

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.

1901.

out "Monday, Feb. 4, at 4.30 o'clock in the afternoon," and inserting instead thereof: "Tuesday, Feb. 5, at 10 o'clock in the forenoon," which motions severally prevailed, and the order as amended was passed and sent down to the House.

The order subsequently came back from the House, non-concurred in by that branch, and,

On motion by Mr. Plummer of Penobscot, it was voted to adhere. The order was subsequently returned from the House, that body adhering to its former action.

On motion by Mr. Plummer of Penobscot, it was voted to reconsider the vote to adhere and to ask a committee of conference.

The President appointed as a committee of conference in relation to the foregoing order, on behalf of the Senate, Messrs. Plummer of Penobscot, Weeks of Somerset, and Noble of Franklin.

Mr. Plummer, for the committee of conference on the part of the Senate, thereafter reported that, having conferred with a committee of conference on the part of the House, were unable to agree. The report was accepted.

On motion by Mr. Buck of Hancock, it was

Ordered, That when the Senate adjourn it adjourn until tomorrow morning at 8 o'clock.

On motion of Mr. Buck of Hancock, the Senate adjourned.

HOUSE.

Friday, Feb. 1.

Prayer by Rev. Mr. White of Hallowell.

A message was received from the Senate informing the House that in the absence of the president, Hon. Harry R. Virgin had been elected president pro tem.

Papers from the Senate disposed of in concurrence.

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

Ordered, the Senate concurring, that when the Senate and House adjourn they adjourn to Monday, February 4, at 4.30 o'clock in the afternoon.

The order received a passage.

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

JUDICIARY.

By Mr. Williams of Sangerville—Petition of Mary Grace Canfield and 104 others for women's suffrage.

By Mr. Parkhurst of Bangor—Petition of William L. Leavitt and 12 others of Plymouth to amend as per bill chapter 23 of the Special Laws of 1899, entitled an act to establish a municipal court in the town of Newport; of S. J. Ridlon and 12 others; of W. I. Wood and 26 others—all for same.

By Mr. Carson of Mt. Vernon—Petition of W. P. Cram, J. W. Allen and 47 others asking for a tax upon peddlers.

By Mr. Hinkley of Jonesport—Petition of citizens of Cutler for change in relation to the April term of the supreme judicial court in Washington county.

By Mr. Russ of Woodstock—Petition of Estella C. Ford and 73 others of Woodstock, asking for passage of an act to prevent Sunday excursions.

By Mr. Parkhurst of Bangor—Bill, an act to amend chapter 23 of the Special Laws of 1899 entitled, an act to establish a municipal court in the town of Newport.

By Mr. Moulton of South Portland—An enabling act for the annexation of the city of South Portland to Portland.

LEGAL AFFAIRS.

By Mr. Lawrence of Gardiner—Petition of J. S. Jackson and others of Gardiner, with accompanying bill, to change the method of electing the school committee of the city of Gardiner.

By Mr. Walter of Waldoboro—Remonstrance of Thomas K. Achorn and 27 others against the bill to extend the charter of the Waldoboro Water and Electric Light and Power Company; of George Gilbert Benner and 50 others against same.

By Mr. Cushman of Sherman—Bill, an act to amend section 29 of chapter 42 of the Public Laws of 1899.

By Mr. Boothby of Leeds—Bill, an act to legalize the doings of the town of Leeds.

By Mr. Libbey of South Berwick—Bill, an act to amend chapter 32, section 4, of the Public Laws of 1899, relating to the repairs of highways.

By Mr. Allen of Sanford—Bill, an act to amend section 29 of chapter 92 of the Revised Statutes in relation to mills and mill dams.

By Mr. Lawrence of Gardiner—Bill, an act to supply the people of South Gardiner with pure water.

FINANCIAL AFFAIRS.

By Mr. Knowlton of Farmington—Resolve in favor of Melinda B. Davis, Admx., with statement of facts.

EDUCATION.

