

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Tuesday, Feb. 28, 1905.

Senate called to order by the President.

Prayer by the Rev. Mr. Quimby of Gardiner.

Journal of yesterday read and approved.

Paper from the House disposed of in concurrence:

On motion by Mr. Clark of Hancock nine petitions relating to the taxation of wild land, which came from the House, referred in that branch to the Committee on Legal Affairs, were tabled.

House Bills Read and Assigned.

An Act to enlarge the corporate rights of the Piscataquis Woolen Co. to do electric lighting.

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 Co to make, generate, use, transmit and sell electricity.

An Act to amend Section 25, of Chapter 114, of the Revised Statutes, relating to the relief of poor debtors.

An Act to incorporate the Farmington Society for the Prevention of Cruelty to Animals.

An Act to incorporate the President and Trustees of the Farmington Home for Aged People.

An Act to amend Section 242 of the private and special laws of 1895, entitled "An Act to incorporate the City of South Portland."

An Act to regulate the sale of milk and cream.

An Act to regulate the sale of imitation dairy products.

An Act regulating the duties of the Commissioner of Agriculture, relating to the manufacture and sale of dairy products and their imitation.

An Act to authorize Joseph Long to build and maintain a toll-bridge for foot-passengers across the St. Johns river at or near Fort Kent, and to build and maintain piers and abutments for said bridge.

An Act to amend Section 1 of Chapter 214 of the private and special laws of 1901. (House amendment "A" adopted in concurrence).

An Act granting Belonie Hebert and sons the right to erect and maintain piers and booms on the St. Johns river in the town of Madawaska.

An Act to authorize the Sebec Lake Lumber Co., its successors or assigns, to maintain a wharf and boom in Sebec Lake.

Mr. TARTRE of York: Mr. President, I have an amendment to offer to the foregoing bill, as follows: "Senate amendment A. Amend House document 212 by adding the following words to Section 1, 'Provided, however, that the said Sebec Lake Lumber Co. shall not place its piers upon, or string its booms over or across the land of any other person or corporation.'"

On motion by the same Senator said amendment was adopted, and the bill as amended was read and assigned.

An Act relating to the prevention, control, and extinguishment of forest fires in plantations and unorganized townships.

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

I have the honor to herewith transmit the 51st annual report of the Trustees, Superintendents, Treasurer and Teachers of the State School for Boys.

Very respectfully,

Your Obedient Servant,

(Signed)

BYRON BOYD,

Secretary of State.

On motion by Mr. Simpson of York the foregoing communication, and the accompanying report, was referred to the Committee on State School for Boys.

Mr. Tartre of York, introduced endorsement of Iron Moulders Union of the city of Biddeford for the initiative and referendum, which was referred to the committee on judiciary.

Also petition of C. H. Checkley and 105 others of Biddeford, in favor of same, which was referred to the same committee.

Mr. Sturgis of Cumberland, presented petition of D. W. Chick and 34 others, asking for the passage of the Sturgis bill, which was referred to the committee on temperance.

Mr. Gardner of Penobscot, presented petition of Ira A. Smith and 23 others of Holden for a law requiring the

proper labelling of proprietary medicines containing alcohol, which was referred to the committee on temperance.

Mr. Potter of Cumberland, presented petition of F. B. Hammond and another, in reference to labelling proprietary medicines, which was referred to the committee on temperance.

Also petition of G. R. Staples and another, in reference to the same, which was referred to the same committee.

Orders.

Mr. Stetson of Penobscot, introduced the following order:

"Ordered, The House concurring, that the Governor and Council cause to be compiled in convenient form the Inland Fish and Game Laws, public, private and special, including all such laws passed by this Legislature, and that 10,000 copies be printed for general distribution, and the Governor is authorized to draw his warrant for the payment of the same on the amount appropriated for operating the fish hatcheries and feeding stations for fish, and for the protection of fish and fines and license fees received for the protection of game.

