

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

HOUSE.

Thursday, February 7, 1907.

Prayer by Rev. Mr. Clark of Gardiner.

Papers from the Senate disposed of in consurrence.

Senate Bills on First Reading.

An Act to amend chapter 222 of the Private and Special Laws of 1903 entitled "An Act to authorize extensions of the Bangor and Aroostook Railroad in Aroostook, Piscataquis and Penobscot counties.

Resolve in aid of navigation on Moosehead Lake.

Resolve for buoys and lights on the Rangeley Lakes.

An Act to entend the charter of the Houlton and Danforth Electric Railroad Company.

Resolve in favor of the Bath Military and Naval Orphan Asylum.

An Act to make plain the provisions of Section 9, Chapter 139 of the Revised Statutes realting to extradition.

An Act to extend the charter of the Houlton and Woodstock Electric Railroad Company.

An Act to grant certain powers to the Mount Desert Transit Company.

An Act to amend Section 33 of Chapter 39 of the Revised Statutes and Section 7 of Chapter 68 of the Public Laws of 1905.

Senate amendment A, by adding to the title of that bill the words "relating to the regulation of the sale of commercial fertilizers," was adopted, and the bill was then read twice and assigned for to-morrow morning.

Resolve to prevent the pollution of the waters of North or Varnum's pond, came from the Senate amended by Senate amendment A. The House reconsidered the vote whereby the bill was passed to be engrossed, Senate amendment A was adopted, and the bill was then passed to be engrossed as amended.

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

Judiciary.

By Mr. True of Portland—Petition of F. S. Philbrick and 14 others of West

Rockport in favor of the initiative and referendum.

By Mr. Danforth of Skowgegan—Petition of John B. Taylor and 37 others of Skowhegan for same.

By Mr. Stover of Brunswick—Petition of John W. Ballou and others praying that Chapter 117, Section 5, page 901, lines 16-26 inclusive be amended so that it shall include the words "reasonable team hire;" of William M. Pennell and others for same.

By Mr. Michaud of Frenchville—Bill, An Act to incorporate the society of the Sisters of Wisdom; Bill, An Act to fix the time of payment of salaries of county officers.

Legal Affairs.

By Mr. Libby of Amity—Petition of E. G. Bryson and 21 others of Haynesville for the act providing for the support of the pauper, insane and feeble minded by the State.

By Mr. Milliken of Island Falls—Petition of L. F. Bradbury and 42 others of Fort Kent, for same.

By Mr. Libby of Amity—Petition of Martin Farady and 13 others of Bancroft, for same; of F. H. Vale and 42 others of Hodgdon, for same.

By Mr. Milliken of Island Falls—Petition of Thomas Dubay and 26 others of Hill Plantation, for same.

By Mr. Tolman of Portland—Bill, An Act authorizing the construction of a wharf into the tide waters of Casco Bay in the city of Portland.

By Mr. Thomas of Harpswell—Bill, An Act authorizing the building of a wharf in waters of Casco bay.

By Mr. Dow of Brooks—Bill, An Act to amend Chapter 184 of the Private and Special Laws of 1899 entitled "An Act to establish a municipal court in the town of Searsport."

By Mr. True of Portland—Bill, An Act to amend Section 11 of Chapter 39 of the Revised Statutes in relation to the sale of milk.

By Mr. Irving of Presque Isle—Bill, An Act to enable the town to purchase the stock or franchises of the Presque Isle Water Company or any part thereof.

Appropriations and Financial Affairs.

By Mr. Donigan of Bingham—Petition of O. G. Wyman of Bingham and 24 others for resolve in favor of Maine State Sanitorium Association.

By Mr. Michaud of Frenchville—Petition of citizens of St. Agatha for same.

By Mr. Goodwin of Sanford—Petition of George E. Allen of Sanford and 13 others for same.

By Mr. Colcord of Searsport—Resolve in favor of the town of Stockton Springs, with statement of facts.

Education.

By Mr. Weeks of Fairfield—Petition of A. H. Ellis and 17 others of Fairfield for the adequate support of the University of Maine.

By Mr. Titcomb of Farmington—Petition of E. E. Richards and 47 others of Farmington for same.

By Mr. Strickland of Bangor—Petition of John M. Oak and 46 others of Bangor for same.

By Mr. Minnehane of Old Orchard—Petition of Wm. G. Harmon and 32 others of Old Orchard for same.

By Mr. Giddings of Gorham—Petition of Fred E. Mayberry and 36 others of Gorham and Windham for same.

By Mr. Pinkham of Lincoln—Petition of D. S. Chadbourne and 30 others of Mattawamkeag for same.

