

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

# Seventieth Legislature

OF THE

# STATE OF MAINE.

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1901.

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. Staples of Knox, the motion whereby Bill, an act to incorporate the trustees of Leavitt Institute in the town of Turner had been tabled on Friday, Feb. 1, for one week, was reconsidered, and, on the further motion of that Senator the bill was taken from the table, and passed to be engrossed.

On motion by Mr. Wilson of Washington, the Senate adjourned.

## HOUSE.

Tuesday, Feb. 5.

Prayer by Rev. Mr. Farnsworth of the House.

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

#### JUDICIARY.

By Mr. Jackson of Jefferson—Petition of C. F. Achorn and 45 others of Whitefield, in favor of bill prohibiting trading stamps.

By Mr. Fuller of Auburn—Petition of Caroline Wallace and 16 others of Lewiston, in favor of granting to the women of Maine the right of full and equal suffrage.

By Mr. Eaton of Calais—Remonstrance of John E. Haley and 29 others of Forest City, against the removal of the supreme judicial court from the city of Calais to Machias.

By Mr. Carleton of Winthrop—Bill, an act to establish a municipal court in the town of Winthrop.

Also Bill, an act to regulate the practice of embalming and the transportation of bodies of persons who have died of infectious diseases.

By Mr. Staples of York—Bill, an act to amend Chapter 128 of the Private and Special Laws of 1879, entitled, an act to incorporate the Elliot Bridge Company.

By Mr. Beal of Bangor—Bill, an act to amend Chapter 3, Section 55 of the Revised Statutes, relating to the taking of lands for parks and squares.

By Mr. Carleton of Winthrop—Bill, an act to incorporate the Winthrop Electric Light and Power Company.

Also Bill, an act to incorporate the Winthrop Cold Spring Water Company.

By Mr. Chase of Portland—Bill, an act additional to Chapter 64 of the Revised Statutes, relating to the concealment and embezzlement of property of deceased persons.

#### LEGAL AFFAIRS.

By Mr. Sprague of Easton—Petition of M. D. Estes and 25 others, to regulate the price of sending telegraph dispatches.

By Mr. Walter of Waldoboro—Remonstrance of Gardiner Reed and 37

others against the bill to extend the charter of the Waldoboro Water and Electric Light and Power Company.

By Mr. Gardner of Patten—Bill, an act to incorporate the town of Crystal.

#### FINANCIAL AFFAIRS.

By Mr. Beal of Bangor—Resolve in favor of King's Daughters Home of Bangor.

#### MILITARY AFFAIRS.

By Mr. Hix of Rockland—Resolve in favor of the city of Rockland to reimburse it for medical aid during the Spanish war.

#### INTERIOR WATERS.

By Mr. Pratt of Veazie—Protest of William E. Swears and 46 others of Veazie, against the passage of the bill entitled an act to incorporate the West Branch Driving and Reservoir Dam Company.

By Mr. Cushman of Sherman—Remonstrance of citizens of Island Falls, Aroostook county, against granting a charter to West Branch Dam and Reservoir Company.

By Mr. Gardner of Patten—Remonstrance of Ira B. Gardner and 47 others of Patten, against granting a charter to the West Branch Dam and Reservoir Company.

By Mr. Carleton of Winthrop—Bill, an act to amend Chapter 213 of the Public Laws of 1895, authorizing Simeon G. Davis, his associates and assigns, to construct and maintain a wharf and boat house in Lake Maranocook in the town of Winthrop.

#### WAYS AND BRIDGES.

By Mr. Briggs of Hudson—Petition of B. E. Higgins and 73 others in favor of State supporting all bridges of 50 feet or more in length.

#### INLAND FISHERIES AND GAME.

By Mr. Carleton of Winthrop—Petition of M. S. French and 20 others of the Forks, praying that Mosquito stream, a tributary of Moxie pond, be closed to fishing to low water mark.

By Mr. White of Naples—Bill, an act to prevent the throwing of sawdust and other mill waste into streams lying wholly or in part in the towns of Naples and Raymond.

By Mr. Mead of Bridgton—Resolve providing for the screening of Sabago lake.

#### SHORE FISHERIES.

By Mr. Hinkley of Jonesport—Petition of D. J. Sawyer and others, relating to dumping of fish offal into waters of Moosabec Reach in the town of Jonesport; of G. F. Mansfield and others for same; also Bill, an act to prohibit dumping herring and all fish offal in waters of Moosabec Reach in the town of Jonesport.

#### TEMPERANCE.

By Mr. Walter of Waldoboro—Remonstrance of Frank M. Dodge and 17 others against the resolves favoring the resubmission of the prohibitory amendment; of William H. Hansen and 24 others against same.

