

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.

1901.

HOUSE.

Wednesday, Jan. 23.

Prayer by Rev. Mr. Miller of Hallo-well.

Papers from the Senate disposed of in concurrence.

Senate bills read and assigned:

Resolve for the purpose of operating fish hatcheries and feeding stations for fish and for the proper enforcement of the inland fish and game laws.

Bill, An act amending an act creating the Rumford Falls Municipal Court.

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

JUDICIARY.

By Mr. Staples of York—Petition of Wil-on M. Walker and 25 others of York in favor of an act to incorporate the York Harbor Village Corporation.

Also an act to incorporate the York Harbor Village Corporation.

By Mr. Dudley of Augusta—Bill, An act to cede jurisdiction to the United States over certain property of the National Home for disabled volunteer soldiers.

LEGAL AFFAIRS.

By Mr. Greene of Madison—Remonstrance of L. C. Williams and 64 others against certain lands of J. B. Weston being set off from Madison Village Corporation.

By Mr. Parkhurst of Bangor—Remonstrance of Samuel F. Humphrey, John A. Peters and 200 others, citizens of Bangor, against legalizing action of Bangor city government in changing ward lines without popular vote.

By Mr. Deering of Saco—An act additional to chapter 29 of the Revised Statutes relating to bowling alleys.

By Mr. Sargent of Portland—Bill, An act to amend chapter 91 of the Revised Statutes relating to liens.

By Mr. Andrews of Norway—Bill, An act to amend section 2, chapter 406, Private and Special Laws of 1850, entitled, An act creating the Norway Village Corporation.

FINANCIAL AFFAIRS.

By Mr. Beal of Bangor—Resolve appropriating \$36,000 for the purpose of reclaiming outstanding pledges in

favor of Eastern Maine Insane Hospital.

EDUCATION.

By Mr. Boyd of Linneus—Remonstrance of F. B. Staples and 69 others to act changing the present law in regard to class superintendence of town schools.

By Mr. Smith of Waterboro—Resolve in favor of the town of Waterboro.

By Mr. Dearborn of Parsonsfield—Resolve in favor of Parsonsfield Seminary.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Maddocks of Boothbay Harbor—Petitions of F. W. Douglass and 43 others of North Whitefield in favor of an act to incorporate the Wiscasset, Waterville and Farmington Railway Company; of Forest E. Ware and 39 others; of Harry P. Reed and 104 others of Weeks Mills; of George B. Sawyer and 175 others of Wiscasset; of Ora O. Crosby and 120 others of Albion; of Warren Seekins and 34 others of Windsor; of W. S. Bradley and 128 others of Vassalboro; of L. S. Keith and 25 others of Farmington Falls; of R. Y. Swift and 109 others of New Sharon; of George B. Cragin and 84 others of Farmington; of George T. Benson and 45 others of Oakland and Smithfield; of H. S. Wing and 55 others of Kingfield and vicinity; of G. B. Fogg and 64 others of Strong and vicinity; of R. H. Reed and 88 others of Palermo; of W. W. Washburn and 38 others of China; of J. A. Jewett and 67 others of Alna; of Solomon E. Hopkins and 43 others of Cooper's Mills—all in favor of same.

WAYS AND BRIDGES.

By Mr. Pike of Lubec—Resolve in favor of the town of Trescott.

INLAND FISHERIES AND GAME.

By Mr. Carleton of Winthrop—Petition of J. T. Merrill and 21 others, residents of Washington county, praying for laws to regulate fishing in Grand Lake Stream. Also petition of M. L. Friend and 28 others, residents of Somerset county, praying for ice fishing in certain lakes and ponds in Somerset county.

By Mr. Bennett of Hollis—Petition of C. F. Clark and 30 inhabitants of Hollis, Wa-

terboro, Dayton and Lyman, for a close time on the outlet stream and its tributaries, of Bartlett pond in Waterboro.

By Mr. Beal of Bangor—Petition to amend chapter 42 of the Public Laws of 1899.

Also bill, an act to amend chapter 42 of the Public Laws of 1899 known as inland fish and game laws.

By Mr. Witham of Sangerville—Bill, an act relating to fishing for togue through the ice.

SHORE FISHERIES.

By Mr. Farnsworth of Beddington—Petition of F. E. Wallace and 158 others of the town of Milbridge to regulate the herring fisheries in Narraguagus bay.