By Mr. Maddocks of Boothbay Harbor—Petition of C. A. Peaslee and 100 others of Wiscasset for resolve in favor of Wiscasset Academy.

By Mr. Sprague of Easton—Petition of Rev. Geo. M. Park of Presque Isle and 135 others praying for a normal school at Presque Isle; of J. E. Roberts and 59 others of the teachers and scholars of Presque Isle; of Atwood W. Spaulding and 85 others; of James M. Storey of Washburn and 59 others; of W. I. Piper and 77 others; of Pearl P. Warren and 7 others; of Fred S. Wiggin of Presque Isle and 49 others; of Cyrus Chase and 19 others of Westfield; of John Waddell and 37 others; of Rev. C. L. Pitcher and 44 others; of A. J. Fulton, M. D. of Blaine and 34 others—all for same.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Moulton of South Portland—Bill, an act to incorporate the Higgins Beach Telephone and Telegraph Company.

Also bill, an act to regulate transfers on electric railroad.

By Mr. Shaw of Bath—Bill, an act relating to the organization and control of street railroads.

COMMERCE.

By Mr. Randall of Portland—Bill, an act relating to pilotage of foreign vessels.

BANKS AND BANKING.

By Mr. Farrell of Van Buren—Bill, an act in relation to the Van Buren Trust and Banking Company.

MILITARY AFFAIRS.

By Mr. Deering of Saco—Bill an act fixing the amount of allowance for clerk hire in the office of the adjutant-general.

INTERIOR WATERS.

By Mr. Farrell of Van Buren—Bill, an act relating to the Van Buren Water Company.

By Mr. Burrill of Ellsworth—Bill; an act to incorporate the Union River Water Storage Company.

STATE LANDS AND STATE ROADS.

By Mr. Farrell of Van Buren—Petition of Allen E. Hammond and others of Van Buren and vicinity in favor of an appropriation for lake road, so called, between Van Buren and Madawaska.

WAYS AND BRIDGES.

By Mr. Daigle of Madawaska—Petition of R. J. Beaulieu and others of Madawaska for an appropriation for the repair of roads in said town.

Also petition of Maxime P. Gagnon and 34 others of Frenchville for an appropriation to repair roads and bridge in said town.

By Mr. Cushman of Sherman—Petition of C. H. Kneeland and 10 others for change of law relating to repair of highways; of P. R. Owens and 19 others for same.

INLAND FISHERIES AND GAME.

By Mr. Brewster of Lisbon—Petition of Alex Russell and 11 others of Lis-

bon for October and November open time for the killing of deer in Androscoggin county; of E. W. Alexander and 13 others of Lisbon; of W. S. Hinckley and 16 others of Lisbon—all for same.

By Mr. Gilmore of Turner—Petition of A. T. Bradford and 43 others praying for open time on deer in Androscoggin county.

By Mr. Carson of Mt. Vernon—Petition of M. S. Gordon and 18 others of the towns of Vienna and Mt. Vernon for an act to close the brooks tributary to Flying pond for trout fishing.

By Mr. Thompson of Bristol—Remonstrance of S. O. Bibber and 25 others against the prevention of shooting geese, coot, old squaws and other sea fowl at any time.

By Mr. Coffin of Freeport—Remonstrance of James S. Doughty and 24 others against same.

SHORE FISHERIES.

By Mr. Minott of Phippsburg—Petition of A. D. Adams and 49 other citizens of Bath, West Bath and Phippsburg, relating to bill for protection of migratory fish in Winnegance creek.

By Mr. Farnsworth of Pembroke—Petition of Earl L. Bridges and 101 others of Pembroke, permitting the seining of herring for canning purposes in Washington county except within 1000 feet of any fish weir; of Loring E. Holmes and 48 others of Robbinston for same.

By Mr. Minott of Phippsburg—Bill, an act for the better protection of bass and other migratory fish in Winnegance creek, Phippsburg.

