

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Thursday, Feb. 9, 1905.

Senate called to order by the President.

Prayer by the Rev. Mr. Tanberg of Gardiner.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Putnam of Aroostook, "Petition of L. R. Cook and 45 others in favor of Maine State Sanatorium Association" which came from the House referred in that branch to the committee on Appropriations and Financial Affairs, the Senate non-concurred with the House in such reference, and on further motion by the same senator, the petition was placed on file.

House Bills Read and Assigned.

An Act to amend Section 24 of Chapter 144 of the Revised Statutes relating to insane persons.

An Act to amend Section 6 of Chapter 65 of the Revised Statutes relating to Probate courts.

An Act to authorize the Houlton Water Company to generate, sell, and distribute electricity.

An Act to authorize the Great Northern Paper Co. to hold stock of the West Branch Driving and Reservoir Dam Co.

An Act granting Jesse K. Mitchell and John J. Cameron the right to establish and maintain a ferry between Sullivan and Hancock.

An Act to increase the salary of the judge of the municipal court of the city of Lewiston.

Resolve in favor of Maine State Sanatorium Association.

An Act to extend the charter of the Waldo Street Railroad Co.

An Act to amend the charter of the Lime Rock Railroad Co.

An Act to amend the charter of the Security Trust Co. of Rockland, Maine with a branch to be established at Vin-alhaven, Maine.

An Act to incorporate the Hamilton Trust Co. of Augusta, Maine.

On motion by Mr. Irving of Aroostook, Senate Amendment A to the foregoing bill was adopted namely:

"Amend Section 13 by inserting in the second line between the words "its" and "earnings" the word "net," so that said Section 13 as amended shall read: Section 13. Such corporation shall set apart as a surplus fund not less than ten per cent of its net earnings in each and every year until such fund with the accumulated interest thereon shall amount to one-fourth of the capital stock of said corporation." and the bill as amended was read and assigned.

An Act to authorize the town of Winthrop to erect and maintain a wharf in lake Maranacook, county of Kennebec.

An Act to authorize the Orono Water Co. to take water from Chemo lake and Chemo stream.

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

Judiciary.

By Mr. Randall of Cumberland: Petition of citizens of Portland praying for passage of bill, An Act to prohibit sales of merchandise in bulk in fraud of creditors.

Legal Affairs.

By Mr. Simpson of York: Petition of W. Guilbault and 66 others of Biddeford in favor of optical bill presented by the Maine Association of Opticians.

By Mr. Putnam of Aroostook, Petition of C. H. Pierce and 25 others of Houlton in favor of same.

By Mr. Mills, of Hancock: Bill, An Act to incorporate the Stonington Trust Co.

On motion by Mr. Allen of York, bill "An Act to provide for the appointment of receivers in corporations" was tabled to be printed, pending reference.

By Mr. Stetson of Penobscot: Petition of Managers of Children's Home of Bangor, in favor of bill for the better protection of children.

By Mr. Staples of Knox: Resolve in favor of the re-establishment where necessary of the boundaries of the lots reserved for public use in the several plantations and unincorporated places.

Railroads and Expresses.

By Mr. Randall of Cumberland: Petition of Twitchell, Champlin & Co. and 30 others, praying for two cent mileage on Washington County Railroad.

By Mr. Mills of Hancock: Petition of A. W. Tripp and 86 others for same.

By Mr. Gardner of Fenobscot: Petition of T. R. Savage and 18 others wholesale merchants of Bangor, asking for same.

Also, Petition of S. M. Chase and 23 others, members of Bangor Council No. 158, U. T. C. of America, for same.

By Mr. Sturgis of Cumberland: bill, An Act to incorporate the Peaks Island Railway Co.

Telegraphs and Telephones.

By Mr. Irving of Aroostook: Petition of E. B. Briggs and 32 others of Westfield, asking for regulation of telegraph rates in non-competing points.

Also, Petition of George H. Barrett and 38 others of Island Falls, asking for same.

Also, Petition of R. H. Sanborn and 38 others of Mars Hill asking for same.

Also, Petition of W. W. McLeod and 37 others of Monticello asking for same.

Also, Petition of J. M. Dyrstel and 34 others of Blaine, asking for same.

Also, Petition of J. T. Spear & Co. and 86 others of Easton, asking for same.

Also, Petition of Howard M. Safford and 98 others of Mars Hill, asking for same.

Mercantile Affairs and Insurance.

By Mr. Shaw of Sagadahoc: Petition of W. G. Davis and 8 others of Guilford against any change in the Maine Standard policy.

