

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**Seventieth Legislature**

OF THE

**STATE OF MAINE.**

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**1901.**

\$90,000. You have either got to do that, Mr. President, and gentlemen of the Senate, or you have got to stop making any further appropriations. Why! You have your pension bureau, that is a grand and noble thing. If I was to say anything about the State pension bureau of the State of Maine, I would add to that appropriation, rather than diminish it, because it helps the poor and the needy. I would not take one dollar from the educational departments of the State of Maine, because that is the poor man's friend. The education of the young is what we look forward to in the future to make our nation and our State grand and noble. I would not detract from them; but let us do away with useless offices which are doing no good to the people of the State of Maine. I have enumerated them to you; and my motion, Mr. President, is, that this bill, House Document, No. 79 be recommitted to the finance committee for further consideration.

The motion was seconded by Mr. McFadden of Lincoln.

Mr. VIRGIN of Cumberland: Mr. President, what is the state of the matter as it now stands before the Senate?

The PRESIDENT: The report of the committee was accepted in the House, and it had regularly come in here for concurrence and acceptance by the Senate. The senator from Knox moves to non-concur with the House, and that the matter be re-referred to the finance committee.

There were two amendments, A and B.

On motion by Mr. Virgin of Cumberland, the motion of the senator from Knox, was laid on the table until tomorrow morning.

Mr. WEEKS of Somerset: I feel oppressed by a sense of economy. I think it is in the air. I move that the Senate adjourn.

The Senate adjourned.

## HOUSE.

Thursday, Feb. 28.

Prayer by the Rev. Mr. Hope of Augusta.

Papers from the Senate disposed of in concurrence.

The following Senate bill was read and assigned:

An act to amend chapter 104 of the Revised Statutes, as it was amended by chapter 85 of the Public Laws of 1895, by adding thereto section 49, relating to the settlement of titles to real estate.

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

### JUDICIARY.

By Mr. Webb of Portland—An act to further amend section 13 of chapter 138 of the Revised Statutes as amended by chapter 66 of the Public Laws of 1895, relating to lotteries.

Also, bill, an act to repeal sections 1, 2, 3 and 4 of chapter 118 of the Revised Statutes relating to the degrees of murder, and to amend section 5 of the same relating to the penalties for manslaughter.

Also bill, an act to amend sections 5, 9, 16 and 17 of chapter 127 of the Revised Statutes relating to malicious mischief.

Also bill, an act to amend section 6 of chapter 132 of the Private Statutes relating to the issuing of warrants by magistrate.

Also bill, an act to amend section 4 of chapter 132 of the Revised Statutes relating to the criminal jurisdiction of magistrates.

Also bill, an act to amend section 15 of chapter 132 of the Revised Statutes relating to appeals from magistrates in criminal cases.

Also bill, an act relating to Standish Water and Construction Company.

By Mr. Gardner of Patten—Bill, an act to prevent the use of free passes and free service by railroads, street railroads, sleeping car, telephone, telegraph and express companies.

By Mr. Kaler of Scarboro—Bill, an act authorizing the Old Orchard Water Company to issue bonds for refunding and other proper purposes.

By Mr. Harris of Auburn—Bill, an act to amend chapter 237 of the Private

and Special Laws of 1883, entitled an act to amend an act to incorporate the city of Auburn, relating to election of assessors and overseers of the poor.

#### LEGAL AFFAIRS.

By Mr. Smith of Waterboro—Petition of selectmen and 76 citizens of Waterboro favoring an act restricting certain rights of the Saco Water Power Company.

By Mr. Hill of Belfast—Bill, an act to amend section 1 of chapter 285 of the Public Laws of 1889.

#### MILITARY AFFAIRS.

By Mr. Carleton of Winthrop—Letter of G. W. Pelton of Gardiner relative to bounty due him for enlistment in war of rebellion.

#### INLAND FISHERIES AND GAME.

By Mr. Fay of Dexter: Petition to permit fishing in Main stream by S. M. Leighton and 19 others of Dexter Maine.

By Mr. Kneeland of Searsport: Petition of F. G. Trundy and 7 others of Frankfort, asking for extension of open time on deer in Waldo county; of H. H. Sellers and 18 others of Searsport; of Sanford Libby and 28 others of Prospect; of Fred Sylvester and 49 others of Belfast; of E. F. Staples and 56 others of Stockton—all for same.

