

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Tuesday, March 7, 1905.

The Senate called to order by the President.

Prayer by Rev. Mr. Tanberg of Gardiner.

Reading of the records of yesterday read and approved.

Papers from the House disposed of in concurrence.

Resolve providing for an amendment to the constitution of the State, relating to the taxation of lands in unincorporated townships, and wild lands, so called, in the plantations. This resolve came from the House, having been referred in that branch to the committee on legal affairs. On motion by Mr. Putnam of Aroostook this resolve was tabled pending reference in concurrence.

On motion by Senator Pierce of Aroostook petition of D. McDonald and 37 others of Machias, relating to passage of bill giving blacksmiths a lien on their work, was placed on file; also the same for petition of D. H. Libby and 36 others.

Senator Staples of Knox on the petition of Rev. C. A. Briggs and 101 others of Norway for the passage of the Sturgis bill; also petition of George A. Purington and 64 others of Farmington, in relation to the same, moved that the Senate non-concur, and on motion of the same Senator the same were placed on file.

House Bills Read and Assigned.

An act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes in this State, and authorizing the acquisition thereof.

On motion of Mr. Mills of Hancock, bill, "An act to abolish the common council, and to increase the membership of the board of alderman of the city of Portland," was tabled.

An act to amend section 93 of chapter 4 of the Revised Statutes, relating to town and city by-laws and ordinances.

An order of the Legislature relating to the pay of out-going clerk and assistant clerk during the organization of the House, with report accompanying the same, "Resolve in favor of W. S.

Cotton," which was read and assigned.

Thursday was assigned for the consideration of this report.

An act pertaining to the duties of the cattle commissioners.

Resolve in favor of Mrs. Fannie L. Jenkins of Newport, Maine, for State aid.

An act relating to the compensation of commissioners of inland fisheries and game. Tuesday was assigned for the consideration of this report.

An act relating to the compensation of certain State officers. On motion of Senator Staples of Knox this was tabled and Thursday assigned for its consideration.

An act to enlarge the duties and fix the compensation of the attorney-general. On motion of the same Senator tabled, and Thursday assigned.

Senate Document No. 71 came from the House amended by House Amendment A, "Amend by inserting House Amendment A by inserting in section 4, line 8, after the word establish, 'under such reasonable restrictions and conditions as the selectmen of the town may impose,' so that said section as amended shall read as follows:"

Mr. Pierce of Aroostook thereupon moved that the vote whereby this bill was passed to be engrossed be reconsidered, and the motion prevailed.

On motion by Mr. Curtis of Cumberland Senate document No. 71 was tabled for printing.

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

I have the honor to herewith transmit the report of the cattle commissioners on contagious diseases of animals.

Very respectfully,

Your obedient servant,
(Signed) **BYRON BOYD,**
Secretary of State.

Which was referred to the committee on agriculture.

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

Mr. PIERCE of Aroostook: Mr. President, I desire to present a petition relative to amendment of the city charter of the city of Gardiner. My reason for asking a suspension of the rules, and the privilege of presenting

the same at the present time, is, Senator Heselton of Kennebec has been very ill, and therefore has been unable to take care of the matter. The matter has been endorsed by the citizens of Gardiner almost wholly, as I believe, and therefore I ask the privilege of presenting it at the present time.

Thereupon the bill, "An act to amend the city charter and city ordinances of the city of Gardiner, in relation to the election of the city marshal and the street commissioner," was presented and received, and upon motion by the same Senator was referred to the committee on legal affairs.

Senator Heselton of Kennebec, presented remonstrance of Rev. Osborne J. Hoffman and others of Winthrop against the passage of any act that shall permit sacred concerts on the Sabbath, which on the same Senator's motion was referred to the Committee on judiciary.

Mr. Clark of Hancock presented bill, "An act to amend section 88 of chapter 84 of the revised statutes, relating to the changing of jurors, which was referred to the committee on legal affairs.

Mr. Putnam of Aroostook presented resolve in favor of William H. Reid, State binder, which was referred to the committee on appropriations and financial affairs.

Mr. Brown of Kennebec presented petition of Norman K. Fuller and 42 others of Waterville against the passage of the manslaughter bill; and on motion by same Senator the same was placed on file.

Mr. Tartre of York presented petition of J. B. Jordan and 11 others of Saco, asking for the proper enforcement of the liquor law, which was referred to the committee on temperance.

Mr. Mills of Hancock presented petition of F. H. Smith and 25 others, in favor of enforcement of legislation relative to the prohibitory law, which was referred to the committee on temperance.

