

# MAINE STATE LEGISLATURE

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**Legislative Record**

of the

**Seventy-Third Legislature**

of the

**State of Maine.**

1907.

**HOUSE.**

Monday, March 18, 1907.

Prayer by Rev. Mr. Mosher of Augusta.

Papers from the Senate disposed of in concurrence.

**Senate Bills on First Reading.**

An Act to amend Chapter 9 of the Public Laws of 1903, relating to the compensation of selectmen. (Tabled pending second reading on motion of Mr. Hill of Machias.)

An Act for the better preservation of plans of cities, towns and plantations.

An Act to amend Chapter 49 of the Revised Statutes, relating to life insurance.

An Act to amend Section 1 of Chapter 55 of the Revised Statutes, relating to telegraph and telephone companies, gas, and electric light and power companies. (Tabled pending second reading on motion of Mr. Weld of Old Town.)

**Orders.**

On motion of Mr. Montgomery of Camden,

Ordered, That the attorney general of the State is hereby requested, under Chapter 162 of the Public Laws of 1905, to prosecute, or direct the prosecution of the resolve in favor of the adoption of the address to the Governor for the removal of Harry J. Chapman, judge of the municipal court of the city of Bangor, under House Document 401.

**Reports of Committees.**

Mr. Smith from the committee on the judiciary, on resolve proposing an amendment to the constitution for the election of secretary of State, treasurer and attorney general by the qualified electors of the State, reported that the same be referred to the next Legislature.

Mr. Montgomery from same committee reported ought not to pass on Bill, An Act to amend Section 7 of Chapter 70, R. S., of 1903, relating to the filing and recording of the warrants and inventories by registers of probate returned by trustees of estates.

Mr. Smith from same committee re-

ported ought not to pass on Bill, An Act to amend Section 11 of Chapter 69, R. S. of 1903, relating to the docketing and return of warrants and record of appraisers and guardians by registers of probate.

Mr. Smith from same committee reported ought not to pass on Bill, An Act to amend Section 44 of Chapter 66, R. S. of 1903, relating to docketing and record of warrants and appraisal of executors and administrators by registers of probate.

Mr. Waldron from same committee reported ought not to pass on Bill, An Act to amend Section 1 of Chapter 114 of the Public Laws of 1905, relating to sales of merchandise in bulk.

Mr. Montgomery from same committee reported ought not to pass on Bill, An Act in relation to the specific performance of contracts made by corporations to deliver stocks.

The reports were accepted and sent to the Senate.

Mr. Montgomery from same committee on petition reported Bill, An Act to incorporate the Livermore Falls Water District, and that it ought to pass.

Mr. Smith from same committee reported ought to pass on bill in new draft, An Act for the preservation and better protection of ballots.

Mr. Smith from same committee reported ought to pass on bill in new draft, An Act to amend Sections 47 and 48 of Chapter 106, R. S., relating to proceedings to quiet title to real estate.

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

**First Reading of Printed Bills and Resolves.**

An Act to amend Chapter 73 of the Public Laws of 1905, entitled "An Act regulating the sale of bonds and other obligations on the installment plan by foreign corporations."

An Act additional to Chapter 48 of the Revised Statutes relating to Savings Banks.

An Act to protect milk dealers and consumers against the unlawful use and destruction of milk cans and other receptacles.

An Act to provide a way to free toll bridges.

An Act to regulate fishing in Swift river and its tributaries in the counties of Oxford and Franklin, and to prohibit the throwing of sawdust and other mill refuse into said waters.

An Act to regulate ice fishing in certain lakes and ponds and streams in Aroostock, Penobscot and Piscataquis counties.

An Act to extend the close season on muskrats.

An Act to amend Chapter 130 of the Special Laws of 1822 as amended by Chapter 550 of the Special Laws of 1828, relating to taking fish in Dyer's river.

An Act for the protection of female deer in Cumberland county.

An Act to incorporate the Municipal Light and Power Company.

An Act to amend Chapter 333 of the Private and Special Laws of Maine for the year 1891, concerning the reversion of the Old Town bridge to the State of Maine.

An Act to provide for the pay and care of the members of the National Guard for disability while in the service.

An Act relating to locations of street railroads.

An Act to establish a Board of Education in the city of Augusta and to provide for a uniform system of schools therein.

An Act relating to proceedings to determine the title to goods in the possession of common carriers.