Also, Petition of H. L. Haskell of Auburn and 8 others against any change in same.

Also, Petition of Stanwood Given and 17 others against same.

Also, Petition of I. C. York and 26 others, against same.

Also, Petition of Otis Meader and 23 others of Albion against same.

Banks and Banking.

By Mr. Stetson of Penobscot: bill, An Act to extend the charter of the City Trust Company of Bangor.

Agriculture.

By Mr. Stetson of Penobscot: Bill, An Act relating to the stipend for the Eastern Maine State Fair.

Interior Waters.

By Mr. Putnam of Aroostook: Re-

solve in aid of navigation on Schoodic Grand Lake.

By Mr. Owen of Piscataquis: Resolve in aid of navigation on Moosehead Lake.

Inland Fisheries and Game.

By Mr. Furbish of Franklin: Bill, An Act to extend the close time on Caribou and to amend Chapter 32 of the Revised Statutes relating to inland fisheries and game.

Shore Fisheries.

By Mr. Shackford of Washington: Petition of T. E. Allen and 77 others of Harrington, accompanied by statement of facts to amend Sec. 44 of Chapter 41 to prevent fishing for smelts with bag nets on the flood tide in any of the tide waters in the town of Harrington.

Salaries.

By Mr. Stetson of Penobscot: Resolve in favor of George E. Morrison of Saco.

Kennebec County Delegation.

By Mr. Heselton of Kennebec: Petition of Edwin L. Bussell and others in favor of an Act in favor of original plans of Kennebec County.

Orders.

On motion by Mr. Irving of Aroostook, it was: Ordered: The House concurring, that the committee on Telegraphs and Telephones be requested to inquire into the expediency of enacting a law to compel uniform rates on telegraph messages, to correct as far as may be all discrimination against small non-competing points and report by bill, or otherwise.

On motion by Mr. Heselton of Kennebec, it was: Ordered, the House concurring, that a committee of twelve consisting of five on the part of the Senate and seven on the part of the House, be appointed to attend the funeral services of Hon. Joseph H. Manley, to be held at his residence in Augusta on Friday afternoon, at two o'clock.

The President thereupon appointed as such committee on the part of the Senate, Messrs Heselton of Kennebec, Clark of Hancock, Stetson of Penobscot, Plummer of Androscoggin and Morse of Waldo.

Read and Assigned.

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

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

Resolve in favor of the Kings Daughters Home, Bangor, Maine.

Resolve in favor of John Chadwick & Co. to aid navigation in Mooselucguntic Lake.

Resolve to complete the improvements of Songo River and to Establish and maintain buoys in Long and Sebago Lakes in Cumberland County.

Reports of Committee.

Mr. Putnam for the committee on Appropriations and Financial Affairs, to which was referred Report of the State Treasurer and Report of the Commissioner appointed to examine the accounts of the State Treasurer, recommended that the Legislature proceed to the election of State Treasurer. Report accepted.

Mr. Clark for the committee on Judiciary, which was instructed by Order of the Legislature to inquire into the expediency of An Act to supply towns and cities with pure waters, reported legislation thereon inexpedient. Report accepted.

Mr. Mills, for the committee on legal affairs, on bill, "An Act additional to Chapter 34 of the Revised Statutes, relating to holidays," reported that the same ought to pass. Report accepted.

Mr. Bailey, for the committee on ways and bridges, on petition of E. F. Coburn and 54 others in favor of an appropriation for the improvement of Carry road in Oxford county, reported that the petitioners have leave to withdraw. Report accepted.

Mr. Furbish, for the committee on inland fisheries and game, on petition of L. W. Gilman and 69 others, asking that Cold Stream pond be open to ice fishing on Fridays and Saturdays for the remaining part of the winter of 1904 and 1905; also remonstrance of F. N. Simpson and 165 others against passage of such a law, reported that the petitioners have leave to withdraw. Report accepted.

Mr. Allen for the committee on judiciary, on bill, An Act to incorporate

the Fireside Water Company, reported the same in new draft, under same title and that it ought to pass. Report accepted.

Mr. Putnam, for the committee on appropriations and financial affairs on Resolve in favor of the Maine General hospital, reported same in new draft under same title and that it ought to pass. Report accepted. On motion by Mr. Staples of Knox, this resolve was tabled for printing and, Tuesday of next week, assigned for its consideration.

Mr. Pike for the committee on appropriations and financial affairs, on Resolve in favor of the Eastern Maine General hospital of Bangor, reported same in new draft and that it ought to pass. Report accepted.

