

MAINE STATE LEGISLATURE

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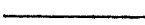
LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.



1901.

HOUSE.

Tuesday, Feb. 12.

Prayer by Rev. Mr. Struthers of Gardiner.
Papers from the Senate disposed of in concurrence.
The following Senate bills were read and assigned:

Resolve in aid of temporary home for women and children of Portland.

Resolve in favor of St. Elizabeth's Home and Catholic Orphan Asylum at Portland.

Bill, an act to amend Section 31 of Chapter 186 of the Laws of 1893, relating to ward lines, came from the Senate referred to the committee on legal affairs. In the House the bill was laid on the table. On motion of Mr. Allan of Portland.

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

JUDICIARY.

By Mr. Farnsworth of Pembroke—Petition of Edwin R. Gardner and 45 others of Dennysville, to abolish January term of the supreme judicial court in Washington county.

Also remonstrance of Edwin R. Gardner and 39 others of Dennysville, against change of place of holding April term of the supreme judicial court in Washington county; of Wm. H. Morton and 42 others of Cooper; of A. D. Lunn and 70 others of Baring and Bailyville; of W. G. Harriman and 52 others of Meddybemps—all against same.

By Mr. Eaton of Calais—Remonstrance of Clarence W. Trimble and 109 others of Calais; of J. K. Lawrence and 69 others of Calais; of Moses Ayles and 23 others of Calais; of A. W. Carten and 32 others of Calais; of John Miller, Jr., and 73 others of Calais; of George A. Glidden and 18 others of Calais; of Wm. E. Mann and 69 others of Calais—all against same.

By Mr. Carleton of Winthrop—Bill, an act to amend Section 17 of Chapter 60 of the Revised Statutes, as amended by Chapter 178 of the Public Laws of 1897, and as amended by Chapter 94 of the Public Laws of 1899, relating to change of name in divorce proceedings and relating to the care, custody and support of minor children of divorced parents.

By Mr. Maddocks of Boothbay Harbor—Bill, an act authorizing a change of time of holding annual meetings in the town of Boothbay Harbor. (Received under suspension of the rules.)

By Mr. Carleton of Winthrop—Petition to close Brackett brook in Detroit for fishing. (Received under a suspension of the rules.)

Also bill, an act to incorporate the Hillside Water Company. (Received under a suspension of the rules.)

By Mr. Foster of Oakland—Petition of 236 churches, for better observance of the Lord's day. (Received under a suspension of the rules.)

LEGAL AFFAIRS.

By Mr. Thornton of Ashland—Bill, an act to incorporate the Ashland Light and Water Company. (Received under suspension of the rules.)

By Mr. White of East Machias—Bill, an act to authorize the town of East Machias, to erect and maintain a half tide dam across East Machias river on the site of the former dam near the residence of Mrs. Pamela S. Nash. (Received under suspension of the rules.)

By Mr. Putnam of Houlton—Bill, an act to supply the town of Houlton with pure water. (Received under suspension of the rules.)

By Mr. Pettengill of Rumford—Bill, an act to incorporate the Bethel Sewer Company. (Received under a suspension of the rules.)

BANKS AND BANKING.

By Mr. Hurd of North Bedwick—Bill, an act to extend the charter of the North Berwick Trust Company. (Received under suspension of the rules.)

WAYS AND BRIDGES.

By Mr. Thornton of Ashland—Petition of J. F. Quimby and 87 others of Turner, in favor of the State maintaining large bridges; of Charles E. Hyde and 9 others of Bath; of George L. Hovey and 47 others of North Anson—All for same.

INLAND FISHERIES AND GAME.

By Mr. Dunn of Orono—Bill, an act to amend Section 1 of Chapter 191 of the Private and Special Laws of 1899, relating to the taking of salmon in the Penobscot river above the Water Works dam at Bangor. (Received under suspension of the rules.)

TOWNS.