Mr. STETSON: Mr. President, In explanation of this order I desire to say to the Senate that every sportsman who comes to the State of Maine wants a pamphlet containing the laws on hunting and fishing. They cost a trifle like five or six cents a piece and every man who pays \$15 for a license feels entitled to have a copy of the laws of the State, so that he may realize whether he is trespassing under our laws. It is an order which has been passed at every session and it is one of which at the present time I move the passage.

Mr. CLARK of Hancock: Mr. President, I rise to make a suggestion in regard to that order. A few years ago Mr. Carleton got out a digest in connection with those laws, which was very useful. As a matter of fact, I was associated in the trial of a case a few years ago where a question arose as to what the law was. The court hardly knew the rule about it, until he found Mr. Carleton's digest on this subject, which construed the very section under which a man had been arrested. It

seems to me that it would be a good idea to insert in the order an amendment covering a digest of decisions upon the same.

Mr. STETSON: I would be very glad to have the senator from Hancock amend the order to cover the point which he has raised and the order may be tabled if he so desires.

The order was thereupon tabled on motion by the senator from Hancock.

Subsequently, on motion by Mr. Clark of Hancock, the order was amended by adding after the word "Legislature" in the fourth line thereof the words, "a digest of the decisions upon the same."

The order as amended received a passage.

On motion by Mr. Philoon of Androscoggin, the rules were suspended and that senator introduced petition of L. L. Berrell and 17 others of Auburn, for the proper labelling of proprietary medicines containing alcohol and narcotics, which was received and on further motion by the same senator was referred to the committee on temperance.

On motion by Mr. Furbish of Franklin the rules were suspended and that senator introduced bill, "An Act to change the title of the Wilton Electric Light and Power Company," which upon his further motion, was referred to the committee upon judiciary.

Passed to be Engrossed.

An Act to change the name of Upper Stone pond to Virginia lake.

An Act to change the name of Lower Stone pond to Lake Keewaydin.

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

An Act to amend Section 60 of Chapter 33 of the Revised Statutes, relating to liens on monumental work.

An Act to incorporate the Fort Kent Light & Power Company.

An Act to incorporate the Milo Water Co.

An Act to incorporate the Fort Kent Water Co.

Resolve in favor of F. A. Giddings, secretary of the committee on State prison.

Resolve in favor of Aroostook Normal

school of Presque Isle.

Resolve in favor of Sebois road.

An Act to extend the charter of the Caratunk Power Co.

An Act to provide for recording condemnation proceedings.

An Act to incorporate the Messalonskee Electric Co.

An Act to legalize the doings of the town of Masadis in the county of Aroostook.

An Act to organize the plantation of Portage lake.

An Act authorizing and ratifying the construction and maintenance of a wharf from Macknorth, or Mackeys island, so-called, into the tide waters of Casco bay, in the town of Falmouth, Maine.

An Act additional to Section 12, Chapter 167, of the Revised Statutes, relating to easements.

Passed to be Enacted.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes, relating to close time for smelts.

An Act additional to Chapter 49 of the Revised Statutes, defining fraternal and beneficiary associations doing business in 1889.

An Act additional to Chapter 144 of the Revised Statutes relating to insane hospitals.

Mr. MORSE of Waldo: Mr. President: Will you give to the Senate a little wider idea of what that bill relates to.

THE PRESIDENT. The Secretary will read the bill. It is a printed document, but perhaps it will expedite business if the Secretary reads the bill.

The Secretary thereupon, under the direction of the President, read Senate document 96.

On motion by Mr. Morse of Waldo the bill was tabled.

An Act to amend Section 18 of Chapter 144 of the Revised Statutes, relating to the support of persons committed to insane hospitals.

An Act to authorize James Crawford and his associates to erect and maintain piers and booms in the St. John river in the town of Grand Isle.

An Act to enable the Sebago Lake, Songo River & Bay of Naples Steam-

boat Co. to construct and maintain a wharf at the foot of Long Lake in the town of Naples in the county of Cumberland.

