchises of the United Gas and Electric Company.

An act to authorize the United Gas and Electric Company to sell the property and franchises of the Dover Gas-light Company.

On motion by Mr. Pike of Washington, bill, "An act to repeal section 15 of chapter 32 of the Revised Statutes relating to bounty on porcupines," which came from the House accompanied by report of the committee on legal affairs, that the same ought to pass, the bill and accompanying report were tabled.

An act to authorize the Eastern Steamship Company to build and maintain a wharf in the tide waters of the town of Bucksport.

Resolve in favor of the Young Women's Home at Lewiston.

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

Legal Affairs.

By Mr. Sturgis of Cumberland: Petition of Alexander T. Laughlin and 16 others, praying for a special committee to investigate the non-enforcement of the prohibitory law in Cumberland county.

By Mr. Pike of Washington: Protest of H. M. Leighton and 50 others of Columbia Falls against the repeal of the porcupine law.

Also, Protest of Charles A. Rolfe and 51 others of Princeton, Washington county, against same.

Also, Protest of A. G. Campbell and 23 others of Cherryfield, Washington county, against same.

Appropriations and Financial Affairs.

By Mr. Staples of Knox: Resolve in favor of L. C. Morse.

By Mr. Sturgis of Cumberland: Petition of W. S. Thompson and 10 others for appropriation in aid of Maine State Sanatorium Association.

By Mr. Brown of Kennebec: Petition of F. L. Chenery and 19 others, citizens of the town of Wayne, for appropriation in aid of Maine State Sanatorium Association.

Also, Petition of W. E. Corsen and 24 others, citizens of the town of Mt. Vernon, for same.

By Mr. Potter of Cumberland: Petition of inhabitants of Harpswell, for same.

Inland Fisheries and Game.

By Mr. Heselton of Kennebec: Remonstrance of John A. Stanley and 64 others, farmers, business men and citizens of Winthrop, against the repeal of the law protecting deer in organized towns and plantations.

Temperance.

By Mr. Bartlett of Oxford: Remonstrance of Rev. T. L. Frost and 23 others against resubmission of the amendment of the constitution relating to prohibition.

Orders.

Mr. PIKE of Washington: Mr. President: I would like to ask the unanimous consent of the Senate to make an explanation.

The Senate voted to grant Senator Pike such consent.

Mr. PIKE: Mr. President: I want to call attention to an article that was in the papers this morning which refers to the vote yesterday on the bill to abolish the office of State Printer. In many of the papers it is stated in this way: "This left the motion of Senator Staples, and sent the bill to the committee on legal affairs before the Senate, and this motion was carried thirteen to twelve, Senator Pike refusing to vote." I did not refuse to vote. I stood up and was counted, each and every time.

The PRESIDENT: I will say to the Senator from Washington, that the Journal shows your report of the fact,

and from the Chair's personal observation at the time that the vote was taken, the Chair is enabled to say that the Senator did vote both times; and the Chair will suggest that the reporters, who have been so courteous to the members of the Senate heretofore, will extend the same wide publicity to the correction that they did to the error.

Senator Allen of York presented the following order, and moved its passage: Ordered, that the use of the Senate chamber be granted the Maine State Bar Association for its meeting on Wednesday afternoon, February 1st.

The PRESIDENT: The Chair is informed by the Secretary that this order conflicts with an order that was passed yesterday.

The Chair is further informed by the Senator from Penobscot who presented the order passed yesterday in regard to the use of the Senate chamber by the committee on salaries, that that committee will be very glad to give way to the Maine State Bar Association.

The order thereupon received a passage.

Read and Assigned.

On motion by Mr. Clark of Hancock, bill, "An act to amend chapter 407 of the private and special laws of 1903 relating to fishing in Long Pond" was tabled.

Resolve in favor of the President and trustees of Bowdoin College.

Reports of Committees.