Mr. Potter of Cumberland presented petition of Felix Powell and others for the proper labeling of proprietary medicines.

Mr. Tartre of York presented petitions of J. B. Jordan and 12 others of Saco; also petition of J. Newton Brown of Eliot and 13 others; all for the proper labeling of proprietary medicines containing alcohol and narcotic drugs; and the same were referred to the committee on temperance.

Mr. Bailey of Somerset presented petition of Rev. Osburne J. Hoffman of Winthrop and others, relating to the same matter; which was referred to the same Committee.

The same Senator presented the petition of Rev. L. D. Libby and 61 others, citizens of Brighton, urging the passage of an act providing for the proper labelling of proprietary medicines, etc., and same was also referred to the Committee on Temperance.

The same Senator presented petition of F. G. Davis and 15 others of Norridgewock, requesting the enactment of the Milliken bill; also of W. H. Lang and 38 others for same; which was referred to the Committee on Temperance.

Mr. Heselton of Kennebec presented petition of W. T. Reynolds and others in favor of the act which provides for the proper labelling of proprietary medicines containing alcohol.

Mr. Curtis of Cumberland presented a remonstrance against bill relating to the labelling of proprietary medicines, 44 names; also a similar remonstrance against same containing 15 names, by the same Senator and referred to the same Committee.

Mr. Irving of Aroostook presented petition of J. L. Pinkerton and 4 others of Mars Hill, relative to the labelling of proprietary medicines, which was referred to the same Committee.

Mr. Brown of Kennebec presented petition of C. W. Jones and 19 others, citizens of China, in favor of an act providing for the proper labelling of proprietary medicines, etc., which was referred to the same Committee.

Mr. Allen of York presented petition of Herbert Tilden and 31 others for same, which was referred to the same Committee.

Mr. Ayer of Kennebec presented remonstrance of Norman K. Fuller and 43 others of Waterville, against the

passage of the Potter Manslaughter bill, which was placed on file.

Mr. Ayer of Kennebec presented petition of G. B. Youngman and 35 others of Oakland, in favor of the proper labelling of proprietary medicines, and the same was referred to the Committee on Temperance.

Also remonstrance of Charles A. Southard, president of the Augusta District Conference, against the passage of any bill permitting sacred concerts on the Sabbath; which was referred to the Committee on Judiciary.

Mr. Ayer of Kennebec presented petition of Hiram Wyman and 35 others of Oakland, in favor of the Sturgis Bill, which was placed on file.

Also petition of A. W. Leonard and 27 others of Oakland in favor of same, which was placed on file.

Also petition of Jackson Cayford and 18 others of Oakland in favor of same, which was placed on file.

Orders.

On motion of Mr. Potter of Cumberland it was ordered that a message be sent to the Governor and Council, requesting the return of "an act to amend the act of February 9, 1905, in relation to the assessment of taxes on the estates of deceased persons before the appointment of executors or administrators of such estates."

Mr. POTTER: Mr. President, I want to say in just a word that the bill referred to in that order cannot accomplish its object unless it takes effect on approval. That provision was omitted from the bill, and the purpose of recalling it from the Governor is to have that omission supplied. I would also say that no member of the Senate is responsible for the errors of the bill, as no one examined it with care when it was rushed through the other day, and I have an amendment to offer when it is returned if it is returned.

The order received a passage.

Read and Assigned.

An act to amend chapter 175 of the private and special laws of 1903, in relation to the Atlantic Shore Line Railroad. Senate amendment A, adding after the word "furnishing" "electricity for," was offered by Senator Allen of

York and adopted. As amended the bill was read and assigned.

On motion by Mr. Pierce of Aroostook, "Resolve in favor of the town of Fort Kent in the county of Aroostook for the building of a bridge across Fish river, in the town of Fort Kent," took its second reading under suspension of the rules, and was passed to be engrossed.

Resolve in favor of Bath Military and Naval Orphan Asylum.

An act to incorporate the Bangor and Northern Railroad Company.

On motion by Mr. Stetson of Penobscot the bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to extend the charter of the Houlton and Danforth Electric Railroad Company.

An Act to extend the charter of the Hancock County Railway Company.

An act to extend the charter of the Blue Hill Water Co.

An act to grant administration of the estate of John A. Holmes late of Readfield.

An act to authorize the inhabitants of York to give the York hospital a tract of land.

An act to extend the charter of the Ellsworth Street Railway Co.

An act providing for an open season on white perch in Lake Saint George in Wallo county.

An act to amend section 51 of chapter 125 of the Revised Statutes relating to cruelty of animals.