An Act to authorize Walter W. Irwin, his associates and assigns to raise the water of Third Pond in the town of Blue Hill.

An Act to regulate fishing in Shadow Pond, so called, in Squaw Mountain township, Piscataquis county.

An Act to provide for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases.

An Act to authorize the City of Bangor to issue new bonds to retire maturing bonds.

An Act additional to and amendatory of Chapter 137 of the private and special laws of 1903, entitled "An Act to amend the charter of the City of Auburn, and to provide for a board of public works.

An Act to authorize the County Commissioners of Aroostook county to create a sinking fund for the purpose of paying the bonded debt of said county.

An Act to extend the time in which the Van Buren Sewerage Co. is authorized to commence business.

An Act to amend Chapter 86 of the private and special laws of 1903, entitled "An Act to authorize the Orono Pulp & Paper Co. to generate, use and sell electricity.

An Act additional to and amendatory of Chapter 48 of the private and special laws of 1887, entitled "An Act to incorporate the Winterport Ferry Co.

An Act to authorize the European & North American Railway and the Maine Central R. R. Co., its lessees, to change the location of its railroad bridge across the Kenduskeag stream in Bangor.

An Act to extend the charter of the Pushaw Lake Railway.

An Act to extend the charter of the Eastport Street Railway Co.

An Act relating to the Pine Grove Cemetery of Falmouth, Maine.

An Act to incorporate the Stockton Springs Water Co.

An Act to extend the charter of the Mattanawcook Manufacturing Co.

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

An Act to incorporate the Deering Trust Co.

An Act to continue in force the charter of the Van Buren Trust Co.

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

Finally Passed.

Resolve providing for preventing contagious diseases among cattle and horses.

Resolve in favor of marking the grave of the late Governor Hunton.

Resolve making appropriations for the Passamaquoddy tribe of Indians.

Resolve making appropriations for the Passamaquoddy tribe of Indians.

Resolve in favor of the Knox County General hospital.

Resolve in favor of the Maine State Poultry & Pet Stock Association.

Resolve in favor of the Penobscot tribe of Indians for the years 1895 and 1896.

Resolve in favor of Peter F. Neptune, representative of the Passamaquoddy tribe of Indians.

Orders of the Day.

Mr. POTTER of Cumberland: Mr. President: I move that the Senate reconsider the vote taken yesterday, whereby the report of the committee on legal affairs was accepted, in relation to the act in regard to the fencing of burial grounds. The report of the committee was "Ought not to pass."

The matter came here on petition of ex-Governor Chamberlain and 30 or 40 others of Brunswick, and was set down for hearing sometime last week. The petitioners were not present. The reason why they were not present is because a notice in the Portland paper stated that the hearing would be today. I have here a copy of the notice of the committee on legal affairs, stating that today "at 2 o'clock there will be a hearing on the petition of Joshua L. Chamberlain and others in relation to the fencing of burying grounds." Of course those gentlemen want to be heard, and they were not heard because of an error either of the committee or the printer, and I now move that this vote be reconsidered in order that, if it is not reconsidered, the matter may be recommitted to the committee on legal affairs. I am informed that the chairman of the legal affairs committee, the senator from Aroostook, has no objection to the proposed action, and I move that the bill be recommitted to the committee on legal affairs. The motion prevailed and the bill was recommitted to the committee on legal affairs.

Mr. POTTER of Cumberland: Mr. President: This morning the calendar states that the resolve in favor of the trustees of the University of Maine is in order today. It was not the intention of Mr. Stetson, the senator from Penobscot, or myself, that the matter should be considered today. We have agreed, subject to the decision of the Senate, that the matter should be set down for discussion for

Thursday of this week, and I therefore move that it be so assigned.

The motion prevailed, and the consideration of the bill was assigned for next Thursday.

On motion by Mr. Clark of Hancock, the secretary was instructed to convey a message to the House, requesting the return of Senate document 99.