By Mr. Dyer of Buckfield—Petition of James S. Wright and 38 others of South Paris for same.

By Mr. Skillin of Cumberland—Petition of F. R. Sweetser and 33 others of Cumberland for same.

By Mr. Jacobs of Athens—Petition of B. P. J. Webster and 59 others of Madison for same.

Banks and Bankings.

By Mr. Merrill of Monmouth—Bill, An Act to incorporate the Peoples' Trust and Banking Company of Houlton.

Railroads and Expresses.

By Mr. Libby of Amity—Petition of F. H. Vail and 42 others of Hodgdon for the act providing for a transferable two-cent mileage on the Bangor & Aroostook Railroad; of A. E. Babkirk and 14 others of Bancroft for same.

By Mr. Milliken of Island Falls—Petition of Frank Violette and 31 others of Connor Plantation; of Thomas Dubbay and 25 others of Hill Plantation; of Wm. H. Henderson and 25 others of Allegash Plantation; of Dr. Isidore Cote and 10 others of Frenchville; of L. F. Bradbury and 37 others of Ft. Kent; of A. G. Whitcomb and 43 others of Westfield; of Nils W. Edlund and 39 others of New Sweden for same.

Interior Waters.

By Mr. Hall of Dover—Bill, An Act to amend Section 1 of Chapter 262 of the Private and Special Laws of 1903, entitled "An Act to authorize the Boston Excelsior Co. to erect piers and booms in Sebec river."

State Lands and State Roads.

By Mr. True of Portland—Petition of F. S. Philbrick and 14 others of West Brockport in favor of the so-called Sergeant road bill; of F. S. Philbrick and 13 others of West Rockport in favor of State aid to towns for repairing public highways.

Ways and Bridges.

By Mr. Perry of Randolph—Petition of B. E. Lamb and 50 others of Randolph in favor of Resolve in favor of Gardiner and Randolph.

By Mr. Michaud of Frenchville—Resolve in favor of the town of St. Agatha in the county of Aroostook to assist in building a road in said town.

Inland Fisheries and Game.

By Mr. Wight of Newry—Petition of G. L. Smith and 17 others of Hanover in Oxford county asking that Meadow brook, so called, the main inlet to Howard's pond and tributaries of said brook shall be closed to fishing at all seasons of the year from the source to its outlet into said Howard's pond.

By Mr. Stearns of Norway—Petition of Sylvester Cole of Paris and others for a law to prevent the carrying of firearms into unincorporated townships in close time on game; also to provide for feeding the fish in our hatcheries for a longer time before they are liberated.

By Mr. Danforth of Skowhegan—Petition of Geo. F. Burrill and others of Madison for same.

By Mr. Wight of Newry—Petition of

J. W. Bennett of Gilead and others for same.

By Mr. Crosby of Albion—Petition of Chas. W. Abbott and 30 others of Albion for passage of a law prohibiting ice fishing in Lovejoy pond in Albion; of B. J. Sherman and 39 others of Albion for same; of A. N. Goodwin and 41 others of China asking for close time for ice fishing in China lake; of Geo. H. Cates and 21 others for same.

Sea and Shore Fisheries.

By Mr. Stevens of Jonesport—Petition of D. O. French and 59 others of Jonesport for an amendment to Section 35 of Chapter 161 of Public and Special laws of 1905 relating to taking of clams.

By Mr. Hibbard of Perry—Petition of O. P. Reynolds and 14 others of Perry asking that the statutes relating to close time on smelts may be so amended that during the month of September smelts may be taken from the waters of Cobbscook bay, cove and inlets.

By Mr. Skillin of Falmouth—Bill, An Act relating to the building and maintenance of weirs on the Presumpscot river.

Towns.

By Mr. Donigan of Bingham—Bill, An Act to legalize the acts of Pleasant Ridge plantation in the county of Somerset.

Pensions.

By Mr. Barrows of Hampden—Resolve in favor of Rose Kelly.

Temperance.

By Mr. Scates of Westbrook—Petition of King S. Raymond and 133 others of Westbrook for the repeal of the Sturgis law.

By Mr. Milliken of Island Falls—Petition of F. W. Mallett and 33 others of Fort Kent for the act providing for the proper labeling of medicines containing alcohol and narcotic drugs; of Michael Michaud and 10 others of Frenchville; of W. H. Cunliffe and 36 others of Fort Kent; of Thos. Dubay and 26 others of Hill Plantation for same.

By Mr. Libby of Amity—Petition of Martin Faraday and 13 others of Bancroft; of F. H. Vail and 41 others of Hodgdon; of E. G. Bryson and 21 others of Haynesville, for same.