Mr. Randall for the committee on railroads and expresses, on bill, An Act to extend the charter of the Auburn, Mechanic Falls and Norway Street Railway, reported same ought to pass. Report accepted.

Mr. Irving, for the same committee, on bill, An Act to extend the charter of the Kennebec Valley Railroad Company, reported that the same ought to pass. Report accepted.

Mr. Shackford for the committee on shore fisheries, on bill, An Act to protect cod and other ground fish in waters off the coast of Lincoln and Sagadahoc counties, reported same ought to pass. Report accepted.

Mr. Morse, for the committee on claims, on Resolve in favor of the town of Bothbay, reported that the same ought to pass. Report accepted.

Mr. Curtis for the same committee, on Resolve in favor of Frank B. Pennell, reported same ought to pass. Report accepted. The resolve thereupon took its first reading and was assigned.

Mr. Morse, for the committee on claims, on Resolve in favor of A. J. Cameron, reported same ought to pass. Report accepted.

Passed to be Engrossed.

An Act to confirm the organization of the Old Town Electric Company to change its name to Bangor Railway and Electric Company, and to authorize it to acquire the properties and franchises of the Public Works Company, the Bangor, Orono and Old Town Rail-

way Company and the Bangor, Hampden and Winterport Railway Company, and to confer certain powers upon said Bangor Railway and Electric Company.

An Act to provide in part for expenditures of government for the year 1905.

Passed to be Enacted.

An Act to amend paragraph 4, Section 1 of Chapter 73 of the Revised Statutes relating to sales of real estate by license of court.

An Act to amend Section 39 of Chapter 93 of the Revised Statutes relating to the filing of certificates of liens on real estate.

An Act to amend Section 26 of Chapter 69 of the Revised Statutes relating to the disability of adults under guardianship.

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

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

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 prevent the pollution of the waters of Nequasset lake.

An Act relative to the Winter Harbor Gas and Light Company.

An Act to authorize the Dover Gas Light Company to acquire the property and franchises of the United Gas and Electric Company to sell its property and franchises to the Dover Gas Light Company.

An Act relating to fishing in the tributaries of Webbs river, above Goodwin Bros. mill dam in Carthage, county of Franklin.

An Act to authorize the construction of a wharf or wharves into the tide waters of Penobscot river in Bucksport.

Finally Passed.

Resolve appropriating money for the support of travelling libraries.

Resolve in favor of the Maine State Library.

Resolve in favor of Aroostook Normal School.

Resolve in favor of the Children's Aid Society of Belfast.

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

On motion by Mr. Irving of Aroostook, the vote was reconsidered whereby bill "An Act to incorporate the State Trust Company" was passed to be engrossed. On further motion by the same senator, the bill was amended as follows: Senate amendment A amend Section 13 by inserting in the second line, between the words "its" and "earnings" the word "net" so that said section shall read, when amended, as follows: "Section 13. Said corporation shall set apart as a surplus fund not less than 10 per cent of its net earnings in each and every year until such fund with accumulated interest thereon shall amount to one-fourth of the capital stock of said corporation.

On further motion by the same senator the bill as amended was passed to be engrossed.

Orders of the Day.

Mr. GARDNER of Penobscot: Mr. President: I move that we reconsider the vote whereby the Senate concurred with the House in referring to the committee on agriculture the bill, An Act to amend Section 8 of Chapter 32 relative to the protection of wild birds. I will say that I have consulted the chairman on agriculture and he raises no objection. The motion prevailed.

On motion by the same senator, the vote referring to the committee on agriculture in concurrence, the petition of E. N. Worcester and 6 others of Hancock, relating to the same matter, was also reconsidered; and, on further motion by the same senator, both the bill and petition were severally referred to the committee on inland fisheries and game.

On motion by Mr. Randall of Cumberland, a message was sent to the House requesting the return to the Senate of Senate document No. 45, An Act to amend Section 17 of Chapter 53 of the Revised Statutes relating to street railroads. The secretary being charged with the message, subsequently reported that he had delivered the same. The President thereafter announced that Senate Document No. 45

had been returned to the Senate in accordance with the request. Thereupon, on motion by Mr. Randall of Cumberland, the vote whereby the same was passed to be engrossed, was reconsidered; and on further motion by the same senator, the bill was tabled.

Mr. MILLS of Hancock: Mr. President, It appears by the Calendar that "Bill, for the protection of shell fish within the limits of town of Cushing" was tabled by the senator from Knox, Feb. 2. It appears to me that, if there is no real objection, the senator from Knox should take this from the table, and I desire to ask him if he will do so, and let the bill take its usual course, and be referred to a committee.