By Mr. Maddocks of Boothbay Harbor—Resolve authorizing the compilation and publication of the sea and shore fisheries laws of the State of Maine.

CLAIMS.

By Mr. Fellows of Bucksport—Resolve in favor of Edward Bolin.

LIBRARY.

By Mr. Dunn of Orono—Resolve in favor of the Maine State Library.

TAXATION.

By Mr. Farnsworth of Pembroke—Petition of Percy E. Jewett and 43

others of Alna in favor of an increase tax on corporations of the State; of C. B. Jewett and 25 others of Newry; of Sidney O. Hurd and 30 others of South Thomaston; of E. M. Atkins and 51 others of Dexter; of E. W. Livermore and 20 others of Dover; of E. Whitney and 54 others of Jonesboro; of C. E. Bowman and 68 others of Vinalhaven; of F. E. Tarr and 16 others of Mapleton; of W. E. Twitchell and 27 others of South Paris; of O. A. Douglass and 33 others of Sebago; of W. J. Matthews and 29 others of North Searsport; of C. M. Hill and 33 others of Moscow; of Ernest Pearl and 46 others of Mt. Vernon; of Scott C. Campbell and 31 others of Phippsburg; of M. Lowell and 13 others of Searsport; of A. E. Poland and 51 others of Cape Elizabeth; of C. W. Warren and 47 others of Kennebec; of Boyden Bearce and 38 others of Eddington; of W. D. Campbell and 30 others of Clifton; of Amasa Howe and 27 others of Aroostook; of R. D. Leavitt and 27 others of Howe's Corner; of R. O. Howard and 16 others; of H. L. Pinkham and 97 others of Branch Mills; of W. H. Farrar and 23 others of Somerset; of L. E. Tuttle and 1500 others of Maysville; of C. E. Cushman and 19 others of Oxford—all for same.

Mr. Deering of Saco, introduced bill, an act to abolish the office of coroner and to provide for medical examinations and inquests in cases of death by violence.

On motion by Mr. Deering the bill was tabled pending reference to a committee.

REPORTS OF COMMITTEES.

Mr. Thompson from the committee on shore fisheries, reported leave to withdraw on petition praying that Chapter 119 of the Laws of 1881 be repealed.

Mr. Pattangall from the committee on legal affairs reported ought to pass on bill, an act to authorize Charles H. Mansfield to maintain a wharf in the tide waters of Moosabec Reach in the town of Jonesport. Printed under joint rule.

Mr. Putnam, from same committee, reported ought to pass on bill, an act

to incorporate the Wilson Electric Light and Power Company. Printed under joint rule.

Mr. Beal, from the committee on financial affairs, on petition of the town of Somerville, referred from last Legislature, for a resolve in favor of the town of Summerville, reported ought not to pass.

Mr. Gilmore, from the committee on education, reported ought to pass on resolve providing for the payment to the town of Bucksport, the amount deducted from said town's proportion of the school fund for the year 1899, on account of an imperfect school return. Printed under joint rule.

Mr. Beal, from committee on railroads, telegraphs and expresses, reported ought to pass on bill, an act to incorporate the Pushaw Lake Railway Company.

Mr. Little, from same committee, reported ought to pass on bill, an act to extend the time of the construction of the Boothbay railroad. Printed under joint rule.

Mr. Jones, from the committee on inland fisheries and game, reported in a new draft bill, an act to amend Chapter 30 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1899, pertaining to inland fisheries and game, and that it ought to pass. Printed under joint rule.

Mr. Thompson, from the committee on shore fisheries, reported ought to pass on bill, an act to amend Chapter 67 of the Public Laws of 1891, relating to the taking of smelts. Printed under joint rule.

Mr. Shaw, from committee on interior waters, on bill, an act to prohibit fishing through the ice on Mirror lake in the town of Newfield, reported that the same be referred to the committee on inland fisheries and game.