By Mr. Milliken of Island Falls—Remonstrance of Geo. Quimby and 13 others of Bancroft against resubmission.

By Mr. Libby of Amity—Remonstrance of F. H. Vail and 32 others of Hodgdon against same.

By Mr. Langley of Acton—Remonstrance of Rev. F. A. Palmer and 32 others of Lebanon against same.

By Mr. Joy of Eden—Remonstrance of E. M. Harmon and 69 others against same.

By Mr. True of Portland—Remonstrance of Rev. Judson V. Clancey and 29 others of Portland; of J. W. Parker and 81 others of Portland; of J. R. Libby and 51 others of Portland against same.

By Mr. Preston of Cherryfield—Remonstrance of Alex Case and 81 others of Cherryfield against same.

By Mr. Davies of Yarmouth—Remonstrance of Rev. Geo. F. Milward of Portland and 29 others; of Rev. M. Joseph Twomey of Portland and 117 others against same.

By Mr. Allen of Mt. Vernon—Remonstrance of Wilber F. Berry and 11 others of Readfield against same.

By Mr. Dow of Brooks—Remonstrance of Miller & Hill, D. B. Cobb & Son, V. A. Simmons, I. G. Packard, Rev. C. A. Purdy and 65 others of Searsmont; of Eli C. Merriam and 17 others of North Belfast; of Victor Grange representing 98 members and M. E. Church Congregation of 50 members of Searsmont; of O. E. Frost and 110 others of Belfast; of Wilber H. Mallett and 10 others of Northport; of Annie L. Hayes, G. S. of Sons of Temperance of Maine, of Chelsea against same.

Taxation.

By Mr. True of Portland—Petition of F. S. Philbrick and 14 others of West Rockport in favor of bill presented by Grange Legislative Committee increasing school tax fund.

Waldo County Delegation.

By Mr. Dunton of Belfast—Bill, An Act relating to the records of instruments affecting or conveying title to real estate in the county of Waldo and now recorded in other counties.

By Mr. Noyes of Augusta—Order

relating to advisability of remodeling and fireproofing the third female wing at the Insane hospital at Augusta.

Placed on File.

By Mr. Donigan of Bingham—Petition of Frank A. Peabody and 77 others of Houlton in favor of the bill to provide for the ownership and maintenance of highway bridges by the State; of F. E. Brackett, selectman; E. E. Rowes, road commissioner, and 34 others of Union; of H. L. Ridlon and 19 others of Kezar Falls; of E. F. McKay and 47 others of Ashland; of John Fossett and 18 others of Union for same.

By Mr. Hathorn of Milford—Petition of S. A. Higgins and 31 others of Milford for same.

Orders.

On motion of Mr. Noyes of Augusta, Ordered, The Senate concurring, that the committee on insane hospital be instructed to inquire further into the advisability of remodeling or fireproofing the third female wing of the Insane hospital at Augusta, and report by bill or otherwise.

Reports of Committees.

Mr. Waldron from the committee on the judiciary, on Bill, "An Act in relation to compensation for clerk hire in the office of the clerk of courts for the county of Androscoggin," reported that the same be referred to the committee on salaries.

Mr. Weeks from same committee on Bill, "An Act to provide for ascertaining by ballot the sentiment of the people as to candidates for senators in Congress," reported that the same be printed and recommitted.

Mr. Stearns from the committee on legal affairs, on Bill, "An Act to incorporate the Searsport Electric Company," reported that the same be referred to the committee on the judiciary.

Mr. Hall from the committee on railroads and expresses on Bill, "An Act to enlarge the powers of the Auburn, Mechanic Falls and Norway Street Railway, and to change its name to Lewiston, Augusta and Waterville

Street Railway," reported that the same be printed and recommitted.

Mr. Martin from the committee on taxation reported "ought not to pass" on Bill, "An Act to amend Section 65 of Chapter 8 of the Revised Statutes, relating to taxation of trust and banking companies."

The reports were accepted and sent to the Senate.

Mr. Martin from the committee on legal affairs reported "ought to pass" on Bill, "An Act to amend Section 60 of Chapter 4 of the Revised Statutes, relating to dogs."

Same gentleman from same committee reported same on Bill, "An Act relating to domestic animals."

Mr. Stearns from same committee reported "ought to pass in new draft" on Bill, "An Act to amend Section 30 and Section 32 of Chapter 39 of the Revised Statutes, Section 5 of Chapter 38 of the Public Laws of 1905 and Section 6 of Chapter 68 of the Public Laws of 1905," under title of "An Act to amend Section 30 and Section 32 of Chapter 39 of the Revised Statutes, Section 5 of Chapter 38 of the Public Laws of 1905 and Section 6 of Chapter 68 of the Public Laws of 1905, relating to jurisdiction of municipal and police courts and trial justices."