An Act to amend Chapter 52, Section 7 of the Revised Statutes relating to fraudulent evasions of payment of fares on steam railroads, street railroads, steamboats and ferries.

An Act to prevent the hauling of heavy teams on the highways of Brooklin from the 15th of March to the 10th of May.

An Act in addition to Chapter 97 of the Revised Statutes, relating to waste and trespass on real estate.

Resolve in favor of Mrs. Hannah McCabe, mother of the late Martin T. McCabe of Co. E, Portland.

Resolve in favor of Wilbur Grant of Kingman, Maine.

An Act making valid the organization and records and confirming the ti-

tle of the trustees of the Methodist Episcopal church in Old Town, and authorizing their sale of certain real estate.

An Act to amend Sections 14, 15, and 19 of Chapter 89 of the Revised Statutes, relating to the limitation of actions against executors and administrators. (Tabled pending first reading on motion of Mr. Danforth of Skowhegan.)

An Act relating to the operation of motor vehicles on public streets and ways. (Tabled pending first reading on motion of Mr. Mayo of Foxcroft.)

Resolve in favor of the town of Bucksport to aid in the repair and rebuilding of Verona bridge. (Statement of facts presented by Mr. Harriman of Bucksport.)

Resolve providing for the repair of bridges in Macwahoc plantation.

#### Passed to Be Engrossed.

An Act to provide for a license for unnaturalized foreign-born residents to hunt game and birds.

An Act to amend Chapter 419 of the Private and Special Laws of 1897 as amended by Chapter 155 of the Private and Special Laws of 1899 and by Chapter 308 of the Private and Special Laws of 1901, entitled "An Act to incorporate the Penobscot East Branch Log Driving Company."

An Act to amend Chapter 133 of the Private and Special Laws of 1903 entitled "An Act to incorporate the East Branch Improvement Company."

An Act to incorporate the Lubeck Trust Company.

An Act to incorporate the Somerset Trust Company.

An Act to incorporate the Harrison Water Company.

An Act to amend Sections 4 and 5 of Chapter 308 of the Private and Special Laws of 1889, relating to the municipal court of the town of Norway, and to establish a salary for the judge of said court.

An Act to incorporate the Prospect Harbor Village Corporation.

An Act in relation to sessions of the Law Court.

An Act in regard to the right of the peremptory challenge of jurors.

An Act to amend Section 54 of Chapter 49 of the Revised Statutes, provid-

ing a lien for a mortgagee of any mortgage of personal property upon any policy of insurance on such property.

An Act to limit the time for bringing actions for the recovery of uncultivated lands in incorporated places.

An Act to grant additional powers to the Seabasticook Power Company.

Resolve in favor of Benjamin F. Brown. (Statement of facts presented by Mr. Cobb of Gardiner.)

Resolve in favor of an appropriation to erect a screen in the stream connecting Great lake and Long lake in the town of Belgrade, county of Kennebec.

Resolve in favor of James W. Doughty.

An Act to amend Section 108 of Chapter 6 of the Revised Statutes relating to political caucuses.

An Act establishing a close time on lobsters in the bays of the towns of Harrington, Milbridge, Steuben and Gouldsboro.

#### Passed to Be Enacted.

An Act relating to the Portland and Rumford Falls Railway and the Rumford Falls and Rangeley Lakes Railroad Company.

An Act to incorporate the Portland and Rumford Falls Railroad.

An Act to amend Section 1 of Chapter 381 of the Revised Statutes, relating to the taking of eels in the Damasciscotta river.

An Act to amend the charter of the city of Portland.

An Act to amend and extend the charter of the Union River Water Storage Company.

An Act to amend Section 79 of Chapter 15, R. S., of 1913, relating to the time within which academies shall receive State aid under Section 76 of said chapter.

An Act to incorporate the North Bridgton Water Company.

An Act authorizing the payment of an annuity by the city of Portland to Ann M. Burnham.

An Act amendatory of Sections 67 and 68 of Chapter 79, R. S., relating to the reporter of decisions.

An Act to incorporate the Penobscot Electric Power and Telephone Company.

An Act to amend Chapter 315 of the

Private and Special Laws of 1903, entitled, "An Act to incorporate the Mad-unkeunk Dam and Improvement Company."

An Act to amend Section 2 of Chapter 15, R. S., relating to Public Schools.

An Act to incorporate the Vassalboro Electric Light and Power Company.