Mr. Shaw, for the committee on interior waters, on bill, "An act to enable the Sebago Lake, Songo River and Bay of Naples Steamboat Company to construct and maintain a wharf at the foot of Long Lake, in the town of Naples," reported the same in new draft, under title of "An act to enable the Sebago Lake, Songo River and Bay of Naples Steamboat Company to construct and maintain a wharf at the foot of Long Lake in the town of Naples, in the County of Cumberland." Report accepted.

Passed to be Engrossed.

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

An act in relation to the assessment of taxes on the estates of deceased persons before the appointment of executors and administrators of said 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 amend paragraph 4, section 1 of chapter 73 of the Revised Statutes, relating to sale of real estate by license of court.

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

Resolve in favor of Maine State Library.

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

An act to ratify the mortgage of Fort Fairfield Electric Company and an issue of bonds secured thereby.

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 board of selectmen thereof in the construction of a sewer system, and for making temporary loans to pay therefor.

An act to amend section 115 of chapter 4 of the Revised Statutes relating to the organization of plantations.

Passed to be Enacted.

An act to amend chapter 227 of the private and special laws of 1880 entitled "An act to supply the people of Houlton with pure water as amended by chapter 497 of the private and special laws of 1889, and as amended by chapter 148 of the private and special laws of 1903.

An act relating to the Winthrop and Wayne Light and Power Company.

An act to regulate fishing in Cobboosecontee stream in Kennebec county.

Finally Passed.

Resolve in favor of purchase of Maine State Year Book and Legislative Manual for the years 1905 and 1906.

Orders of the Day.

On motion of Mr. Gardner of Penobscot, the rules were suspended and bill "An act to amend section 1 of chapter 89 of the private and special laws of 1903, entitled 'An act to authorize the Penobscot Chemical Fibre Company to make, generate, use, transmit and sell electricity,' " was introduced, and referred to the committee on judiciary, in concurrence.

Mr. GARDINER: I do this in order that the bill may go to the committee today.

On motion by the same Senator, the vote was reconsidered, whereby the Senate concurred with the House in referring to the committee on towns the following order: "Ordered, the Senate concurring, that the committee on towns be directed to inquire into the claims of towns for reimbursement of one-half of the money they have raised and expended on State roads, under the provisions of chapter 23 of the Revised Statutes, and report by resolve, bill, or otherwise."

On further motion by the same senator the order was amended by striking out the word "Towns" and inserting instead thereof, the word "Claims."

The order as amended was passed.

On motion by Mr. Clark of Hancock, bill "An act to amend chapter 407 of the private and special laws of 1903, relating to fishing in Long Pond, Hancock county," was taken from the table. The same senator thereupon moved Senate amendment "A" to said bill, "Senate Document 35 is amended by adding thereto: This Act shall take effect when approved." The amendment was adopted. As amended the bill was read and assigned.

On motion by Mr. Morse of Waldo, "Resolve in favor of the Waldo County hospital and accompanying report" was taken from the table.

The report of the committee on appropriations and financial affairs had re-

ported upon the foregoing Resolve, that the same ought not to pass.

Mr. MORSE of Waldo: Mr. President, I now move that this Resolve be recommitted to the committee on appropriations and financial affairs.

Mr. PUTNAM of Aroostook: Mr. President, before this vote is taken, I wish to make a few remarks briefly. It is a very uncongenial duty to me as a member of this committee on appropriations and financial affairs to have to oppose the senator from Waldo and the member of the House from the city of Belfast, who serves on the committee on appropriations and financial affairs; but it is a duty I owe the Senate and to the people of the State which I clearly feel. The facts are these, in relation to the Waldo County hospital. The gentleman from Belfast, who is a member of our committee, at the opening of the session, the second week of the session, asked expressly for a day when this matter could be considered. So for a full and fair hearing the committee gave a half day. I think Thursday afternoon was given over entirely to the people of Belfast; and they came here and had what I consider a full and fair hearing. I think there were six or eight people from Belfast and vicinity who appeared before that committee and made their claim and statement of facts in regard to this hospital, and upon those statements we did our duty as a committee and reported "ought not to pass" upon this Resolve. Now it must be patent to you as fair-minded men that the action of this committee was fair, because if the Resolve of the gentleman from Belfast had had much merit connected with it, as the senator from Waldo and the gentleman from Belfast claim, we should have been only too glad to grant the prayers of the gentleman from Belfast. We did not do it. It was turned down by the members of our committee. This ought to carry weight with you. As fair-minded men this committee fairly judged it on the merits and demerits of the bill. It is stated by the honorable senator from Waldo that they did not have a full and clear hearing. It is not necessary, before this committee on appropriations and financial affairs, that we be orated to by hired attorneys in deal-