An act granting permission to John L. Goss to construct and maintain a bridge across Moose Island bar in the town of Stonington. On motion by Mr. Mills of Hancock the rules were suspended and this bill took its second reading, and was passed to be engrossed.

An Act to authorize the Mainstream Lumber Company to erect a dam across Mainstream in the town of Harmony. On motion of Mr. Mills of Hancock this bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to incorporate the Union Light and Power Company.

An act to incorporate the Jackman Water Company.

Resolve to provide means for examination of claims for State pensions.

Reports of Committees.

Mr. Clark for the committee on judiciary on bill, "An Act to amend the charter of the Sabasticook Manufacturing Power Company, reported that the same "ought not to pass." Report accepted.

Mr. Pierce for the committee on legal affairs on bill, "An Act granting additional powers to the Eastern Manufacturing Company," reported same in new draft under same title "ought to pass." Report accepted.

Mr. Simpson for the committee on appropriations and financial affairs, on "Resolve in favor of L. C. Morse," reported same in new draft under same title "ought to pass." Report accepted.

The same Senator for the same committee on resolve in favor of George G. Weeks reported same in new draft and under same title "ought to pass." Report accepted.

Mr. Putnam for the same committee on resolve in favor of Hon. Lindley M. Staples of Knox county reported same in new draft under same title "ought to pass." Report accepted.

Mr. Putnam for the same committee an resolve in favor of R. D. Leavitt reported same in new draft under same title ought to pass. Report accepted.

Mr. Putnam for the same committee, instructed by an order of the Legislature to inquire into the expediency of authorizing the Governor and council of executing a contract for water for the State capitol, reported bill "An act to authorize the Governor and Council to execute a contract for water for the State capitol." Report accepted.

Passed to be Engrossed.

An act to fix the salary of the Governor.

Resolve in favor of F. J. Allen of Sanford.

Resolve in favor of I. K. Stetson of Bangor.

An act to extend the powers of the trustees of Bangor Theological Seminary.

An act to extend the charter of the Patten Telegraph and Telephone Company.

An act to prevent sales of merchandise in bulk in defraud of creditors. On motion by Mr. Mills of Hancock this bill was tabled.

An act to incorporate the Eagle Lake telephone company.

An act to incorporate the Harmony and Wellington Telephone Company.

An act to incorporate the St. Francis Telephone Company.

An act to enable William G. Barter to construct and maintain wiers near Whittimore's Cove in the waters of Penobscot Bay.

An act relating to the bills and expenses of State and county officials.

An act relating to the taking of smelts in Bagaduce river, so called, between the towns of Castine and Brooksville in the county of Hancock, from March 1st to November 1st of each year.

An act to prohibit scallop fishing in Bluehill bay from the 1st day of April to the 1st day of November in each year.

An act relating to fishing in the tributaries of Anonymous Pond.

An act to authorize the Farmington Village Corporation to take water for municipal and domestic purposes.

Resolve for an appropriation for the use of the commissioners of sea and shore fisheries.

Resolve providing for the screening of Sabattus Pond, Androscoggin county.

An Act to amend chapter 15 of the Revised Statutes of Maine, relating to education.

Resolve in favor of Western State Normal School at Gorham.

Resolve in favor of repairing Mattawamkeag bridge.

Resolve providing for the repairing of a roadway in Townships 5 and 6 in Piscataquis county.

Resolve in favor of Lee Normal Academy.

Passed to Be Enacted.

The following bills on their passage to be enacted, having been tabled, were taken from the table for final enactment:

An act to regulate the sale of milk and cream.

An act to regulate the sale of imitation dairy products.

An act to regulate the duties of the Commissioner of Agriculture, relating to the manufacture and sale of dairy products and their imitations.

An act to amend chapter 242 of the private and special laws of 1895, entitled "an act to incorporate the city of South Portland."

An act to incorporate the president and trustees of the Farmington Home for Aged People.

An Act to amend Chapter 212 of the private and special laws of 1903, entitled "An Act to incorporate the Searsport Water Co."

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

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

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

An Act authorizing the West Harbor Ice Co. to construct a fish-way, and to protect alewives in West Harbor ice pond and its tributaries.

An Act to incorporate the Newport Trust Co.

The following bills on their passage to be enacted, having been tabled, were taken from the table for final enactment:

An Act to extend the charter of the Hillside Water Co.

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

An Act to incorporate the Messalonski Electric Co.

An Act authorizing and ratifying the construction and maintenance of the wharf from Mackworth, or Mackay's Island, so called, into the tide waters of Casco Bay, in of Falmouth, Maine.