Mr. Carr, from same committee, reported leave to withdraw on petition of Frederick Robie and others, in favor of compelling all parties using the navigable waters of Chutes river, Songo river and bay of Naples for the purpose of log-driving, etc., to have said waters free of such wood on or before June 10 annually.

READ AND ASSIGNED.

An act additional to Chapter 333 of the Private and Special Laws of 1897, relating to the United Gas and Electric Company.

An act to amend Chapter 154 of the Private and Special Laws of 1895, relating to the charter of the Wiscasset Water Company.

An act to amend an act to authorize the city of Portland to appoint commissioners of cemeteries and public grounds.

An act to legalize the doings of the meeting of school district No. 16 in the town of Stonington.

An act to amend Section 19 of Chapter 118 of the Revised Statutes, relating to offences against the lives and persons of individuals.

An act to authorize the laying out of a way across tide waters of Piscataqua river in Kittery.

An act amending Chapter 365 of the Private and Special Laws of 1893, in relation to the Rufford Falls Light and Water Company.

An act permitting ice fishing in Cochnewagon pond in Monmouth.

An act relating to agents of domestic mutual fire insurance companies.

An act to amend the charter of Parsonfield Seminary.

On motion of Mr. Noble of Vinalhaven, the rules were suspended, the bill received its third reading and was passed to be engrossed.

An act to prohibit ice fishing in Sabbath Day lake in the town of Gloucester, Cumberland county.

Mr. CHASE of Portland: Mr. Speaker, I move that this act lie on the table for an amendment. This, being an act carrying a penalty, should not take effect when approved.

Mr. CARLETON of Wintthrop: I hope the gentleman from Portland will not insist upon that motion. This act is in the usual form of a multitude of such acts passed by the Legislature. And I wish to say further that I arose at the time the gentleman did, to move a suspension of the rules that it might be passed to be engrossed at this time. For this reason—there is a special act, or has been upon Sabbath Day lake in prohibiting ice fishing, which expir-

ed, yesterday, and everybody in that section of the country is intensely interested in that beautiful lake and intensely interested in having ice fishing prohibited. Multitudes of letters and petitions have come to have this act if possible, take effect by the time the old one expires. I hope the gentleman will not insist upon his motion, but that the act may be passed to be engrossed under a suspension of the rules.

Mr. CHASE: I am just informed for the first time that there was an act which expired, yesterday. But it seems to me that this does not change the principle of passing a law carrying a penalty which shall take effect immediately. It is almost an unheard of thing in legislation and is entirely wrong in my judgment, and for this reason, which every member must see at a glance. To be sure, every man is supposed to know the law, but that is a violent presumption as to fact, for in fact a great many people do not know the law. Now to pass a law carrying with it a penalty involves this danger—some man, not knowing as a matter of fact, that he is violating the law, may unwittingly and unknowingly and unintentionally lay himself open to a criminal prosecution and thereafterwards be a citizen with a criminal record. This principle has always been recognized in legislation of this kind. Now, while the circumstances of this case may make it less likely that anyone should fall into such an error, at the same time it is entirely possible for it to occur. Now, gentlemen of the House, I do not concede that it is a matter of such momentous importance that no man shall fish through the ice in Sabbath Day lake, that this House should change this long used and proper custom in regard to legislation. I do insist upon my motion, but I am entirely willing to abide by the judgment of the House. I have no objection to the rules being suspended providing the bill is amended by striking out Section 2.

Mr. CARLETON: I have said what I have and taken the action I have in accordance with what I understand to be the universal desire of the people

living in that vicinity. The lake will be all covered with the copies of these bills as soon as it becomes a law so that nobody can violate it under a misunderstanding; and furthermore, by authority of the Legislature conferred upon the commissioners, lake after lake is closed under rules and regulations at once without any 30 days notice. What will be the result? The result simply will be that this bill, under the gentleman's motion, will take effect 30 days after this Legislature adjourns, and the mischief is done. The State of Maine has been stocking this lake for years with landlocked salmon and trout, and is one of the most beautiful lakes in all our section of the country, accessible to the cities of Lewiston and Auburn and all that section, and as I say, the people of that vicinity, the farmers and, so far as we are informed, everybody in that section, wants this bill to go through as it is.

