

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.

1901.

value. The section as amended will read: "Section 1. J. Frank Quimby, Aubrey Leavitt, Hewitt M. Lowe, A. F. Gilmore, H. F. Dresser, A. S. Ricker and William B. Bradford, their associates and successors, are hereby constituted a corporation by the name of trustees of Leavitt Institute, and by that name may sue and be sued, have a common seal, make such by-laws not repugnant to the laws of this State as they may deem expedient for the management of their affairs, fill all vacancies occurring in their number, take and hold any real or personal estate that they now possess or any hereafter received by donations or otherwise, to an amount not exceeding one hundred and fifty thousand dollars, the income thereof to be faithfully applied to promote the cause of education, and the trustees aforesaid are intrusted with all the privileges and powers incident to similar corporations."

For that reason I move the Senate concur with the House in the adoption of the amendment.

The motion prevailed.

On the further motion of the same senator the bill as amended was passed to be engrossed.

On motion of Mr. Plummer of Penobscot, the Senate adjourned.

HOUSE.

Friday, Feb. 8.

Prayer by Rev. Mr. Small of Gardiner.

A message was received from the Senate through Senator Wilson of Washington informing the House that in the absence of the President the Hon. Bert M. Fernald had been elected President pro tem. (Mr. Parkhurst of Bangor in the Chair).

Papers from the Senate disposed of in concurrence.

Resolve in favor of the town of Dresden, came from the Senate, read once and referred to the committee on military affairs under a suspension of the rules. In the House the rules were suspended and the resolve was referred to the committee on military affairs in concurrence.

Bill, an act to prohibit fishing in Pleasant Pond and its inlets situated in Sumner, Oxford county, came from the Senate read once and referred to the committee on inland fisheries and game under a suspension of the rules. In the House the rules were suspended and the bill was referred to the committee on inland fisheries and game in concurrence.

Bill, an act to incorporate the Searsport Water Company, was read and assigned.

MESSAGES AND DOCUMENTS FROM THE EXECUTIVE AND HEADS OF DEPARTMENTS.

In compliance with the order introduced into the House on January 23, relative to fees received and expenditures made during the year 1900 by State officers, communications and reports were received from the following:

Byron Boyd, Secretary of State.

F. M. Simpson, State Treasurer.

William T. Haines, Attorney-General.

John T. Richards, Adjutant-General.

Charles E. Oak, Land Agent.

E. C. Stevens, Superintendent of Public Buildings.

Joseph B. Peaks, Chairman of Railroad Commissioners.

E. C. Farrington, Clerk of Board of Railroad Commissioners.

S. W. Carr, Insurance Commissioner.

F. E. Timberlake, Bank Examiner.

L. T. Carleton, Chairman of Commissioners of Inland Fisheries and Game.

William C. Marshall, Otis Hayford and George Pottle, State Assessors.

S. W. Matthews, Labor Commissioner.

A. G. Young, Secretary of State Board of Health.

On motion of Mr. Plummer of Portland these communications and reports were laid on the table to be printed.

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

JUDICIARY.

By Mr. Farnsworth of Beddington—Remonstrance of M. S. Smith and 56 others, citizens of Steuben, against the use of fire arms on Stanley's Point and adjacent islands.

LEGAL AFFAIRS.

By Mr. Dunn of Orono—Bill, an act to amend clause 6 of section 55 of chapter 86 of the Revised Statutes, relating to trustee process.

By Mr. Hutchings of Brewer—Bill, an act to amend section 14 of chapter 134 of the Revised Statutes relating to criminal proceedings in court.

WAYS AND BRIDGES.

By Mr. Laliberte of Ft. Kent—Resolve in favor of building a bridge across Little Black river and establishing a ferry across the St. John river.

INLAND FISHERIES AND GAME.

By Mr. Sanborn of Webster—Petition of William Theniert and 68 other citizens of Webster and vicinity requesting that section 21 of chapter 42 of the Public Laws of 1899 be so amended as to give October and November an open time for the killing of deer in Androscoggin county.

SHORE FISHERIES.

By Mr. Walls of Vinalhaven—Remonstrance of L. R. Smith and 65 others of Vinalhaven against any change in the lobster fishery law; of H. L. Gray and 75 others; of S. S. Lewis and 33 others of Vinalhaven; of T. E. Libby and 33 others of Vinalhaven—all against same.