sick and invalided. This committee is able to do justice after hearing a statement of facts, and we have had a statement in this case, and I say to you, senators, this matter was decided strictly upon its merits and just deserts as will any measure that may come before us, this winter. I think an impression has gone abroad throughout the State by means of some of the papers, that this committee is disposed to be economical and to pare down these appropriations and not to grant what they should to these hospitals. The same afternoon the people of Waldo were here on this hearing, the committee also had a hearing upon the Resolve in favor of the Children's Association of Belfast. We granted them not only the \$1250 that had been received for several years, but we increased that \$500 and gave them for 1905, \$1750. This committee reported, yesterday afternoon, \$1500 in favor of the Consumptives' Home for Hebron, thus showing, gentlemen, that instead of being charged with being too economical and with paring down these appropriations to these institutions, this committee is guilty rather of being too free with the State's resources. I trust the motion to recommit this to the committee on appropriations and financial affairs will not prevail. If you do this in the early part of the session, you will be doing an injustice to the committee. The committee in this case was unanimous. It seems to me we should pay some attention to their report and not turn them down or ask the committee to do twice the work they ought to do after a full and fair hearing. I trust the motion will not prevail, and when the vote is taken I ask that it be taken by the yeas and nays.

Mr. MORSE of Waldo: Mr. President, we went quite thoroughly over this matter, last Friday, and you will remember, perhaps, that I attached no blame to this committee. I feel exactly the same today. I feel that if there is any blame to be attached to anyone it is to the citizens of Waldo county. I have great respect for the members of this committee. I have great respect for every member of this Senate and

had there been any other way out of this dilemma except to table this motion, I should gladly have resorted to it; but feeling as I did and knowing the feeling that existed throughout the county to which I belong, I felt that justice could only be done by staying the proceedings for a time until our people could be made fully aware of the situation and then let them be here. It was arranged that we should have some gentleman of the legal profession come here and present the case. Hon. R. F. Dunton was chosen. He was unavoidably detained and could not come. An old gentleman for whom I have the most profound respect, Mr. Swan, was here. He is one of the old residents of our city, clean, upright, honorable gentleman, but it is not his business to present matters to a committee. He had his little minutes prepared upon a sheet of paper and read them off very cautiously and very correctly. You know, Mr. President, that sometimes, in the matter of the presentation of a case, if it is properly done, it carries weight with it. We know it, gentlemen. Now, then, some of you may have noticed in a Portland paper some comments on this particular matter, that this committee on appropriations and financial affairs have made up their minds to turn down every new applicant that appeared here. Now I dislike very much for any paper to come forth with such a statement as that, because I do not believe, as the senator from Aroostook has said, that they intend to do such a thing as that. I do not believe it; and in fact there is evidence before us, this morning, for only yesterday, they took up one of these new institutions and they gave it \$15,000 for the next two years. I am heartily in accord with the movement. I would have voted for it if it had been \$25,000, the same as they called for. I believe in the State's money being appropriated for such purposes as will go to supply the wants of the people of our State, and, gentlemen, that is what we are here for. Now, just a word about this hospital—this sanitarium is just about the age of our hospital. It has been running about two months. They have had 12 patients. I am informed that they have had more