The question being on the motion to lay the bill on the table for the purpose of amendment, a division was had and the motion was lost by a vote of 34 to 40.

Mr. CHASE: I move to amend the bill by striking out Section 2.

The question being on this motion to amend, a division was had and the motion was lost by a vote of 33 to 41.

The bill was then read a second time.

On motion of Mr. Carleton the rules were then suspended, the bill received its third reading and was passed to be engrossed.

The order passed by the House in regard to adjournment to 4.30 o'clock Monday afternoon, came from the Senate amended by striking out "Monday, Feb. 4, at 4.30 o'clock in the afternoon," and inserting "Tuesday, Feb. 5, at 10 o'clock in the forenoon."

Mr. CHASE: After conference with the committee on business of the House and with other members of the House, the committee do not wish to insist upon an adjournment until Monday afternoon unless the House desires. I am entirely willing to leave the matter to the wish of the House without any argument except that I do wish to state this: This is now the end

of the fifth week of the session; there is yet before the Legislature a very large volume of business. We all know how much there is in the mill which must be ground out before this session adjourns. Now, I am informed by the officials who know that an adjournment until Tuesday means simply the loss of a day, and it means that this Legislature will be one day later in adjourning Speaking only for myself, I had rather put in a day here now than the first of April. It seems to me personally as though we should have a session from now on every Monday afternoon. This, I understand, is a fair statement of the situation. I move that the House insists upon its order.

The motion was agreed to.

Subsequently the order came back from the Senate, the Senate adhering to its action.

The SPEAKER: The order is killed by the action of the Senate adhering and not asking for a committee of conference, unless the House recedes.

Mr. CHASE: I move that the House adhere to its former action.

The motion was agreed to.

Mr. GARDNER of Patten: I would ask if a committee of conference is in order.

The SPEAKER: It is out of order. The Senate adhered and refused to ask for a committee of conference.

PASSED TO BE ENGROSSED.

An act to authorize the Bangor & Aroostook Railroad Company to purchase the Bangor & Katahdin Iron Works railroad.

An act relating to the Compressed Air Company of Massachusetts.

An act to amend and extend the charter of the Strong Water Company.

PASSED TO BE ENACTED.

An act to extend the charter of the Waterville & Wiscasset Railroad Company.

An act to amend the charter of the Lewiston Trust and Safe Deposit Company.

An act to amend an act entitled an act to provide for printing and distributing ballots at the public expense and to regulate voting for State and city elections.

An act to extend the charter of the Franklin, Somerset & Kennebec Railway Company.

An act to change in part the town line between the towns of Mexico and Rumford in the county of Oxford.

An act to authorize the city of Lewiston to issue its bonds to the amount of \$185,-

000 and pay its bonds now outstanding and maturing in the year 1901.

Resolve providing for payment to the town of Bethel of the amount deducted from said town's proportion of the school fund for the year 1900 on account of an imperfect school return.

ORDERS OF THE DAY.

On motion by Mr. Haskell of Windham, the vote was reconsidered whereby bill, an act to amend the charter of Parsonsfield Academy, was passed to be engrossed.

The bill was then assigned for tomorrow morning.

On motion by Mr. Moulton of South Portland, bill, an act providing for State roads and for the improvement thereof, was taken from the table, and on further motion by the same gentleman is was referred to the committee on State lands and State roads.

The order relative to adjournment came back from the Senate, the Senate having reconsidered its action whereby it voted to adhere, and voting to insist, with a committee of conference appointed on its part.

The House reconsidered its action whereby it vote dto adhere.

The Speaker appointed on the part of the House on the committee of conference, Messrs. Chase of Portland, Sutherland of Biddeford, and Dudley of Augusta.