By Mr. Tufts of Kingfield—Remonstrance of the W. C. T. U. of Eustis, against repeal of prohibitory law.

#### ORDERS.

On motion of Mr. Staples of York, Ordered, That 200 extra copies of House document No. 46, being an act providing for State roads and for the improvement thereof, be printed for the use of the House.

#### READ AND ASSIGNED.

An act to amend Chapter 67 of the Public Laws of 1891, relating to the taking of smelts.

An act to incorporate the Wilton Electric Light and Power Company. Tabled, pending first reading on motion of Mr. Allen of Portland.

An act to prohibit killing deer in the town of Isle au Haut. Tabled, pending second reading on motion of Mr. Carleton of Winthrop.

An act to provide for a close time on Lily pond in the town of Shirley, county of Piscataquis.

Resolve providing for the payment to the town of Eden, the amount deducted from said town's proportion of the school fund for the year 1899, on account of imperfect school returns.

An act to incorporate the Little Churchhill Stream Dam Company.

An act to incorporate the Pleasant River Improvement Company.

**PASSED TO BE ENGROSSED.**

An act to amend Section 2 of Chapter 176 of the Private and Special Laws of 1887, entitled an act creating the Fryeburg Village Fire Corporation.

An act to incorporate Machias Banking Co.

An act to extend the time of construction of the Boothbay Railroad.

An act to authorize Charles H. Mansfield to maintain a wharf into the tide waters of Moosabec Reach in the town of Jonesport, county of Washington.

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 imperfect school return.

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.

An act to incorporate the Pushaw Lake Railroad.

**PASSED TO BE ENACTED.**

An act to regulate winter fishing and to close the tributaries of certain lakes and ponds in Piscataquis county.

An act to amend Section 47 of Chapter 77 of the Revised Statutes in relation to the terms of the supreme judicial court in the county of Oxford.

An act relating to Compressed Air Co. of Massachusetts.

An act to build a bridge across the bar between Mt. Desert Island and Bar island in the county of Hancock.

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

Mr. CARLETON of Winthrop: I move that this bill be indefinitely postponed. I find on examination that Sabbath Day lake is closed under the general law to ice fishing, so that the bill becomes entirely unnecessary.

The motion was agreed to.

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

An act to regulate fishing in Wilson river in Piscataquis county.

An act to authorize the Bangor & Arrostook Railroad Co. to purchase the Bangor & Katahdin Iron Works Railroad.

An act to authorize the construction of a wharf into the tide waters of Penobscot river in Verona.

Resolve in relation to extra pay of Maine volunteers in the war with Spain.

**ORDERS OF THE DAY.**

On motion of Mr. Bennett of Hollis, resolve relating to preservation of regimental rolls in adjutant general's office was taken from the table.

Mr. BENNETT: Mr. Speaker, some one informed me the other day that they thought this appropriation was rather large for the amount of work that was required to be done and I tabled the resolve for the purpose of examining into the matter. It is well known that the State of Maine sent 72,000 men to the war, as brave men as ever shouldered a gun or stormed an entrenchment. There were 32 regiments of infantry. Each one of these regiments has from 150 to 400 sheets on which their record was kept while in service, and these rolls have been continually referred to and they are referred to every day. Hundreds of thousands of letters come here every year inquiring for the record contained on these rolls, and they have become used up, some of them nearly torn to pieces, so it is hard work to make out the history of the soldier. Now, you understand, there are between 150 and 400 of these for each regiment and there are 32 regiments of infantry, two regiments of cavalry, six batteries and one battalion; and while the expense of doing the work seems quite large, after you have investigated the matter you will find that it is not. They employ constantly in that office, and have for the past two years, one man at \$3.50 a day who is an expert at the business, two girls at \$1 a day and one lady at \$1.50 a day, \$44 a week or about \$180 a month. Now this business is going on continually, and the material costs about \$20 a month, and for that reason I don't see how we can possibly continue the work on a less amount of money, and the work is of great importance. I was informed this morning that if as many letters are written to the adjutant general in 100 years from now as are written concerning the soldiers of the Revolution—although there are no records of them in this State, of course they are referred to Massachusetts—you could not get people

enough into this State House to answer these letters. They should be preserved, they are doing the work in a thorough manner, and they will be preserved for all time. I move that the resolve be put upon its passage to be engrossed.

The motion was agreed to and the resolve was passed to be engrossed.

On motion of Mr. Haskell of Windham, bill relating to charter of Parsonsfield Seminary was taken from the table.