Mr. Newcomb from the committee on appropriations and financial affairs reported "ought to pass" on Resolve to provide for the expenses of the Maine Industrial School for Girls.

Mr. Joy from same committee reported "ought to pass in new draft under same title" on Resolve in favor of Maine Industrial School for Girls.

Mr. Jordan from same committee reported "ought to pass" on Resolve in favor of S. T. Kimball, secretary of the special joint committee on free transportation, appointed by the 72d Legislature.

Same gentleman from same committee reported same on Resolve in favor of the Maine General hospital.

Mr. Stubbs from same committee reported "ought to pass in new draft under same title" on Resolve in favor of the Hospital of the Sisters of Charity of the city of Lewiston, Maine.

Same gentleman from same committee reported same on Resolve in favor of Knox County General hospital.

Mr. Mullen from the committee on railroads and expresses reported "ought to pass in new draft" on bill "An Act to authorize the Somerset Railway Co. to extend its railroad from North West Carry, in the town of Seboomook, westerly, northerly and easterly to the Canadian line by one or more routes, and to authorize other railroad companies to purchase its franchises and property," under title of "An Act to authorize the Somerset Railway Co. to extend its railroad from Northwest Carry, in the town of Seboomook, westerly and northerly to the Canadian line by one or more routes, and to authorize other railroad companies to purchase its franchise and property."

Mr. Charles from the committee on banks and banking reported "ought to pass" on bill, "An Act to incorporate the Fairfield Trust Co."

Mr. Colcord from the same committee reported same on bill "An Act to amend Section 7 of Chapter 55 of Private and Special Laws of the State of Maine for the year 1903," entitled "An Act to incorporate the Kineo Trust Co."

Mr. Flaherty from same committee reported "ought to pass in new draft under same title" on bill "An Act to incorporate the Lincoln County Trust Co."

Mr. Copeland from same committee reported "ought to pass" on bill "An Act to amend the charter of the Stockton Springs Trust Co."

Same gentleman from same committee reported same on bill "An Act to incorporate the Rockport Trust Co."

Mr. Allen from same committee reported same on bill "An Act to extend the charter of the Sanford Trust Co."

Same gentleman from same committee reported "ought to pass in new draft under same title" on bill "An Act to incorporate the Union Trust Co. of Ellsworth."

Mr. Merrill from the committee on inland fish and game petition of Lon E. Wight and 19 others, residents of Oxford county, for a law to regulate fishing in Sunday river and its tributaries, in the county of Oxford, reported bill entitled "An Act to regulate

fishing in Sunday river and tributaries in the county of Oxford."

Same gentleman from same committee, on petition of Mark N. Charles and 31 others of Stow for an act to prevent the throwing of sawdust and other waste material into Cold river and its tributaries in Stow, reported bill entitled "An Act to prohibit the throwing of sawdust and other waste material into Cold river, in Stow, county of Oxford, or any of its tributaries."

Same gentleman from same committee, on petition of L. M. Gordon and 9 others, residents of Piscataquis county, praying that Big Lyford pond, in the county of Piscataquis, be closed to bait fishing for a period of five years, reported bill entitled "An Act to regulate fishing in Big Lyford pond, in the county of Piscataquis."

Mr. Hall from the committee on Insane hospitals, on order to inquire into the expediency of properly caring for the tubercular insane in the two asylums, reported a resolve entitled, "Resolve in favor of a building for the tubercular insane."

Mr. Allan from the committee on labor reported "ought to pass" on bill "An Act to amend Section 50, Chapter 93, of the Revised Statutes."

Mr. True from the committee on taxation reported "ought to pass" on bill "An Act to amend Section 77 of Chapter 10 of the Revised Statutes, relating to the sale of land for taxes in incorporated places."

The reports were accepted and bills and resolves ordered printed under joint rules.

First Reading of Printed Bills and Resolves.

An Act to authorize the building of a bridge across Robbins' Bar, so called, between Deer Isle and Stinson's Neck, in the county of Hancock.

An Act to amend Section 25 of Chapter 9 of the Revised Statutes, relating to taxation of property of manufacturing, mining and smelting corporations.

Resolve in favor of J. W. Allen, secretary of the committee on State prison.

Resolve in favor of Lettie Whittier of Mt. Vernon.

Resolve in favor of the Waldo County

General hospital.

Resolve in favor of Kingman and Drew plantation.