By Mr. Hinckley of Jonesport—Petition of John A. Beal and 95 others asking repeal of laws relating to herring fisheries in Jonesport, chapter 130, laws of 1853.

Also petition of Daniel Hilyard and 61 others relating to herring fisheries in the town of Jonesport.

Also petition of Henry E. Beal and 324 others relating to same.

By Mr. Scammon of Franklin—An act to amend chapter 67 of the Public Laws of 1891, relating to the taking of smelts.

By Mr. Sargent of Portland—Bill, an act prohibiting the taking of shell fish from the shore and flats of Little Whale Boat Island in the town of Harpswell.

By Mr. Hinkley of Jonesport—Bill, an act to regulate the herring fisheries in the town of Jonesport.

Also bill, an act to repeal chapter 131, laws of 1853, relating to herring fisheries in the town of Jonesport.

COUNTIES.

By Mr. Tufts of Kingfield—Remonstrance of Frank H. Butler and 91 others against setting off from Franklin county to Oxford any territory.

PENSIONS.

By Mr. Jones of Springfield—Petition of E. A. Reed and 12 others of Lee for a military pension for Laura J. Darling. Also petition of H. J. Brown and 9 others of Springfield for same.

TAXATION.

By Mr. Farnsworth of Pembroke—Bill, an act to amend chapter 96 of the Public Laws of 1895 relating to the taxation of collateral inheritances.

Also bill, an act to regulate the taxation of corporate franchises.

ANDROSCOGGIN COUNTY DELEGATION.

By Mr. Kelley of Lewiston—Bill an act to increase the compensation of the commissioners of Androscoggin county.

Mr. Weymouth of Biddeford presented the following—Bill, an act additional to chapter 86 of the Revised Statutes regulating costs of parties summoned as trustee.

On motion of Mr. Weymouth this bill was tabled for printing pending its reference to any committee.

On motion of Mr. Mead of Bridgton, Ordered, that the use of Representatives' hall be given to the committee on inland fisheries and game for the afternoon and evening of January 31st for the purpose of a public hearing.

On motion of Mr. Fuller of Auburn, Ordered, that the Androscoggin county delegation be required to inquire into the matter of the compensation of all elective county officers of Androscoggin county who now receive fees with a view of providing for their compensation by salary, and report by bill in each case or otherwise.

REPORTS OF COMMITTEES.

Mr. Carleton from the judiciary committee reported ought not to pass on bill, an act to secure the secret ballot and avoid the defects and expense of the Australian ballot law.

Mr. Vogel from the committee on claims, on petition of Daniel H. Lambert of Orono praying for reimbursement for expenses in 1899 while contesting the election of Marion F. Tyler to a seat in the 69th Legislature, reported leave to withdraw.

Mr. Webb from the judiciary committee reported ought to pass on bill, an act to amend an act entitled an act to provide for printing and distributing ballots at the public expense and regulate voting at State and city elections. Printed under joint rule.

Mr. Cnase from the same committee, on bill, an act to extend the charter of the Agamenticus Water Company, reported the same in a new draft and that it ought to pass. Printed under joint rule.

Mr. Bennett from the committee on education reported ought to pass on bill, an act to amend section 104, chapter 11, of the Revised Statutes defining the duties

of the State superintendent of schools. Printed under joint rule.

Mr. Walker from the same committee reported ought to pass on resolve in favor of the town of Bristol. Printed under joint rule.

PASSED TO BE ENGRÓSSED.

An act regulating to the Franklin Real Estate Company.

PASSED TO BE ENACTED.

An act to abolish the fees and per diem compensation and establish the salary of the stenographer of the superior court for the county of Kennebec.

The speaker joined on the part of the House, to the committee to prepare suitable resolutions upon the death of Queen Victoria, Messrs. Bennett of Hollis, Fellows of Bucksport, Pattangall of Machias, Plummer of Portland, Gilmore of Turner, Irving of Caribou, Hill of Exeter, McNamara of Thomaston, Carleton of Winthrop, Hammond of Paris and Knowlton of Farmington.

ORDERS OF THE DAY.

Mr. CARLETON of Winthrop. Mr. Speaker, I move to take from the table an act to supply the town of Camden with pure water, which was tabled on my motion, yesterday.

The motion was agreed to.

Mr. CARLETON. I move that the bill be referred to the committee on the judiciary.