than that in our Waldo County hospital, but let me say this to you, gentlemen: On account of that hospital being in the city of Belfast where it was—it has been running only two months—we have reached out that aid to one man that leaves him on top of the earth today, and he would have been under the sod if he had been obliged to have been transported to Portland for an operation. He would have been dead in 24 hours. He could not have reached Portland. So much for that. Two of my neighbors are there today, for surgical operation. Now, we have 26 towns in the county, and I doubt not that in a year, or in a few years from this time, when they come here, they will show you that they have supplied wants and demands of the citizens of that county and the surroundings in a measure that you will feel that you should have been liberal at this time. We only ask for \$3000 appropriation for this year, and \$3000 for next. Is it worthy? Is it a worthy object? Is it right that they should give our citizens an opportunity where they can undergo an operation at once and within the reach of their friends? I think so. We have as good, and more surgeons there than any city can boast of in the State of Maine. Their services are free. Who is going to get anything out of this appropriation except the sick and the afflicted? The nurses must be paid. The running expenses must be paid. The citizens of the city have already bought this Home and practically paid for it and equipped it too in nice, running shape, ready to receive its patients, and their hands have so recently been reached down into their pockets by subscription that they feel that this is an institution such that they may well look to the State for some aid and support. Let us make a few comparisons, if you please, here. Let us see what the State has been expending money for in the past. Do you know, gentlemen, how much we have paid out for the cattle commission of this State for the last two years? \$27,000 for diseased cattle. Are they of more consequence than the diseases of the human family? Does any man here regret that we have paid out \$27,000 for that purpose? I think the appropriation is too small,

gentlemen. I think it ought to be more. I will vote for more. Any member of this Senate who saw the exhibition down on the table, the other day, will vote with me, who noted when the diseased lungs were brought in and exposed there on the table.

Do we want to be protected from this terrible disease of tuberculosis? Do we want men that are competent to look after the interests of the State in that direction? Certainly we do. Then let us vote the money. We will insure every citizen of the State a just protection against those contagious diseases. Gentlemen, what I ask is simply this: That this matter may be recommitted to this committee, that they may have a fuller and fairer hearing, that the citizens of Belfast who are interested in this matter may have an opportunity to be heard and I say to you that petitions have come in, not only from Waldo county, but from other sections of the State, praying for this hospital. Do you suppose they are in earnest in this? Do you suppose they are honest about it? Do you suppose anybody expects to reap any financial aid from this appropriation? Not at all. It is an Act in line with all these other appropriations for our hospitals and for the Insane asylums and for all these institutions which go to benefit and purify our State. Gentlemen, I hope that you will take the view of this matter that I do, and while I do not consider it any injustice to this committee, at all, I think the blame is wholly upon ourselves and not upon this committee, and I would be glad to have it placed there. I would be very glad if you could see this matter as I do, from the few remarks I have made and feel the interest that I feel, and if you do, I am certain that you will vote with me to recommit this matter for a second hearing.

Mr. GARDNER of Penobscot: Mr. President: I voted with the Senator who has just spoken to table the proceedings, but I think the point taken by the Senator from Aroostook is well-taken that the motion to recommit should not prevail. I think, in the interests of conservative legislation, that our committee reports should in almost every case be upheld, and I trust

the motion to recommit this will not prevail.