Resolve in favor of the Maine Eye and Ear Infirmary.

Passed to Be Engrossed.

An Act for the protection of deer in the town of Isle au Haut, in the county of Hancock.

An Act to authorize the Great Northern Paper Company to own and operate mills in any county in the State and to hold stock in the Northern Maine Power Packet Company.

An Act authorizing the Milo Lumber Company to erect piers and booms.

An Act to amend Chapter 115, Section 3, and Chapter 131, Section 13, of the Revised Statutes of 1903, relating to private detectives.

An Act to amend the charter of the North Branch Dam Company.

An Act to incorporate the Island Telephone Company.

Passed to Be Enacted.

An Act to incorporate the American Trust Company.

An Act to renew and extend the charter of the Hamilton Trust Company.

Orders of the Day.

On motion of Mr. Milliken of Island Falls, bill, An Act to amend Section 15 of Chapter 80 of the Revised Statutes, was taken from the table.

Mr. Spear of South Portland moved to amend the bill by adding to the title the words "relating to the employment of prisoners committed for crime."

The amendment was adopted, and the bill was then referred to the committee on the judiciary.

On motion of Mr. Milliken, bill, An Act to amend Section 57 of Chapter 29 of the Revised Statutes, was taken from the table.

Mr. Spear offered an amendment to the title by adding the words "relating to the penalty for intoxication."

The amendment was adopted, and the bill was then referred to the committee on the judiciary.

On motion of Mr. Skidmore of Liberty, bill, An Act to amend Chapter 163, Public Laws of 1905, relating to the exemption of soldiers and sailors from poll tax, was taken from the table.

Mr. SKIDMORE: Mr. Speaker, in tabling this bill my purpose was to call the attention of the members of the House to the fact that this bill was treading on dangerous ground, that it created a class legislation, that is, it relieved from taxation a certain portion of our people who were well able to pay. The law relating to a poll tax by some is considered to be absurd and wholly wrong, but as for me I do not think so. It gives to those who are young and are just coming on the field of action, and who have not had the privilege that others have had to acquire property on which to be taxed, but by the payment of a poll tax a just and equal right to participate in the affairs of government.

Now there is a law on the statute books which this law calls attention to, which exempted all soldiers and sailors of the Civil War, from the payment of a poll tax who had taxable property that was not valued at \$500. So you see that in that respect it does not apply strictly to the poor and needy. There is another law also on our statute books which gives to the municipal officers of every city and town in this State the right to remit or abate the taxes, not only of soldiers and sailors of the Civil War, but of all persons who in their judgment were deemed worthy to be so exempted. So it seems to me that this law is not called for at the present time; and I have as much sympathy as anyone, I care not who, for the old soldier, for my people were in that war and did what they could towards its successful termination. But I do not believe it is right for any portion of our people to be relieved of a tax when they are able to pay it, and the national government has made ample provision—I do not say that in every case it has done that which is right and just to all, but I do say that in a majority of cases they have done that which was in keeping with the evidence and conditions which existed and which have been presented to them. They may have erred in some cases, and who can say that they have not, but in those cases there is a remedy for the soldiers, sailors and widows and those dependent upon them to appeal to the Pension Clerk of the State of Maine. And there have been liberal provisions in years past and there is pend-

ing at the present time still more provisions to continue the good work; and wherever the national government has failed to fulfill that condition, the State government through its pension clerk has come to the rescue and one what was right as far as they were able. So it seems to me that taking these facts into consideration there is ample law upon our statute books not only to protect the old soldier but to protect every one. Those I have talked with and those whom this law would benefit have objected to me to its passage, that it was wholly wrong and uncalled for, that they were ready and willing to bear their portion of the burdens of taxation. One of them called my attention to this fact, that there was living beside him a poor man with a large family who had no property; and he asked me how it would look for him to be relieved of a taxation and have one imposed upon that person. And there are many just such instances; and I have always found that wherever it was necessary for the old soldier to stand his burden, not only in time of war but in time of peace, he was ready to do so. If any one has any doubt of that let him go down into the rotunda of this Capitol where he can see there the colors which were borne by the hardy sons of Maine from the time of the firing upon Fort Sumpter until the close of that bloody period, and he will find that the hardy sons of Maine stood by their country and sought to uphold the principles of patriotism; and they are not afraid today to stand before the people in an honest and just cause as they did then. They are ready and willing to bear their burdens, and I believe that they are ready, no matter what the condition may be, to do their part towards sustaining the affairs of government.

On motion of Mr. Weld of Old Town, the bill was laid on the table for the purpose of offering an amendment.

On motion of Mr. Lord of Parsonsfield,
Adjourned.