Mr. ANDREWS of Rockport: Inasmuch as I presented this bill I think that due regard to me requires that I should have something to say in naming the committee to which this bill should be referred. With all due respect to the judiciary committee, I think that the committee on legal affairs are equally competent, and I think a proper committee, and I therefore insist that it be referred to the committee on legal affairs.

Mr. DEERING of Saco: I don't know where this precedent comes from that we can refer the remonstrances pertaining to the same subject matter to one committee and refer the bills relating to the same subject matter to another committee. It seems to me that it is casting reflections upon the judiciary, upon their wisdom and their judgment when we say that they are

capable of taking care of remonstrances in such cases but are not capable of handling the bills. Now I say to you, gentlemen of the House, that we ought to refer every matter relating to the subject of this case to one committee. We don't know where it will lead to if we don't do this thing. Furthermore, the judiciary committee has the subject matter before them, contained in the remonstrances, and I think as a matter of justice to them that they should have the bill.

Mr. SPOFFORD of Deer Isle: For months the people of Camden have well known that the act which is now known as House document No. 9, would be presented to the Legislature, and many of the representative citizens and tax payers of that town joined in a remonstrance against this proposed legislation. That remonstrance was forwarded to the Legislature and was duly presented to the House some two weeks ago, and it was moved that it be referred to the judiciary committee. The House voted to refer the bill to the judiciary committee, and there was not one voice raised at that time in protest against such action. Taking the regular channel, the matter went to the Senate, and a motion was there made that it be referred to the judiciary committee in concurrence with the House. This motion was objected to and after a complete hearing, as I understand it, and full discussion, the Senate, by practically a unanimous vote, voted to refer in concurrence with the House; and by such action the judiciary committee acquired jurisdiction over the subject matter contained in the act which was introduced, yesterday.

Now I protest, Mr. Speaker, that it is not the intention of any member to cast reflections upon any committee, and it is not for the purpose of replying to any matter of that kind that I rise, but the judiciary committee having acquired jurisdiction of the case, the remonstrance papers being now before the judiciary committee, I say it would be without precedent, it would be against all custom and usage, of the House and of both Houses of the Legislature, if the motion of the gentleman from Rockport (Mr. Andrews)

should prevail and this be referred to a different committee. In such a case in order that both sides of the case might be heard, it seems to me that it would be necessary for us to have a joint meeting of the two legal committees of the Legislature. For this reason, Mr. Speaker, being as I say against all precedent and usage and custom of the House, I trust that the motion of the gentleman from Winthrop (Mr. Carleton) will prevail.

Mr. HUTCHINGS of Brewer: Mr. Speaker, there is no member who occupies a seat on the floor of this House who has more profound respect or bows lower in his admiration for the learning and the wisdom and the prestige and fame of the judiciary committee of this Legislature than myself; but I submit, Mr. Speaker, that there are many other committees of this Legislature, and that there are other committees to whom it would be eminently proper that such a bill as House document No. 9 should be referred. It is plainly evident that it is the desire of the gentleman who introduced this bill that it be referred to the committee on legal affairs; and I do not understand that any gentleman upon the floor of this House desires or pretends to say that it would not be proper that this bill should be referred to that committee. I disagree somewhat, and I may be mistaken, with the sentiment of some of the gentlemen who have preceded me who say that it is beyond precedent that because a remonstrance, introduced days and perhaps weeks before a bill is introduced, should therefore and on that account prepare and pave the way to the committee to which the bill itself shall be referred. It does not seem to me, and I do not believe, with due deference to the opinion of the gentleman from Deer Isle (Mr. Spofford) that it must and should necessarily follow that a remonstrance introduced by people who evidently are not in favor of the measure should necessarily decide, by reference of the remonstrance, to which committee the bill itself should go in spite of the desire of the member who introduces the bill.

Mr. HIX of Rockland: I understand that those signing these remonstrances

against granting a charter to the town of Camden, and they represent no inconsiderable part of the tax-payers, desire to have this bill referred to the committee on the judiciary. Their reasons are simply that one member of the legal affairs committee is publicly pledged in favor of the bill. It seems to them and it seems to me that the matter should go to a committee every member of which can render an impartial and fair decision. I trust, on this ground, that the House will refer it to the judiciary committee.