By Mr. Thornton of Ashland—Petition of G. B. Haywood and 24 others of Ashland, in favor of bill relating to Sheridan plantation; of George S. Os-cutt and 16 others of Ashland; of J. B. Bartlett and 32 others of Ashland—all for same.

INDIAN AFFAIRS.

By Mr. Carr of Old Town—Bill, an act to regulate membership and the rights of membership in the Penobscot Tribe of Indians.

TEMPERANCE.

By Mr. Stevens of Bluehill—Remon-strance of A. N. Osgood and 13 others, citizens of Bluehill, against resubmis-sion of prohibitory amendment; of Hadley P. Burrill and 14 others, citi-zens of Dedham, against same.

By Mr. Hoxie of Fairfield—Remon-strance of Geo. R. Palmer and 23 others against same.

By Mr. Jackson of Jefferson—Remon-strance of Mary E. Trowant and 25 others of Bremen; of Hugh Kerr and 26 others of Jefferson—against same.

PENOBSCOT COUNTY DELEGATION.

By Mr. Dunn of Orono—Petition of Frank H. Tupper and 23 others of Bangor, that commissioners of Penobscot county may be authorized to erect court house.

READ AND ASSIGNED.

Bill, an act to ratify the purchase by the Sagadahoc Light and Power Com-pany of the property, rights and fran-chises of the Bath Electric Light and Power Company, Bath Gas and Elec-tric Company, and the Bath Gas Light Company, and to give further rights to the said Sagadahoc Light and Power Company.

Bill, an act to authorize the Andro-scoggin Railroad Company to convey its interest in the Androscoggin Rail-road to the Maine Central Railroad Company.

Bill, an act to extend the charter of the Ellsworth Street Railway Com-pany.

Bill, an act to authorize the Skowhe-gan & Norridgewock Railway and Power Company to extend its line to and into the town of Smithfield.

Bill, an act to prohibit the sale of trout in Hancock county.

Bill, an act to extend the rights, powers and privileges of the Eastport Street Railway Company.

Bill, an act granting Alexis Morn-eault the right to erect and maintain piers and booms on the Saint John river in the town of Grand Isle.

Bill, an act relating to fishing for togue through the ice.

Bill, an act to merge the Knox & Lin-corn Railway in the Maine Central Railroad Company.

Bill, an act to regulate fishing in Grand Lake stream and at the outlet of Grand lake, Washington county.

Bill, an act to incorporate the Lin-corn Electric Railway Company.

Bill, an act to amend Chapter 208 of the Private and Special Laws of 1895, entitled an act to enable the proprie-tors of Bangor bridge to dispose of their bridge property.

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.

Was read twice and tabled on mo-tion of Mr. Chase of Portland.

Resolve in aid of navigation on Sebec lake.

Resolve for an appropriation for the use of the commissioner of sea and shore fisheries.

Resolve in favor of Joseph Sepsis, representative of the Passamaquoddy tribe of Indians.

Resolve in favor of Thomas Dana, representative of the Penobscot tribe of Indians.

Resolve in favor of the Bangor Chil-drens' Home.

Resolve in favor of the Children's Aid Society of Maine.

Resolve making appropriation for the Penobscot tribe of Indians.

Resolve making appropriations for the Passamaquoddy tribe of Indians.

PASSED TO BE ENGROSSED.

Bill, an act to incorporate the Sears-port Water Co.

Bill, an act to amend Section 22 of Chapter 122 of the Revised Statutes, relating to falsely assuming to be a justice or an officer.

Bill, an act to amend the charter of the Bluehill and Bucksport Electric Railroad Co.

Bill, an act to authorize the Augusta, Hallowell and Gardiner Railroad Co. to

sell or lease its property and franchise.

Resolve in favor of Maine Home for Friendless Boys.

Resolve providing for an epidemic or emergency fund.

Resolve in favor of the Maine State library.

Was reported from same committee and pending second reading, tabled on motion of Mr. Pattangall of Machis.

PASSED TO BE ENACTED.