An Act for the protection of gray squirrels and black squirrels, so called.

An Act to make valid the acts of the Lewiston, Greene and Monmouth Telephone Company.

An Act to repeal Chapter 366 of the Private and Special Laws of 1903, relating to fire wardens in the town of Bucksport.

An Act to encourage the compiling and teaching of local history and local geography in the public schools.

An Act to amend Chapter 202 of the Private and Special Laws of 1895, relative to charter of the Fort Kent Telephone Company.

An Act to incorporate the Upper St. John River Improvement Company.

An Act to amend the charter of the Ossipee Valley Telegraph and Telephone Company.

An Act to provide for amendments to articles of association filed under Chapter 53, R. S., relating to street railroads.

An Act relating to sales of land for taxes in incorporated places.

An Act to amend Section 63 of Chapter 15, R. S., relating to tuition in High schools.

An Act authorizing the construction of a wharf into the tide waters of Jerico bay in Deer Isle, Hancock county.

An Act to amend Section 1 of Chapter 75, R. S., in relation to the ownership of down timber and bark.

An Act to incorporate the Princeton and Grand Lake Stream Steamboat Company.

An Act creating the office of probation officer for the city of Westbrook.

An Act creating the Ft. Kent Village Corporation.

An Act to incorporate the Wells Electric Light and Power Company.

An Act to extend the charter of the Bluehill and Bucksport Electric Railroad Company.

An Act to amend Section 7 of Chapter 47, R. S., relating to corporations.

An Act to amend the charter of the Milo Water Company.

An Act in relation to public landings.

An Act legalizing certain acts of the town of Stonington.

An Act to amend and extend the charter rights, powers and purposes of the Sebec Power Company as authorized by Chapter 209 of the Private and Special Laws of 1905.

An Act to amend Section 44 of Chapter 40, R. S., relating to sanitary conditions of factories, workshops, mines and quarries.

An Act to amend Section 12 of Chapter 4, R. S., relating to election of road commissioners.

An Act to amend Section 81 of Chapter 15, R. S., relating to State aid for academies.

An Act to amend and Extend the charter of the Dexter Trust Company for two years.

An Act to incorporate the Suburban Water District of Farmington, Maine.

An Act to authorize Somerset Railway Company to issue additional stock.

An Act to amend Chapter 15 of the Private and Special Laws of 1905, relating to Lake Nequasset.

An Act to provide a salary for the judge of the municipal court of Dexter.

An Act to authorize the Atlantic Shore Line Railway to discontinue operation of its ferry across the Piscataqua river in certain instances.

An Act to amend "An Act to enlarge the powers of the Carrabasset Stock Farms."

An Act to extend the charter of the Camden and Liberty Railway.

An Act to incorporate the Kingman Developing Company.

An Act to extend the rights, powers and privileges of the Brownville and Williamsburg Water Company.

An Act to provide for information to the board of State assessors, relating to transfers of wild lands.

An Act additional to and amendatory of Chapter 29 of the Private and Special Laws of 1887, entitled "An Act to incorporate the Kennebec Light and Heat Company."

An Act to prevent the unlawful diversion of water.

An Act to amend Chapter 30, R. S., re-

lating to apothecaries and the sale of poisons.

An Act additional to 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 Northern Railway of Maine.

An Act to incorporate the Caribou and Washburn Street Railway.

An Act to amend and extend the Mil-bridge and Cherryfield Street Railway charter.

An Act to incorporate Doctor King's hospital.

An Act to enable the town of Danforth to purchase the stock or franchises of the Danforth Water Company on any part thereof, (tabled on motion of Mr. Baldwin of Boothbay Harbor.)

An Act to amend the charter of the city of Rockland and to make legal and valid permits for wharves in tide waters.

An Act requiring steam plants in school buildings, churches, and other public buildings to be in charge of competent persons.

An Act to amend Section 9 of Chapter 27, R. S., relating to paupers, their settlement and support.

An Act to amend Section 66 and Section 80 of Chapter 15, R. S., relating to State aid to academies.

An Act relating to coroners' inquests in case of fatal accidents on railroads.

An Act in relation to employment agencies.

An Act to regulate the use of a certain road in the town of Readfield.

An Act to provide for sewage in the town of Stockton Springs.

An Act to change the name of the Deaconess Home Association of Bangor, Maine.