TEMPERANCE.

By Mr. Libby of South Berwick—Remonstrance of H. B. Bennett and 33 others of Old Orchard against the re-

submission of the fifth amendment of our State constitution.

By Mr. Allan of Portland—Remonstrance of the West Congregational Church of Portland against resubmission or repeal of the prohibitory law.

TAXATION.

By Mr. Sanborn of Webster—Petition of H. J. Carville and 36 others relating to the equalizing of taxation, presented by the Maine State Grange.

By Mr. Jones of Springfield—Petition of A. E. Gowell of Lakeville and 8 others for equalization of taxation.

By Mr. Webb of Portland—Petition of W. L. White and 40 others in favor of assessing taxes solely upon land values and franchises.

By Mr. Farnsworth of Pembroke—Petition of W. A. Alexander and 27 others of Topsham in favor of an increased tax on corporations; by Walter G. Loud and 52 others of Plymouth; of E. H. Mosher and 60 others of Belgrade; of Melvin Porter and 65 others of Dixmont; of W. H. Stinson and 218 others of Clinton; of A. V. Martin and 23 others of South Montville; of L. G. Kyes and 50 others of Jay; of Ira F. Hobbs and 110 others of Milo; of Fred B. Pike and 18 others of Cornish; of H. P. Green and 63 others of Smithfield; of G. M. Burnett and 116 others of Bridgton; of Robert E. Horne and 149 others of Littleton; of Seth Linnott and 22 others of Saco; of J. W. Bishop and 17 others of Brockway's Mills; of Will F. Allen and 58 others of East Dixfield; of D. Y. McFarland and 37 others of Lamoine; of E. E. Hardy and 84 others of East Wilton—all for same.

ORDERS.

On motion of Mr. Farrell of Van Buren,

Ordered, That the committee on State lands and State roads be requested to inquire into the expediency of the State buying wild lands available for farming purposes to be sold to intending settlers upon the same, and report by bill or otherwise.

Mr. Chase of Portland asked unanimous consent to take from the table out of order bill to incorporate the trustees of Leavitt Institute.

The motion was agreed to.

On motion by Mr. Chase the vote was then reconsidered whereby the bill was passed to be engrossed.

Mr. Chase moved to amend the bill by striking out in the 12th line of the first section the words "the annual income of which shall not exceed five," and inserting in lieu thereof the words "to an amount not exceeding one hundred and fifty;" also by striking out the words "said income" in the 12th line and inserting in lieu thereof the words "the income thereof."

The amendments were adopted, and on motion of Mr. Chase the bill as amended was passed to be engrossed.

REPORTS OF COMMITTEES.

Mr. Putnam, from the committee on legal affairs, on bill, an act to incorporate the Round Lake Fish Company, reported that the same be referred to the committee on inland fisheries and game.

Mr. Wilston, from the committee on inland fisheries and game, on petition of V. L. Harriman and 20 others of Lovell relating to fishing in Slab City pond, Lovell, reported that the same be referred to the commissioners on inland fisheries and game.

Mr. Wilson from same committee, on petition of C. F. Clark and 30 others praying for a close time on the Outlet stream and tributaries of Bartlett pond in Waterboro, reported that the same be referred to the commissioners on inland fisheries and game.

Mr. Deering, from the committee on railroads, telegraphs and expresses, reported out not to pass on bill, An act to regulate the moving of buildings over and across railroad tracks:

Subsequently on motion by Mr. Deering the vote was reconsidered whereby the House accepted this report, and on further motion by the same gentleman the matter was re-committed to the committee for further consideration.

Mr. Lawrence, from the committee on interior waters, reported ought not to pass on bill, An act to prohibit the obstruction of the Songo and Chute rivers in the town of Naples in the county of Cumberland.

Mr. Pratt, from the committee on ways and bridges, reported leave to withdraw a petition of J. C. Potter and 258 others praying for an appropriation in behalf of the inhabitants of the town of Kingman, said appropriation to be applied to the payment of the outstanding debt.

Mr. Wilson, from the committee on inland fisheries and game, reported ought not to pass on bill, An act to amend chapter 42 of the Public Laws of 1899 known as the inland fish and game laws.