Mr. STAPLES of Knox: Mr. President: It is not a question, as I understand it, upon the merits or demerits of the bill. It is a question whether the citizens of Belfast and the Senator from Waldo who introduced this bill shall have a full and complete hearing before the committee. Nobody criticizes the committee; but the citizens of Waldo county, as the record will show, never have asked much of this Legislature. I am not going to discuss the merits of the bill. But they feel that they have not had a day in court. They ask to have witnesses put in here to show the merits of the case. It won't cost the State anything. I believe in being bound by the committees just so far as we believe those committees are right in their report. If a committee's report is contrary to my views, then it is a duty I owe myself to object to that committee's report. It is a question of courtesy to the Senator from Waldo and his constituency that this matter be recommitted to the committee on appropriations and financial affairs. They will feel better about it. I believe in giving everybody a fair chance. I haven't any doubt they would have had a great many more witnesses here, and would have been able to have given a great deal more testimony if it hadn't been for the severe storm we had. The people could not get here. Not speaking about the merits or demerits of the case, I have great confidence in the committee on financial affairs, but let's give them a chance for a full and complete hearing; and then they will be perfectly satisfied whether the report is in their favor, or against it. They pay their State tax. They are entitled to a full and complete hearing, and they will not be satisfied if they feel they have not had a full and complete hearing. Let us give them a chance to put in their testimony; and then, if the committee sees fit to report the same as they did, why! that is all right. But let us give them their day in court. It is a courtesy that this Senate owes to the Senator from Waldo, who does not ask anything but a recommitment of this matter. He says he hasn't had a full and complete chance to present

his claim I feel that in courtesy to him, in fairness to the committee on financial affairs they will stand better before the people of the State if they are willing this matter should be recommitted to them. Therefore I am strongly in favor, Mr. President, of the recommitment of this matter to the committee.

Mr. STETSON of Penobscot: Mr. President: I wish to reinforce, in a few words, the remarks of the Senator from Knox. I wish to call the attention of the Senators to the fact that two years ago I rose upon my feet here and made a similar request in regard to the hospital at Bangor; and by the unanimous support of the Senate I was granted a further hearing before that committee. We are not, at the present time discussing the merits of the case. I think it is a matter of courtesy to a Senator, if he is on the floor of the Senate for the people of his county to say that they have not had a sufficient opportunity to state their case to a committee that he should have further opportunity to discuss and state it before the committee; and I hope that the motion of the Senator from Waldo will prevail.

Mr. PIKE of Washington: Mr. President, as a member of the committee on appropriations and financial affairs, I wish to endorse fully the remarks of the Senator from Arcostook, Senator Putnam; and would say that I fully agree with him that the citizens of Waldo county did have a full and fair hearing. As a matter of fact, some of the members of our committee, a member from the House, is from the town of Belfast where this hospital is located; and the Senator from Waldo, Senator Morse, appeared before our committee, and this Senator can judge by his remarks here, this morning, whether this committee had a fair statement of the case presented to them. You have heard how ably he has argued the question here this morning. He certainly argued it just as ably before our committee; and the report of the committee has come in here almost unanimously, and I hope the bill will not be recommitted.

The PRESIDENT: The Committee on

Appropriations and Financial affairs upon this Resolve, have reported that the same ought not to pass. That report comes up for acceptance, and Senator Morse of Waldo moves that the Resolve be recommitted to the committee. The question is upon the recommittal of the bill to the committee. Senator Putnam of Arcostook having called for the Yeas and Nays, and a sufficient number having voted in favor thereof, the Yeas and Nays were ordered.

The vote having been had the following Senators voted Yea, Messrs. Ayer, Bartlett, Brown, Clark, Curtis, Furbish, Knowlton, Mills, Morse, Philoon, Plummer, Potter, Randall, Shackford, Staples, Stetson, Tupper (17). Those voting Nay were Messrs. Allen, Bailey, Gardner, Heselton, Irving, Owen, Pierce, Pike, Putnam, Simpson, Sturgis (11).

So the motion prevailed, and the resolve was recommitted to the committee on appropriations and financial affairs.

On motion by Mr. Mills of Hancock, Senate Document No. 36, "An Act to amend Chapter 34, Section 3 of the Revised Statutes relating to Notaries Public" was taken from the table. On further motion by the same Senator, the bill was referred to the committee on judiciary in concurrence.

On motion by Mr. Heselton of Kennebec the rules were suspended and bill "An Act to authorize the Augusta Water District to take water from Carleton pon." was passed to be enacted.

On motion by Mr. Philoon of Androscoggin the Senate adjourned to meet on Thursday, Feb. 2, 1905, at 10 o'clock in the forenoon.