An act entitled an act to establish ward boundaries of the city of Bangor.

An act to amend Chapter 16 of the Private and Special Laws of 1853, entitled an act to incorporate the North Yarmouth Mutual Fire Insurance Co.

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

An act to amend the charter of Parsonsfield Seminary.

An act to incorporate the Little Churchill Stream Dam Co.

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

An act to incorporate the Pushbay lake railway.

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

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. Tabled pending passage to be enacted on motion of Mr. Carleton of Winthrop.

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

Resolve to apportion State senators to the Legislature.

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.

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 return.

Resolve for the purpose of redeeming outstanding pledges in favor of Eastern Maine Insane Hospital.

Resolve providing for the preservation of regimental rolls in the adjutant general's office.

ORDERS OF THE DAY.

On motion of Mr. Pettengill of Rumford, the vote was reconsidered whereby

bill in regard to the compilation and publication of the sea and shore fisheries laws was assigned for Thursday.

Mr. Pettengill: I desire to say that my feeling at first was, inasmuch as we were undoubtedly to have a revision of the statutes, that this amount of money might be saved, that by this bill we would have a compilation of these laws twice, once this year and once in two years when the statutes should be revised. But since making this assignment our friends on the coast who are interested in this matter have explained to me the necessity of having a compilation of these laws. They say that the various laws extend over a series of years, and in the interests of those who make a livelihood by fishing there ought to be a compilation so that the fishermen can know what the law is. Therefore I move that the rules be suspended and that the bill take its second reading at the present time.

Mr. Hinkley of Jonesport, offered amendment A, adding the words "or persons" after the word "person" in the fourth line; also amendment B, striking out the words "commissioner shall file his" in the seventh line; also amendment C, adding after the word "report" in the eighth line the words "shall be filed."

Mr. Maddocks of Boothbay Harbor: This is an important matter to the people who are engaged in fishing. You are all aware that it is a very difficult matter for a fisherman to be possessed of books relating to the laws of fishing; it is also difficult for him to take them in his boat when he goes fishing. While we are loaded down with laws and while the statutes have not been revised for 17 or 18 years, we come and ask the Legislature to make plain our laws and our duties. It is about the first thing a man has to do when he makes up his mind to catch fish, to consult a lawyer or the books and find out whether he can do so legally or not. Now we ask the State to appropriate the sum of \$200 for the purpose of paying a commissioner his fees for doing this work for us. We also ask for \$300 to publish 5000 copies of these books so we can have them to give our fishermen and read ourselves. And we have put the appropriation down very low. We do not object to the amendment offered by the gentleman from Jonesport (Mr. Hinkley). The delay we do object to, because we ask the commissioner in the bill to report at this session of the Legislature. We do not want to wait for two years to find out what the law is. We are perfectly willing to leave it to the good judgment of our governor to appoint one, two or three persons, if more than one seems necessary. We will accept this amendment with the understanding that he may do as he thinks best in the matter and that the commissioner or commissioners report at this session, so that when we go home we may know what we have got to depend upon.

Mr. Chase of Portland: I do not wish to antagonize this measure if it provides the only way for the compilation of these laws. I think I understand, from the remarks of the gentleman from Boothbay Harbor (Mr. Maddocks) the necessity of

having these laws relating to shore fisheries in a compact form where they can be used by fishermen. Now two years ago the laws relating to inland fisheries and game were compiled and enacted by the Legislature in the form of an act reported by the committee on inland fisheries and game. I am not certain of the procedure but impression is that those laws were put in the form of a compilation by the committee on inland fisheries and game. If this is so, I would inquire why the laws relating to shore fisheries might not be compiled in the same manner.