An Act to prevent the pollution of the waters of Cobbosseecontee Great pond, Jamies pond, Sanborn pond, Purgatory ponds, Pleasant pond and Cobbosseecontee river.

An Act to incorporate the Winthrop Spring Company.

An Act to incorporate the Ocean and Northern Railroad Company.

An Act to incorporate the Wells Telephone Company.

An Act to amend Chapter 64 of the

Private and Special Laws of 1899, as amended by Chapter 472 of the Private and Special Laws of 1901, and by Chapter 48 of the Private and Special Laws of 1903, and by Chapter 205 of the Private and Special Laws of 1905, relating to the Wilson Stream Dam Company.

#### Finally Passed.

Resolve in favor of the town of Stockton Springs.

Resolve in favor of the town of Isle au Haut.

Resolve in favor of the town of Mariaville.

Resolve to provide water supply at State camp grounds.

Resolve in favor of Louis D. Greenwood.

Resolve in favor of the town of Frenchville, in the county of Aroostook, to assist in building a road in said town.

Resolve making appropriation for the Penobscot tribe of Indians.

Resolve to provide for repairs of road leading from Roach river to the Grant farm.

Resolve in favor of Daniel R. Palmer of Buckfield.

Resolve in favor of Benjamin F. Brown.

Resolve in favor of the Norcross Transportation Company to aid in the erection of buoys as guides to navigation in North Twin lake and adjacent thoroughfares.

Resolve in favor of Elmira H. Dunbar of Cherryfield.

Resolve in favor of E. J. Crosby, secretary of the committee on agriculture.

Resolve in favor of Dana L. Theriault to reimburse him for expenses incurred in contested election in Fort Kent class.

Resolve in aid of navigation on Schoodic Grand lake.

Resolve in aid of repairs of road leading from Northwest Carry on Moosehead lake to the Pittston farm on the west branch of the Penobscot river.

Resolve in favor of Limerick Academy.

#### Orders of the Day.

On motion of Mr. Milliken of Island Falls, resolve in favor of William J.

Maxwell was taken from the table and passed to be engrossed.

On motion of Mr. Colcord of Searsport, bill to repeal an act establishing a municipal court in Searsport, was taken from the table.

On further motion by Mr. Colcord the resolve was indefinitely postponed.

On motion of Mr. Baldwin of Boothbay Harbor, bill relative to payment of deposits in the name of two or more persons, was taken from the table and on further motion by the same gentleman the rules were suspended, the bill received its three readings and was passed to be engrossed.

On motion of Mr. Danforth of Skowhegan majority and minority reports of committee on claims, reporting on resolve in favor of Michael Burns "ought to pass in new draft" and "ought not to pass," was taken from the table.

Mr. Kendall of Bowdoinham and Mr. Moore of Saco favored the passage of the resolve, the latter gentleman moving the adoption of the majority report.

Mr. Barrows of Hampden, Mr. Decker of Weld and Mr. Hall of Machias opposed the motion.

Mr. Danforth of Skowhegan moved that the resolve be indefinitely postponed.

Mr. Waldron of Dexter and Mr. Dunton opposed the passage of the resolve.

The question being on indefinite postponement, a division was had and the motion was agreed to by a vote of 47 to 23.

On motion of Mr. Baldwin of Boothbay Harbor, Bill, An Act to enable the town of Danforth to purchase the stock or franchises of the Danforth Water Company or any part thereof, was taken from the table.

On further motion by Mr. Baldwin the vote was reconsidered whereby the bill was passed to be engrossed.

Mr. Baldwin then offered amendment A to the bill, which was adopted, and the bill was then passed to be engrossed as amended.

On motion of Mr. Havey of Sullivan, bill to incorporate the Castine and Brooksville Ferry Company, was taken from the table.

Mr. Sullivan offered amendment A,

which was adopted, and the bill then received its second reading and was assigned for tomorrow morning.

On further motion by Mr. Havey, bill relating to the assessment of taxes on lands in places not incorporated, was taken from the table, and on further motion by the same gentleman it was referred to the committee on forestry and water supply.

On motion of Mr. Harriman of Bucksport, resolve for publication of index of private and special laws, was taken from the table.

Mr. Harriman presented a statement of facts to accompany the resolve, and then moved its indefinite postponement.