Mr. Webb from the judiciary committee reported ought to pass on bill, An act to ratify the purchase by the Sagadahoc Light and Power Company of the property rights and franchises of the Bath Electric Light and Power Company, the Bath Gas and Electric Company and the Bath Gas Light Company, and to give further rights to the said Sagadahoc Light and Power Company. Printed under joint rules.

Messrs. Jones, Murchie, Whitehouse, Mayo, Kaler and Little, a majority of the committee on railroads, telegraphs and expresses, reported ought not to pass on bill, An act to amend chapter 207 of the Private and Special Laws of 1895 as heretofore amended relating to the Eastern Telephone Company.

Messrs. Beal, Randall, Bird and Deering, a minority of same committee, on same reported ought to pass.

Mr. Mayo of Foxcroft moved that pending the acceptance of either the bill reported by the minority of the committee be printed, and that the entire matter be laid on the table and Wednesday of next week be assigned for its consideration.

The motion was agreed to.

Mr. Fellows from the committee on legal affairs, reported ought to pass on bill, An act to establish the ward boundaries of the city of Bangor.

On motion of Mr. Beal of Bangor the rules were suspended, the bill received its three several readings and was passed to be engrossed.

Mr. Deering from the committee on railroads, telegraphs and expresses, reported ought to pass on bill, An act

to merge the Knox and Lincoln Railway in the Maine Central Railway Company. Printed under joint rules.

Mr. Kaler from same committee reported ought to pass on bill, An act to incorporate the Lincoln Electric Railway Company. Printed under joint rules.

Mr. Kaler from same committee reported ought to pass on bill, An act to extend the rights, powers and privileges of the Eastport Street Railway Company. Printed under joint rules.

Mr. Little from same committee reported ought to pass on bill, An act to authorize the Skowhegan and Norridgewock Railway and Power Company to extend a line to and into the town of Smithfield. Printed under joint rules.

Mr. Randall from same committee reported ought to pass on bill, An act to extend the charter of the Ellsworth Street Railway Company. Printed under joint rules.

Mr. Randall from same committee reported ought to pass on Bill, an act to authorize the Androscoggin Railroad Company to convey its interest in the Androscoggin Railroad to the Maine Central Railroad Company. Printed under joint rules.

Mr. Allan from the committee on legal affairs, reported ought to pass on Bill, an act to amend section 17 of chapter 128 of the Revised Statutes as amended by chapter 130 of the Public Laws of 1899 relating to tramps.

Mr. Beal from the committee on financial affairs, reported ought to pass on Resolve in favor of Bangor Children's Home. Printed under joint rules.

Mr. Pattangall from same committee reported ought to pass on Resolve in favor of the Children's Aid Society of Maine. Printed under joint rules.

Mr. Farrell from the committee on interior waters, reported ought to pass on Bill, an act granting to Alexis Morneault the right to erect and maintain piers and booms in the St. John River in the town of Grand Isle. Printed under joint rules.

Mr. Porter from same committee reported ought to pass on Resolve in aid of navigation on Sebec Lake. Printed under joint rules.

Mr. Jones from the committee on inland fisheries and game, on bill, an act to regulate the taking of white perch from Trip Pond and its tributaries, reported that the same be referred to the commissioners on inland fisheries and game.

Mr. Wilson from same committee on petition reported Bill, an act to regulate fishing in Grand Lake stream and outlet of Grand lake, Washington county. Printed under joint rules.

Mr. Jones from same committee on petitions reported Bill, an act to prohibit the sale of trout in the county of Hancock. Printed under joint rules.

Mr. Wilson from same committee reported ought to pass on Bill, an act relating to fishing for togue through the ice. Printed under joint rules.

Mr. Thompson from committee on shore fisheries reported ought to pass on Resolve for an appropriation for the use of the commissioners of sea and shore fisheries. Printed under joint rules.

Mr. Peabody from the committee on indian affairs reported ought to pass on Resolve in favor of Joseph Sepsis, representative of the Passamaquoddy tribe of Indians. Printed under joint rules.

Mr. Peabody from same committee reported ought to pass on Resolve in favor of Thomas Dana, representative of the Penobscot tribe of Indians.

Mr. Hinkley from same committee reported ought to pass on Resolve making appropriations for the Penobscot tribe of Indians. Printed under joint rules.

Mr. Hinkley, from the same committee, reported ought to pass on resolve making appropriation for the Passamaquoddy tribe of Indians. Printed under joint rules.