Mr. CHASE of Portland: If it is in order, I move to take from the table the three petitions relating to the bounty on bears, and the motion of the gentleman from China (Mr. Thompson) that the House recede and concur with the Senate in referring the petitions to the committee on agriculture.

The motion was agreed to.

Mr. CARLETON of Winthrop: I am free to confess, Mr. Speaker, that I do not understand why this matter should not properly be referred to the committee on inland fisheries and game. It is a universal custom, so far as I know, in all deliberative bodies, that committees are appointed and that matters which are proper are referred to those committees. This Legislature has a fish and game committee, and also a committee on agriculture, and I am deeply interested in both those subjects and I think I have some little practical knowledge of both. Now the gentleman from China (Mr. Thompson) only yesterday, a member of the agricultural committee, moved that we insist on referring these matters pertaining to a game animal to the agricultural committee. I asked him as a personal favor to let the matter lay over until today, as so many members of the House were absent on the excursion to the State University. He declined to do that, and on the motion of the gentleman from Portland (Mr. Chase) his motion was laid on the table to be taken up, this morning.

Now the question is, as I understand, whether we shall recede and concur with the Senate in referring these petitions to

the committee on agriculture, or adhere to our former action. If I may be permitted a moment—I have no desire to discuss this question and shall not discuss it—I wish to say that I am unwilling that there should be any occasion for any feeling on the part of any one that there is any clashing of interests between the farmers or the agriculturalists of this State and our inland fish and game interests. There is no diversity of interests; there should be no occasion for any surmise or belief that there is any clashing of interests. More than 500 farmers of this State are registered guides of this State, and scores of our abandoned farms have been purchased, rejuvenated and made beautiful farms by the visiting summer tourists and the sportsmen, and that is going on continually every year, and the farmer is receiving direct benefits all the time from this great interest, and entire towns or communities, like Rangeley, are dependent upon this great interest. There should be no clashing of interests. The interests of all are identical. I am a farmer myself, owning and operating as valuable a farm as there is in the county of Kennebec, in my estimation. My constituents that I represent here are practically all farmers. I believe the fish and game committee to be the proper committee to which to refer these matters, but I have unbounded faith in the committee on agriculture and I would not have the slightest objection if every fish and game matter that is proposed in this Legislature should be acted upon by the agricultural committee of this Legislature. I have the most unbounded faith in their wisdom and their patriotism and in their desire to do that which is for the best and highest interests of this State; but lest there might appear to be a clashing of interests, that there might be occasion for somebody to surmise that there was, I second the motion that we recede and concur and that these matters be referred to the committee on agriculture.

The question being on the motion of Mr. Thompson of China, to recede and concur with the Senate in referring the petitions to the committee on agriculture, The motion was agreed to.

On motion by Mr. Thompson of China, the petitions of A. W. Davenport and 119 others and of Eben Taylor and 85 others, relating to a bounty on bears, were taken from the table, and on further motion by the same gentleman they were referred to the committee on agriculture.

Mr. Minot of Phippsburg, asked unanimous consent to introduce a resolve out of order, Resolve in favor of Francis E. Johnson of Phippsburg, and moved that it be referred to the committee on military affairs.

The motion was agreed to.

On motion by Mr. Chase of Portland, petitions of D. W. Smith and 9 others, of G. S. Kempton and 49 others and of James Morrison and 24 others, relating to a bounty on bears, were taken from the table.

The question being, shall the House recede and concur with the Senate in refer-

ring the petitions to the committee on agriculture,

The motion was agreed to.

Mr. CHASE of Portland: Mr. Speaker, the committee of conference have attended to their duty and beg leave to report that they are unable to agree. (Laughter).

The report was accepted.

Mr. Gardner of Patten, moved that the House adjourn, and a division being had the motion was agreed to by a vote of 58 to 25.

Thereupon the Speaker declared the House adjourned until tomorrow morning. (Applause).