Mr. LIBBY of Poland: At the present stage of the discussion I do not pretend to know, neither do I care to know, up to this time, anything about the merits or demerits of this bill, but it seems to me that it is a matter of personal prerogative of the members of this House to say to what committee, provided only that it be a proper committee, any bill that any member of the House may present here, shall go. I understand that it has been the immemorial usage and practice in all legislative bodies to grant it, if not as a matter of privilege and right, still as a matter of custom and usage, to every member that privilege, and if we at this time undertake to establish a different precedent we are breaking in certainly upon immemorial practice and usage and the decent treatment of every man and every member who may present a bill in this House or any measure for legislative action, and we should hesitate before we undertake to take that step, for I should expect that the very next time I presented a bill or any measure for legislative action here, somebody upon the floor of the House antagonistic to it might snatch it from my hands and fling it into some committee or some place wherever he saw fit; and on that ground I say it would be a dangerous and a bad precedent to establish. And I simply stand here to say that I believe in giving to this member, wh acquaintance I have not the honor to share and concerning whose bill I know nothing and concerning the merits of whose matter I care nothing up to this time, the right and privilege of saying where his bill shall go, provided he proposes to send it to a proper committee. Upon that question there can be no

doubt. Although the papers have been pleased to say that the legal affairs committee is simply the overflow from the judiciary, still the overflow must be of the same kind and character as contained in the other committee, and therefore there can be no question about the propriety of the matter.

Upon the question of the remonstrance which has been suggested here I do not agree with the gentleman who has spoken upon that point. Certainly, if a remonstrance has passed through this House, as I understand it did, with reference to a committee, it was improperly here before the subject matter to which it related was presented, and it was simply an inadvertance on my part, and I have no doubt upon the part of many members of the House that such a measure went through. I remember that later on, when a remonstrance relating to this same matter was presented here in the House and called up for reference, it was tabled, a most proper action, on the ground that the subject matter to which it related had not yet appeared, and it was held up awaiting such action. That subject matter is now here before us. If any remonstrances have been referred in a different direction from that which the member who presents this bill desires to refer it, they should be recalled, and should now follow this bill where it belongs, and everything relating to this matter, when it has finally been referred by this House, should then go before the committee to which the subject matter of this bill is referred.

I do not desire to occupy the time in discussing this matter. It is simply a question of personal right and prerogative of a member of this House to say to what committee he will have his bill go, and if we attempt to rob this member of his right to determine where he will have his bill go, who can say wherever a bill will go that any of us may present hereafter. I trust that the member will be upheld in his privilege and in his right.

Mr. ALLEN of Portland: As a member of this House and also as a member of the legal affairs committee, I think I must dissent somewhat from my two colleagues on that committee. Since coming here I have learned that it is a

matter of custom that a party introducing a bill could refer it to the committee he desires, that it was courtesy that it should go there. This, I understand, is true; but I also understand that there is another precedent, that where a committee has once taken jurisdiction of the subject matter, to save double hearings, annoyances, and matters of that kind, it is also the custom to send that bill to that committee. It seems to me that that is proper. For instance, if the legal affairs committee should start out for a hearing, and the judiciary committee should start out for a hearing at the same time, you could not be in both places at once, it would cause annoyances, and there would have to be a joint session of the two committees. As a member of legal affairs, if a matter came up where the legal affairs had accepted jurisdiction, I should certainly want the same courtesy accorded to us. For these reasons I sincerely hope that the matter may be referred to the judiciary.

The question being, shall this bill be referred to the judiciary committee, a division was had and the motion was agreed to by a vote of 63 to 52.

On motion of Mr. Beal of Bangor, bill, an act to incorporate the West Branch Driving and Reservoir Dam Company, was taken from the table.

Mr. Beal then moved its reference to the committee on interior waters.

Mr. GARDNER of Patten: Before this matter is referred, without intending any parliamentary discourtesy to the member from Bangor, I wish to ask him, as a favor to me and my constituents, to allow this matter to lie on the table one week. This is a document containing some eight pages of printed matter. Until yesterday no interested party had an opportunity of reading this bill. Many of my constituents, directly interested in the subject matter of this, have had no opportunity to read this bill, nor could they within one week. This is a matter of great importance. It not only concerns the policy of the State respecting such a matter but it also affects the most sacred thing with which this Legislature can deal—individual rights; and I ask the gentleman from Bangor, in de-

ference to individual rights, from a sense of justice and fairness to men who cannot possibly have the bill in their hands or confer with any representative here who might represent them, and express their views upon it, within a week or more, I would ask him to lay this on the table. There are certain men directly interested, their whole business depends on the passage of this bill, and it will be impossible to communicate with them within a week. To the other side of the case, delay would simply mean at the most that their paid attorneys here would have one week longer, but my constituents, many of them who are vitally affected by the provisions of it, do not know that such a thing is before this Legislature, and it would be impossible for me to get their views within the time usually given. It may be said that the committee can hold up their meetings and appoint a hearing at such a time as they see fit. It is understood that a committee must appoint a hearing within a reasonable time. And I would ask the gentleman from Bangor, to allow this matter to lie on the table for one week.