Mr. Hutchings, from the Penobscot county delegation, reported in a new draft bill, an act to amend chapter 208 of the Private and Special Laws of 1895, entitled an act to enable the proprietors of the Bangor bridge to dispose of their bridge property. Printed under joint rules.

M. Daigle presented out of order resolve in favor of certain settlers in Madawaska territory, and moved its

reference to the committee on State lands and State roads.

The motion was agreed to.

The following order came from the Senate:

Ordered, the House concurring, that the committee on agriculture be and hereby is authorized to make a complete investigation into the management of the office of the board of agriculture as conducted by the secretary, examine all accounts pertaining to the work of the office, summon witnesses to appear and present evidence, employ such counsel as may be necessary, also a stenographer, ascertain the amount of all outstanding bills, of whatever kind or nature, and present to this Legislature a complete and itemized account of the result of such investigation.

Mr. PATTANGALL of Machias: I move that the order lie upon the table.

The SPEAKER *pro tem.*: Is it the pleasure of the House that the motion prevail? It is a vote.

(A voice): Doubted.

Mr. PATTANGALL: My purpose in moving to lay the order on the table was simply this: It seems to me that if any investigation of that kind is necessary it might perhaps be well to amend the order so as to include possibly various other departments of the government. I doubt the necessity of it in any case. I certainly can see no reason for singling out one department and appointing a committee with power to employ counsel and take testimony unless some gentleman has some reason for supposing that something is going wrong in that department, and going differently from any other.

Mr. COOK of Vassalboro: There are grave reasons for supposing that some thing is going on in that department. (Laughter.) The farmers of the State desire the passage of this order.

The question being on the motion to lay the order on the table, a division was had and the motion was lost by a vote of 31 to 45.

The order then received a passage in concurrence with the Senate.

READ AND ASSIGNED.

Resolve in favor of the Maine Home for friendless boys.

An act to amend Section 2 of Chapter 122 of the Revised Statutes relating to falsely assuming to be a justice or any officer.

An act to extend the charter of the Bluehill & Bucksport Electric Railroad Co.

An act to authorize the Augusta, Hallowell & Gardiner Railroad Co. to sell or lease its property franchise.

Resolve to complete the improvements of Songo and Chute river. (Tabled pending second reading on motion of Mr. Allen of Portland.)

Resolve providing for the expenses of company M, 1st Infantry, company C, second Infantry, and the Signal Corps, National Guard of the State of Maine, while attending the ceremonies incident to the inauguration of President-elect Wm. McKinley in Washington, March 4, 1901. (Tabled pending first reading on motion of Mr. Powers of Fort Fairfield.)

An act in relation to disorderly conduct and evasion of fares on steam railroads, steamboats and ferries. (Tabled pending second reading on motion of Mr. Fellows of Bucksport.)

Resolve authorizing the compilation and publication of the sea and shore fisheries laws of the State of Maine. (Tabled pending second reading on motion by Mr. Pattangall of Machias, and assigned for Thursday of next week.)

Resolve providing for an epidemic or emergency fund.

Resolve in favor of the Maine Eye and Ear Infirmary. (Tabled pending first reading on motion of Mr. Haskell of Windham.)

Resolve in favor of the Maine State library.

PASSED TO BE ENGROSSED.

An act to supply the town of Dexter with pure water.

An act to extend the charter of the Kennebec & Franklin railway.

Resolve to apportion State senators to the Legislature.

An act to amend the charter of the Rockland Trust Co.

An act to authorize the city of Rockland to control the brooks and streams therein to prevent pollution of the same and to better protect public health.

An act to amend Section 54 of Chapter 30 of the Revised Statutes, as amended by Chapter 328 of the Public Laws of 1897, relating to constables. Tabled pending first reading on motion of Mr. Farrell of Van Buren.

An act fixing the salary of the sheriff of Piscataquis county.

An act to amend an act entitled an act to incorporate the St. Albans Academy.

Resolve in favor of the town of Turner.

Resolve in favor of the Maine General Hospital. Tabled pending second reading on motion of Mr. Carleton of Winthrop, and assigned for Tuesday of next week.

Resolve in favor of the Woman's Christian Temperance Union.

PASSED TO BE ENACTED.

An act to incorporate Machias Banking Co.

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.

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

On motion of Mr. Fellows of Bucksport,

Adjourned.