Mr. McKINNEY of Bridgton opposed the motion, saying that the senator from Hancock (Mr. Deasy) had stated before the library committee that it was very important that this index should be published as it is almost impossible for a lawyer to go back and find an act because of the imperfection of the indexes. The librarian has prepared a perfect index of all the special laws that have been passed by the State of Maine. He claims that he has prepared them on his own account before he was State librarian, and on his own time. The resolve calls for the publishing of 1000 copies to be taken by the State, which I believe will cost \$3000. I believe they can be published for about \$750 less than the amount of the appropriation called for, which is \$3000. He claims it will cost \$350 to do the typewriting necessary for printing. That would leave him something like \$350 for the labor of preparing this index, and such profits as he might get out of the sale of copies of the index to the various lawyers throughout the State who should desire them.

This resolve does not interest me in the least, but I thought that to have it called up at this time and indefinitely postponed without some statement would not be just to the librarian, neither would it be just to the committee. As for myself I voted to report favorably on this resolve because of the statement of lawyers that were

on the committee who said it was very essential for every lawyer to have a perfect index of the various private laws that have been placed on the statute books from the time the State was first organized.

Mr. HARRIMAN of Bucksport said he had had a talk with the librarian a few days ago for the purpose of investigating this matter. The plan as laid down now by the librarian is a far different one than was presented before the library committee. He stated to us then that he asked the State to appropriate \$3000, the State to take 1000 copies. He said he had been to the public binder and the public printer and they had estimated it would cost \$3000 to get the book out. There was nothing said at that time about an expense of \$350 for typewriting. And he further told me recently that there would be a further expense for proof-reading. And further, he says now that he expects the State to print and pay for the whole 1500 copies, and that it will cost \$350 more for expressage to get them to the various towns and places where they are to be sent. There is nothing in this resolve to tell where these books are to be disposed of but the librarian says that he intends to send a copy to every board of selectmen, to all the libraries and to the county seats, and that that would take about 900 copies, which would leave 100. I asked him who would be benefited, who were demanding the passage of this resolve. He said the lawyers principally, the corporations some, and individuals a little. Now the question with me is whether or not the towns would ever derive any real benefit from this book. I believe they would go to the offices of the selectmen and be laid away on some shelf to be covered with dust and cobwebs and never be seen again, and I ask the House to indefinitely postpone this resolve; I believe it is a useless expense.

Mr. McKINNEY: I would like to ask in regard to the publishing of the 1500 copies which the gentleman speaks of, do I understand the gentleman to mean that the librarian would expend more money than the \$3000 of the appropriation?



Mr. HARRIMAN: No, sir, I don't understand that; but according to the estimate of the State auditor of printing, this book would not cost \$3000 for printing 1000 copies, but when you put in 1500 you can easily bring it up to \$3000 and the librarian is getting his 500 copies.

Mr. NEWBERT of Augusta: I wish to say that I am convinced that it would be extremely unwise for this House to indefinitely postpone this measure. I think this is a matter that the lawyers ought to take up. The motion is in opposition to the report of nine members of the committee. The young man who has done this work has worked on it for many years. The work commends itself to the judges of the courts and to the bar of the State. I have just talked with Attorney Heath who says it is a most valuable work, and this Legislature certainly ought not to indefinitely postpone this matter without a full understanding of what it is doing.

Mr. WALDRON of Dexter: I would ask if it is true that this young man has already gotten this index up?

Mr. NEWBERT: Yes, I understand so.

Mr. WALDRON: Is it also true that it belongs to the State.

Mr. NEWBERT: That I cannot answer.

Mr. MCKINNEY: The librarian says that he has prepared this index of his own accord, not as librarian, and that it does not belong to the State; he owns it; the State owns no part of it. The index is in the card now and it is in the library but it does not belong to the State. It is his own private property.

Mr. MERRIMAN of East Livermore: It seems very singular that this young man has compiled these statistics on his own time when he is employed ten hours a day by the State. I think if that is looked into it would be found that he has used a little of the State's time. However, we admit that it would be a very good thing perhaps, but there is another more serious question which confronts us. The pending bills in the Senate and House and approved by the Governor run ahead of the estimated receipts over \$2,000,000, and the corners have got to be cut pretty close to get

around that, and what appropriations are made must be taken care of by an increase of taxes. That is the situation.

On motion of Mr. Newbert the motion to indefinitely postpone was tabled.

On motion of Mr. Johnson of Waterville,

Adjourned.