Mr. Carleton of Winthrop: When the compilation was made of the inland fish and game laws it was done by a committee of the Maine State Sportsmen's Fish and Game Association, and it took a great deal of time and a great deal of work. So when the Legislature met, that compilation was presented to the Legislature and referred to the committee. All the committee had to do was to examine thoroughly the bill containing the compilation and see if it met with their approval. They made some slight changes and the bill was reported to the House and passed. Now in relation to the subject matter before the House, as the gentleman from Boothbay says, and from my experience with these matters, I deem it of great importance that there should be a thorough, plain and comprehensive codification of these sea and shore fisheries laws. It is desirable that it should be done at this session so that when this Legislature adjourns, those laws may be in this form for distribution, so that the people interested—and there are a multitude of our people that are interested in these laws—may have them for examination. This bill calls for a very modest sum. At least \$300 of the amount called for will be expended in the printing of the 5000 copies which the bill calls for for free distribution, so that leaves but \$200 for the pay of the person or persons who shall do this work of the compilation. I think myself, personally, that one man should do it, that he should be responsible for it, that he should call in such aid and clerical assistance as he may require; but that is nothing that I am insistent about at all.

Mr. BRADFORD of Eastport: I understand it to be the privilege of the Governor, under amendment A, to appoint one or more commissioners. Representing one of the heaviest interests in shore fisheries of the State, I agreed that any further amendment to the bill was not necessary, but that amendment is satisfactory to us in every way. I am satisfied to leave it to the Governor of the State whether it shall be one or two, and I have no doubt that we shall be treated fairly in the matter. My constituency represents about one-half of the shore fisheries of the State.

The question being on the adoption of amendment A.

The amendment was adopted.

The question being on the adoption of amendment B, to strike out the words "commissioner shall file his," in the 7th line.

Mr. PATTANGALL of Machias: That amendment, if adopted, would simply correct a grammatical error which would

exist if more than one commissioner were appointed, and the last sentence would read, "said report shall be filed in season to be acted upon by the present Legislature." The present bill reads, "said commissioner shall file his report." If there should be more than one appointed, that clause would need to be changed. It makes no change in the bill itself.

Amendment B was adopted.

The question being on the adoption of amendment C, to add after the word "report" in the 8th line, the words "shall be filed," the amendment was adopted.

Mr. CHASE: I desire to call attention to amendment B once more. As amended by amendments B and C. I understand that the last clause will read, "said report shall be filed," and there is no reference to any report preceding that.

Mr. BENNETT of Hollis: I would move that it be made to read "said compilation." I move to amend by striking out in the 8th line the word "report" and inserting instead thereof the word "compilation."

The amendment was adopted.

The bill was then passed to be engrossed as amended.

The special assignment for today, was—1. expenditures of government, in part, for 1901.

On motion of Mr. Beal of Bangor, this bill was taken from the table.

Mr. BEAL: By the request of the members who have been absent but who have returned, this morning, and who have not had an opportunity to examine the bill, I move that it be reassigned for Thursday of this week.

The motion was agreed to.

On motion of Mr. Carleton of Winthrop, resolve in favor of the Maine General hospital was taken from the table.

Mr. CARLETON: This resolve was tabled at the last session on my motion. I did so for the purpose of examination and perhaps introducing an amendment, not, however, in relation to the amount appropriated, but upon examination I find I can better accomplish the purpose desired by a general law; and I therefore move to suspend the rules and that the resolve take its second reading at the present time.

The motion was agreed to, the resolve was read a second time and was passed to be engrossed.

On motion of Mr. Carleton, bill in regard to terms of superior court of Kennebec county was taken from the table, and on further motion by the same gentleman it was referred to the Kennebec county delegation.

On motion of Mr. Carleton, bill in regard to the terms of the supreme judicial court in the counties of Franklin, Knox, Sagadahoc, Somerset and York was taken from the table, and on further motion by the same gentleman it was referred to the committee on judiciary.

On motion of Mr. Allan of Portland, resolve in regard to the improvement of Songo and Chute rivers was taken from the table, and on further motion by the same gentleman the resolve was read a second time and was passed to be engrossed under a suspension of the rules.

On motion of Mr. Libby of Portland, Adjourned.