#### TEMPERANCE.

By Mr. Foster of Oakland: Remonstrance of S. M. Haynes and 20 others of Richmond against resubmission; of A. T. Salley and 25 others of Lewiston; of James E. Whitmore and 68 others of Lincoln Centre; of E. R. Drummond of Waterville and 21 others—all against same.

Also Bill an act amendatory of chapter 27 of the Revised Statutes prohibiting the sale of intoxicating liquors.

#### TAXATION.

By Mr. Farnsworth of Pembroke: Petition of Charles Dunham and 28 others of West Bethel in favor of an increase tax on corporations of the State; of O. A. Bowman and 15 others of Fairfield; of Otis B. Wilson and 14 others of Searsmont; of R. E. Libby and 39 others of Fairfield; of John Walker and 35 others of East Fair-

field; of Sprague A. Taylor and 39 others of Fairfield—all for same.

#### PENOBSCOT COUNTY DELEGATION.

By Mr. Dunn of Orono: Petition of James P. Finnigan and others, jurors of Supreme Judicial Court Penobscot county, February term 1901, that commissioners of Penobscot county may be authorized to erect a courthouse.

#### REPORTS OF COMMITTEES.

Mr. Powers from the committee on the judiciary, reported ought not to pass on bill "An act to amend section 2 of an act entitled 'An act to incorporate Bond's Sheer Boom Company.'"

Mr. Parkhurst from same committee, reported same on bill "An act to establish the Lincoln Municipal Court."

Mr. Kaler from the committee on railroads, telegraphs and expresses, reported ought not to pass on bill "An act to provide for transfer of passengers of electric railroads in the cities of Portland and South Portland, Cumberland county."

Same gentleman from same committee on bill "An act to amend section 3 of chapter 103 of the Public Laws of 1895, in regard to the incorporation and control of telegraph companies and telephone companies, reported ought not to pass on account of the committee having reported favorably on an Act to repeal the chapter including this section.

Mr. Deering from same committee, reported ought not to pass on bill "An act to regulate the moving of buildings over and across railroad tracks."

Mr. Moulton from the committee on State lands and State roads, on that portion of the Governor's message relating to "good roads," reported that the committee had already reported a bill carrying out the suggestions therein contained under title of "An act providing for State roads and for the improvement thereof."

Mr. Kneeland from the committee on pensions, on resolve in favor of Warren H. Sidelinger, a veteran of the Civil war, reported ought not to pass as claim is covered by general law.

Mr. Carleton from the committee on the judiciary, reported ought to pass

on bill "An act relating to and amendatory of chapter 88, Special Laws of 1895, entitled 'An act to allow the Bar Harbor Electric Light Company to issue bonds, preferred stock, and purchase property.'"

Same gentleman from same committee, on bill "An act additional to An Act to incorporate the Union Gas and Electric Company," reported ought to pass in new draft bill "An act additional to 'An Act to incorporate the Union Gas and Electric Company of Waterville,' and to amend section 4 of chapter 556 of the Private and Special Laws of 1897."

Mr. Bird from the committee on railroads, telegraphs and expresses, reported ought to pass in new draft under same title bill "An act relating to the organization and control of street railroads."

Mr. Deering from same committee, reported ought to pass on bill "An act to further regulate procedure in the organization of street railroad corporations."

Mr. Randall from same committee, reported ought to pass in new draft under same title bill "An act to further regulate the powers and privileges of street railroads."

Mr. Fuller from the committee on mercantile affairs and insurance, reported ought to pass on bill "An Act to amend section 77 of chapter 49 of the Revised Statutes, relating to insurance."

Mr. Crosby from the committee on military affairs, reported ought to pass on bill "An Act to amend section 77 of chapter 49 of the Revised Statutes, relating to insurance."

Mr. Crosby from the committee on military affairs, reported ought to pass on resolve in favor of Charles H. Burbank.

Mr. Farnsworth from the committee on taxation, reported ought to pass in new draft under same title bill "An Act to amend chapter 96 of the Public Laws of 1895, relating to collateral inheritance tax."