Mr. DEARBORN of Parsonsfield: When I presented this bill I felt as if we were placing more burdens on the State superintendent and I therefore felt that he should have some aid therefor. The committee on education to which it was referred understood very properly that the trustees of the seminary were to meet the expense here incurred, but we labored under a misapprehension of facts. We find that we cannot take from the proceeds of the fund any of the money to be expended in this direction. And I therefore wish to amend the bill by striking out all of Section 3 after the 7th line, and thus amended I desire that the bill should have a passage.

Mr. COOK of Vassalboro— I think the matter should be recommended to the committee on education. I make that motion.

The motion was agreed to.

On motion of Mr. Shaw of Bath, bill, Pownal & Yarmouth Railroad Co., was taken from the table, and further motion by the same gentleman it was referred to the committee on railroads, telegraphs and expresses.

On motion of Mr. Pattangall of Machias, resolve relating to outstanding pledges, Eastern Maine Insane Hospital, was taken from the table.

Mr. PATTANGALL: Mr. Speaker, I desire to offer an amendment to this resolve and I desire briefly to explain the purpose of the amendment. The amendment which I shall offer involves in no way the payment of the amount of money agreed upon by the resolve. When I tabled the resolve, last Tuesday, I did not do it with any intention of in any way retarding the appropriation of money for the Eastern Maine Insane Hospital, or of raising any question as to this Legislature paying the outstanding notes signed by Mr. Powers and negotiated for the benefit of that hospital; but it seemed to me that this Legislature could ill afford to pass, as a matter of course, a resolve carrying \$36,000 dollars to pay notes negotiated by the former Governor of this State, for the purpose of completing public buildings, acting under no authority of the Legislature, without incorporating into that resolve an amendment of such a nature that the resolve never could be taken for a precedent for like action in the future.

The attention of the House has not been called to this resolve and I desire

to call attention to the purpose of it. In 1899 the Legislature passed a resolve appropriating \$225,000 for the completion of the buildings at Bangor designed for the use of the Eastern Maine Insane Hospital. That resolve was accompanied by a statement of facts which itemized the necessary expenditures. The total amount mentioned in the statement of fact—and it was before the Legislature of 1899—was \$221,600. In compliance with the report of the committee recommending an appropriation equal to that amount, and considering, as the Legislature always does, the statement of fact as a part of the resolve, the Legislature appropriated \$225,000. That amount was expended, as I understand—I have no doubt wisely and economically—and the time came when that institution required more money to complete the work. The supply the deficit the Governor negotiated four or five promissory notes, personal notes of his, at different banks, and procured the money for the commission. I do not in any way question but that that may have been an economical way to complete the buildings that the State needed and that the State intended to have. I do not in any way question but the act was one carried out by the Governor of the State with the best motives and best intentions. But I think that when the Legislature stops to consider that if such an act should be considered a precedent in Maine, it lies within the power of the Governor and of all the Governors in the future, and not of the Legislature, to restrict appropriations, they will agree with me that it is necessary, when this resolve becomes a part of the laws of Maine and is incorporated in the books to be referred to in the future, that it should contain something to show that the Legislature of Maine still reserves within itself its constitutional and statutory power of making and limiting appropriations and has not parted with it to a Governor who then was, a Governor who now is or any future Governor or any other power within the State.

It seems to me more important that the Legislature of Maine and the executive power of Maine should act within the constitutional and legal limits which the constitution and laws of this State impose on the different branches, than that any amount of money should be saved to the State. I believe that it would be better that \$50,000, if necessary, should be spent at any future time to call a Legislature together to ask for an appropriation, than that those important barriers of constitutional law should ever be broken down. In connection with the particular instance I have no criticism to make other than I desire, and I believe it to be necessary, that an amendment should be incorporated into that resolve for future reference, if the resolve is ever referred to, which shall show that this Legislature in passing it acted upon a special case and had no desire to create a precedent for future Legislatures. I therefore offer the following amendment:

Amend by adding to said document the following paragraph: "Resolved, That the Legislature disapproves the payment of any of the bills of the State or the advancement of money for that purpose either by an officer of the State or by a private citizen when not authorized by the Legislature, and that the passage of this resolve is not to be construed as a precedent for like action in the future."

The amendment was adopted.

Mr. CHASE of Portland: I desire to call attention to one word in the third line of this resolve, "pay the foregoing notes"—that should be "the following notes." I move to amend by striking out the word "foregoing" and inserting in its place the word "following."

The amendment was adopted.

Mr. BEAL of Bangor: I move that the rules be suspended which require the reference of this resolve to the committee on bills in the third reading and that it take its passage to be engrossed as amended.

The motion was agreed to and the resolve as amended was passed to be engrossed.

On motion of Mr. Littlehale of Union, the two remonstrances against granting a charter to the town of Camden for water works, were taken from the table, and on further motion by the same gentleman they were referred to the committee on the judiciary.

On motion by Mr. Hyde of Bath,  
Adjourned.