An Act to amend Section 1 of of Chapter 274 of the private and special laws of 1901, relating to the maintenance of piers and booms on the St. John river in the town of Grand Isle.

An Act to incorporate the Farming-

ton Society for the Prevention of Cruelty to animals.

An Act to organize the Plantation of Portage Lake.

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

An Act to provide for the recording of condemnation proceedings.

An Act to amend Section 17 of Chapter 53 of the Revised Statutes relating to street railroads.

An Act additional to Section 12 of Chapter 107 of the Revised Statutes relating to easements.

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

An Act to amend Section 13 of Chapter 128 of the Revised Statutes relating to malicious mischief.

The following bills on their passage to be enacted, having been tabled, were taken from the table for final enactment:

An Act to incorporate the town of Westfield in the county of Aroostook.

An Act to provide for the better protection of motormen and conductors on electric cars.

An Act in relation to lands reserved for public uses in the plantation of Kingsbury.

An Act to extend the charter of the Merchants' Trust Company, and to change the name of some of the incorporators.

Finally Passed.

Resolve in aid of repairing the bridge across the Narraguagus river in the town of Milbridge.

Resolve to provide for the expense of the Maine Industrial School for Girls.

Resolve in favor of the Maine Industrial School for Girls.

Orders of the Day.

Mr. Pitnam of Aroostook moved that certain bills and resolves on their passage to be enacted, included in the foregoing, be taken from the table and put upon their final passage, and the motion prevailed.

Memorandum--The motion of the senator from Aroostook included all bills and resolves tabled by said senator on account of the absence of the Governor, as expressed in the motion

of the senator in tabling said bills and resolves.

On motion of Mr. Putnam of Aroostook, House document 113, Resolve in favor of Jackman plantation, was taken from the table and the report of the committee was adopted. And on further motion by the same senator, Senate amendment A "providing the Governor and Council on said investigation find the said plantation be legally entitled to the same," was adopted. The Resolve as amended was read and assigned.

On motion by the same senator, House document 116, together with accompanying report, was taken from the table and the report of the committee was adopted. On motion by the same senator, Senate amendment A "provided the Governor and Council can, on said investigation, find the said plantation to be legally entitled to the same."

Mr. PUTNAM of Aroostook: Mr. President, before the vote is taken I wish to make a brief statement. These resolves properly are paid out of emergency funds, which amount to \$8000 a year. I think there is no doubt but they will be allowed.

Amendment adopted.

On motion by Mr. Simpson of York, House document 261, "An Act authorizing the codification of the sea and shore fishery laws," was taken from the table. On motion by the same senator the Senate concurred in the acceptance of the report of the committee thereon. The bill thereupon took its first reading and on further motion by the same senator, Senate amendment A,— "Add to Section 1 the following words: 'and pay from any funds in the treasury not otherwise appropriated,'" was adopted. On further motion by the same senator, under suspension of the rules, the bill took its second reading and was passed to be engrossed.

Mr. MILLS of Hancock: Mr. President, last Friday, I introduced a resolve calling for a special appropriation for the Gorham Normal school and made the statement that it was introduced at the request of the trustees of State Normal schools.

I desire to correct that statement,

and further to say that it was introduced at the request of one of the trustees, and I am in receipt of a letter, this morning, from the chairman of that board, saying that the proposition has never been entertained by them in their meetings, and they do not sanction the resolve.

I make this statement in order that the board of trustees may be put in the right light before the State.

On motion by Mr. Curtis of Cumberland, "Report of committee on judiciary 'ought not to pass' on resolve to reimburse Herbert L. Kimball for money paid for tax deeds," was taken from the table. On motion of the same senator the Senate concurred with the House in the acceptance of the report.

On further motion by the same senator report of the committee on judiciary, "that he have leave to withdraw" as to the petition of Herbert L. Kimball, was taken from the table, and on further motion by the same senator the report of the committee was accepted in concurrence.

On motion by the same Senator, table document No. 21,— "Report of the committee on judiciary 'ought not to pass' on resolve to reimburse DeForrest Keyes for money paid for tax deeds," was taken from the table and on further motion by the same senator the report of the committee was accepted in concurrence.

On motion by the same senator the report of the committee on judiciary on table documents Nos. 22 and 23, that the petitioners "have leave to withdraw," relative to similar subject matter, were accepted in concurrence; and on further motion by the same senator said reports were severally accepted in concurrence.

On motion by Mr. Knowlton of Penobscot, the Senate adjourned to meet, on Wednesday, March 8, 1905, at 10 o'clock in the forenoon.