Mr. BEAL of Bangor: I do not wish to hurry the matter against any right which the gentleman from Patten may have or any of his constituents. The simple reference of this to a committee is not in any way hurrying the bill along so that any may not be heard. It gives any and everyone a chance and it seems to me that it should go to the committee and there await a proper time, and everybody is supposed to have an honest and a fair hearing before the committee. The session is now getting well along, and it seems to me that the bill should be in the hands of the committee, and the gentleman can inform his people and they can come here and have all the time they want in which to consider the bill. A simple reference of the bill, it seems to me, would make no material difference to his constituents. It seems to me that the gentleman from Patten is asking for something that is wholly unnecessary. I hope he will not press his request unless he feels that it is imperative.

Mr. GARDNER: I think that this thing is imperative. One of my constituents is a man whose whole business and future business depends on the condition of things affected by this bill. It is impossible for him to know of this within at least a week, and it may take longer. He is now engaged in the lumbering business on the East Branch of the Penobscot. I cannot possibly reach him within a week. If this matter goes to the committee they might be urged to give this a hearing as they do other matters. I simply ask this delay as a matter of right to my constituents. Our side is not represented here, but paid attorneys are lobbying this matter in favor of the bill.

Mr. BEAL: I do not understand that there is any danger in referring this to the committee, of their hurrying the matter, and it seems from the gentleman's own statement that he is about to delay this perhaps two or three weeks before we can get it before the committee.

Mr. GARDNER: I only ask a delay of a week; I will take my chances on one week.

Mr. BEAL: I will accept the suggestion if that is the case; and I move that the bill lie upon the table for one week pending its reference to the committee.

The motion was agreed to.

On motion of Mr. Sprague of Easton, bill, an act to regulate the salaries of the sheriffs of the several counties herein mentioned in the State of Maine, was taken from the table and on further motion by the same gentleman was referred to the committee on legal affairs.

Mr. Plummer of Portland, asked unanimous consent to introduce an order out of order:

Ordered, The Senate concurring, that all State officers appointed by the Governor or elected by the Legislature whose salary equals or exceeds \$500 exclusive of fees, be required to furnish forthwith a true account of all fees or moneys received or collected or charged and uncollected in their respective offices for the year last past, and also to furnish an itemized account of all expenditures paid by the

State on account of said several offices.

The order received a passage.

Mr. Chase of Portland, moved a reconsideration of the motion by which the order received a passage.

Mr. PLUMMER: I would simply say that it appears that the fee system is being gone over all over the State in several counties, and I see no reason why it is not a proper inquiry in relation to State officers; and I hope the motion to reconsider will not prevail.

Mr. CHASE: My object in making this motion was simply this: If this motion is reconsidered I shall move to lay the order upon the table for perhaps a day, or at least until we could have some explanation of the purpose desired by the gentleman who introduced the order. I was not aware that there was any matter before the Legislature relating to fees or salaries of State officers, and I hardly see the purport of that portion of the order which pertains to State officers. I don't wish to delay consideration of the order. It seems to me that the House should have some knowledge of what purpose is desired to be reached. I wish the gentleman might withdraw his objection and let this be reconsidered and the matter laid on the table for one day. It seems to me that such an order as that should not be passed without some consideration. It is a matter of far-reaching importance. It seems to me that this House should know what they are doing and why they are doing it.

Mr. PLUMMER: That is just why I insist on the passage of this order. We have reached that stage where we have endorsed the idea of revising the fee system; it has been recommended by Governors and even by the Speaker of the House, and I submit that this is a proper inquiry at this time. (Laughter and applause.) This order calls for the information I desire, and that the gentleman from Portland desires; when this information comes, then the whole subject will be before us for discussion; and I insist on the passage of the order.

The question being to reconsider the vote whereby the order received a passage.

The motion was lost. (Laughter and applause.)

On motion of Mr. Frederick of Winthrop,

Adjourned.