Mr. Sutherland from the committee on library, reported ought to pass on bill "An act additional and amendatory to chapter 242 of the Public Laws of 1893, relating to free public libraries."

Mr. Sturgis from the Cumberland county delegation, on bill "An act to pro-

vide for an open time on deer in Cumberland county, during the month of October, reported ought to pass in new draft bill "An Act to allow open time on deer in certain towns in Cumberland county."

The reports were accepted, and bills and resolves ordered printed under joint rules.

Majority report of the Lincoln county delegation, reporting ought to pass on bill "An Act to fix the compensation of the sheriff of the county of Lincoln." (Signed), Thompson, Maddocks, Jackson, McDougall.

Minority report of same delegation, reporting ought not to pass on same bill. (Signed), Orrin McFadden, W. R. Walter.

Pending acceptance of either report, Mr. Walter of Waldoboro, moved to substitute the minority for the majority report.

Mr. WALTER of Waldoboro: Mr. Soeaker, if I was here simply to represent my party's interest I should say, let the bill pass, but I am here to represent the people—simply this and nothing more.

This may seem a small matter to many in this House, in fact perhaps not worth the time of consideration, but the day of small things is not yet to be despised. Our county is small in area, small in population, small in finance—small in everything but generosity, when that trait of character is importuned. To me it is not a question whether it can be afforded, but rather a question of right or wrong. It has been argued by those who favor this bill that the tax will only be increased three cents on a thousand dollars. On the same grounds we might designate any other person in the county and all pay him tribute and it would be even as justifiable. The only question there is about it is whether the high sheriff of Lincoln county is receiving a fair compensation for labor performed or not. First he receives a salary of \$250 per annum for doing nothing as I can ascertain. Looking over the treasurer's report of 1900 I find that he has been paid \$145 for enforcement act and tax warrants. Sheriff bills, April term of court, \$311.27; October term of court, \$184.85; expenses to Portsmouth, \$45; total, \$936.12. If he wants to put in more work and get more pay it is his right to keep the jail and receive \$1.75 per week for each in-

mate, and feed them on bread and molasses, I don't know whether there is any profit in it or not, but with all this I learn that the present incumbent of that office has time to attend to private business. Now in all the arguments by the sheriff before the delegation there wasn't anything brought forward to which I could assent until he said the people were unanimously in favor of it. I confess that I am somewhat prejudiced against raising of salaries, but am willing to waive my own opinion when the people speak. Hence I ask a delay to write to my constituents in order to ascertain their disposition and the gentleman who took the matter in hand failed to find one who was willing it should be increased. I am confident the selectmen of the two towns I represent are opposed. One eminent county official told me he was opposed, but for personal friendship he did not want to commit himself. Another county officer said on general principles he was opposed, but political exigency compelled him to keep quiet. Our venerable senator as you notice has signed the minority report. Now it seems to me the fact that the present incumbent has held the office a number of years at present salary and has always been anxious to be re-elected, ought to have some weight in this House against the bill. One deputy said it took something from the salary for campaign fund, but I believe that every candidate should furnish his own campaign funds if he needs the unrighteous mammon to save himself from defeat. In my opinion merit should always be considered in our choice for officials. I find the parties who are most interested in the bill are the county deputies who expect some day to get the plum. They also complain of the small compensation they receive, which is of course, human nature. I confess that I know but little about legal matters or deputy sheriff's work, but I know this, that between the deputy sheriff and the lawyers was divided \$40 for collecting \$125 for me and I dared not make further inquiries lest they take the balance for advice. Gentlemen, I offered to refer the matter to the people of the county, the ones who pay the bills, but it was rejected. I hope, gentlemen, you will re-

spect the wishes of the people and accept this minority report.

Mr. MADDOCKS of Boothbay Harbor: Mr. Speaker, This matter has been before the delegation nearly the whole session. We made every attempt to compromise with the minority but have failed. The present salary of our sheriff is only \$250. I am willing to leave it to the judgment of this House to say if that is a sufficient salary for our sheriff. The people of our county are determined that our high sheriff shall do more business next year in the way of suppressing the liquor traffic, and we do not expect him to work unless he is paid, and we do not want to have him make the excuse that he cannot do the work because he is insufficiently paid; and I am willing to leave the matter here.