Mr. STAPLES of Knox: Mr. President, I am awaiting some information from the Selectmen of Cushing, before I take the bill from the table; and as soon as I receive that information, I promise the Senator I will take the bill from the table. I was informed by letter that certain parties from the town of Cushing at whose request I tabled the bill would be here next Tuesday; and they have asked me to keep the matter on the table until that time. I will assign Wednesday as the day when the bill shall be taken from the table.

On motion by Mr. Irving of Aroostook the vote whereby bill "An Act to extend the close time on Caribou" was referred to the committee on Inland Fisheries and Game, was reconsidered, and on further motion by the same senator, the bill was tabled for printing, pending reference to the committee.

On motion by Mr. Stetson of Penobscot, Senate Document No. 47, "An Act amending Section 1 of Chapter 49 of the Revised Statutes by allowing individuals to do fire insurance business." was taken from the table. On further motion by the same senator the bill was referred to the committee on Mercantile Affairs and Insurance.

On motion by Mr. Clark of Hancock, "Resolve, Authorizing Land Agent to release State's Interest in Half Way Island." was taken from the table. On further motion by the same senator, the same was referred to the committee on judiciary.

On motion by Mr. Heselton of Ken-

nebec, Bill, To authorize formation of corporations for distribution of electric power, was taken from the table. On further motion by the same senator the same was referred to the committee on judiciary.

On motion by Mr. Bartlett of Oxford, it was Ordered, That a message be sent to the House of Representatives, proposing a convention of the two branches of the Legislature forthwith in the hall of the House for the purpose of electing a Treasurer of State for the years 1905 and 1906.

The secretary subsequently reported that he had conveyed the message contained in the foregoing order to the House of Representatives.

The following message was received from the House, conveyed by Mr. Littlefield of Rockland:

Mr. President: I am charged with a message from the House, requiring me to notify the Senate, that the House concurs with the Senate in the calling of a joint convention forthwith for the purpose of electing a State Treasurer.

On motion by Mr. Owen of Piscataquis, the rules were suspended, and "Resolve in aid of navigation on Moosehead Lake" was presented by that senator, and on his motion was referred to the committee on Interior Waters.

The Senate thereupon proceeded to the Hall of the House.

(For proceedings in joint convention, see House report).

The Senate being called to order at the close of the joint convention, the following communication was received from the Secretary of State:

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

Gentlemen: In accordance with the constitution and laws of the State, I submit herewith for the consideration of the Legislature, my official bond as Treasurer of State for the years of 1905 and 1906.

Very respectfully,

(Signed) Oramandal Smith,
Treasurer of State.

On motion by Mr. Putnam of Aroostook, the foregoing communication and bond were referred to the committee on Appropriations and Financial affairs.

On motion by Mr. Knowlton of Pe-
robscot, the Senate adjourned to meet
on Friday, Feb. 10, 1905 at 10 o'clock in
the forenoon.

HOUSE.

Thursday, February 9, 1905.

Prayer by Rev. Fr. Hurley of Port-
land.

Journal of yesterday read and ap-
proved.

Papers from the Senate disposed of in
concurrence.

Senate Bills on First Reading.

An act to change the name of the
Sanford Light and Water Company and
to enlarge its powers.

An act to extend the charter of the
Lincoln County street railway.

An act to extend the franchises of the
Wiscasset, Waterville and Farmington
Railway Company.

An act to extend the charter of the
Maine Midland Railroad Company.

An act to amend section 17 of chap-
ter 52 of the Revised Statutes relating
to street railroads.

An act relating to the Rumford Falls
and Rangeley Lakes Railroad Com-
pany.

Resolve in favor of Women's Chris-
tian Temperance Union, department of
homes for homeless children.

An act to amend the charter of the
Columbia Falls Water and Electric
Light Company.

An act to authorize the Northern
Telegraph Company to extend its lines
along the Northern Maine Seaport
Railroad and to increase its capital
stock.

An act to incorporate the Stockton
Springs Trust Company, having been
passed to be engrossed in the House
and sent to the Senate, now comes from
the Senate amended by Senate amend-
ment A. In the House the amendment
was adopted and the bill was passed
to be engrossed as amended.

An act to incorporate the Houlton
Trust Company, having been passed to
be engrossed in the House and sent to
the Senate, now comes from the Senate
amended by Senate amendment A. In
the House the amendment was adopted
and the bill was passed to be engrossed
as amended.

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