The secretary subsequently reported that he had conveyed the message.

The PRESIDENT: While the Senate is awaiting the return of the bill which we have just sent for, the Chair wishes to take this opportunity to say to the members of the Senate present that under the order passed by you some three weeks ago the official stenographer was authorized to employ such assistance as he might need for the purpose of revising the legislative record. He has obtained his assistant, and any of the senators who may hereafter have occasion to address the Senate and who may wish to revise their remarks before they appear in the State paper, the following morning, or before they are finally incorporated in the legislative record, can send one of the pages or one of the messengers of the Senate to the official stenographer at his office, and such senator may obtain a typewritten copy of his remarks, upon which he can make such revision as he may see fit, and return the same to the official stenographer, and his so revised edition will be incorporated in the legislative record.

The Chair takes this opportunity to announce this to you, because the Chair knows that many of the senators did not know that this could be done.

The Chair will further state as a matter of information to the Senate, that every word uttered in the Senate from the time of the fall of the gavel in the morning until the close of the session, is taken down by the official stenographer; and after the session is over he retires to his office, where it is written out and eventually appears as the legislative record. This is preserved for all time. The work of the official stenographer is very trying. Errors inadvertently creep in. If any errors appear in the newspaper report in the morning they are not due to the reporter as much as to the fact that he has no opportunity to read the proof after the type is set up in the Journal office, the type not being set up frequently until from 12 to 2 o'clock in the morning. The Chair would especially caution the senators that if they wish future reports of their remarks in the Senate to appear correctly, properly punctuated, and so forth, they must take pains to see that the manuscript of their remarks is revised before it is finally printed in the record, because your children will be glad to know that their ancestors were correctly speaking people, to say the least.

The PRESIDENT: The House has complied with the request of the Senate relative to the return of Senate document 99, being "An Act to amend Sections 100 and 102 of Chapter 23 of the Revised Statutes relating to State roads."

On motion by Mr. Clark of Hancock,

the vote whereby the same was passed to be engrossed was reconsidered. On further motion by the same senator the bill was tabled.

On motion by Mr. Simpson of York, report of the committee on legal affairs "ought not to pass" on bill to incorporate the trustees of Harmony Grange, No. 134, was taken from the table. On motion of Mr. Bailey of Somerset, the bill was recommitted to the committee on legal affairs.

The PRESIDENT: I will ask the senator from Knox if that is acceptable to the committee.

Mr. STAPLES of Knox: We are satisfied to have it recommitted. It seems that there is an error which has crept in that it is desirable to rectify.

On motion of Mr. Simpson of York, table document 16 was taken from the table, the same being report of committee on legal affairs "ought not to pass" on bill to regulate the use of boats propelled by explosive engines. On further motion by the same senator the report of the committee was accepted.

Mr. GARDNER of Penobscot: Mr. President: Owing to a mistake of the typewriter who copied the bill here relative to the Penobscot Chemical Fibre Co., there is a part of the section left out. That bill, as I understand, passed to its first reading this morning. I would like, under suspension of the rules, to offer an amendment to this bill, and would move the adoption of the amendment, and that the bill pass to its second reading, in order that a day may not be lost, as it must necessarily go back to the House on the Amendment.

On motion of the senator from Penobscot the rule was suspended, and bill "An Act to amend Section 1 of Chapter 89 of the Private and Special Laws of 1892, entitled 'An Act to authorize the Penobscot Chemical Fibre Co. to make, generate, use and sell electricity,'" took its second reading, and was passed to be engrossed. (Senate amendment A: Insert after the words Section 1 of the first line the words "section 1, Chapter 89, of the Private and Special Laws of 1903, entitled 'An Act to authorize the Penobscot Chemical Fibre Co. to make, generate, use, transmit and sell electricity.'" was adopted).

As amended the same was passed to be engrossed.

On motion by Mr. Plummer of Androscoggin, the Senate adjourned to meet on Wednesday, March 1, 1905, at 10 o'clock in the forenoon.