Mr. FOSTER of Oakland: Mr. Speaker, while I realize that this is to some extent a local question in the county of Lincoln, it seems to me that there is a general interest which the members of this House and the citizens of the State of Maine feel in this question, and that is the movement to put the county officials on salaries. As I understand it, this question has been thoroughly investigated and gone over by the delegation to which it was referred, and the majority report has been presented. It seems to me to be a very unusual proceeding and contrary to the better judgment of all concerned that the minority report should be accepted by this House; and I hope that the motion to substitute the minority report will not prevail.

The question being on the motion to substitute the minority report for the majority report,

The motion was lost.

The majority report was then accepted and the bill was laid on the table for printing.

Mr. Carleton from the Kennebec county delegation, reported ought to pass on bill "An act to fix the terms of the superior court in Kennebec county."

The report was accepted. On motion of Mr. Carleton of Winthrop, rules were suspended, bill read three times and was passed to be engrossed.

**READ AND ASSIGNED.**

Bill, an act in relation to railroad crossings.

Bill, an act to incorporate the trustees of Coburn Classical Institute.

Bill, an act to amend the charter of the Portsmouth, Kittery and York Street Railway.

Were severally read twice and tomorrow assigned for the third reading.

Bill, an act amendatory to Chapter 16 of the Revised Statutes and subsequent acts relating to the repair of highways.

Was read once and tabled on motion of Mr. Chase of Portland.

Bill, an act to amend an act entitled an act to regulate the practice of medicine and surgery.

Was read twice and tabled on motion of Mr. Carleton of Winthrop.

**PASSED TO BE ENGROSSED.**

Bill, an act to amend Chapter 266 of the Public Laws of 1893, as amended by Chapter 128 of the Public Laws of 1899, relating to the militia.

Bill, an act to prohibit fishing in Pleasant pond and its inlets, situated in Sumner, Oxford county.

Bill, an act to extend the charter of the Winn Water and Power Co.

Bill, an act to authorize telephone, telegraph, electric light, heat or power companies to place their wires under the surface of public ways.

Bill, an act relating to the Malison Power Co.

Bill, an act to incorporate the Bridgton Water Co.

Bill, an act to prohibit fishing except in the ordinary method of angling with artificial flies in any of the ponds lying on Saddleback mountain, or the outlet of same, flowing into Dead river pond or Rangeley lake, or any of the tributaries emptying into said outlet, or in Salmon lake, formerly known as Gull pond, situated in Dallas plantation, in Franklin county.

Bill, an act pertaining to ice fishing and to close certain tributaries to certain lakes and ponds in Oxford county.

Bill, an act pertaining to ice fishing in certain lakes and ponds in Kennebec county.

Bill, an act to amend Section 31 of Chapter 258 of the Public Laws of 1897, relating to a weekly close time for the taking of fish.

Bill, an act to incorporate the Union River Water Storage Co.

Bill, an act imposing a franchise tax upon sleeping and palace cars.

Were reported from same committee, severally read the second time, passed to be engrossed and were sent to the Senate.

Bill, an act to incorporate the Wilton Electric Light and Power Co.

Pending third reading Mr. Allen of Portland, offered House amendment A, which was adopted. The bill was then read the third time and was passed to be engrossed.

Bill, an act to prohibit the pursuit and killing of duck and other water fowl by the use of launches or other craft propelled by other than hand power.

Pending third reading Senate amendment A was adopted in concurrence.

On motion of Mr. McDougall of Boothbay, the bill was tabled, and Wednesday next, March 6, assigned for its consideration.

Bill, an act to incorporate the Sandy Stream Dam and Improvement Co.

Pending passage to be engrossed in concurrence this bill was tabled on motion of Mr. Wilson of Brunswick.

Bill, an act to amend Chapter 40 of the Revised Statutes as amended by Chapter 42 of the Public Laws of 1899, relating to fishing for black bass in the waters of this State.

Pending passage to be engrossed this bill was tabled, on motion of Mr. Skidmore of Liberty, and Friday next, March 8, assigned for its consideration.

**PASSED TO BE ENACTED.**

An act to amend Section 9 of Chapter 106 of the Revised Statutes relating to the draft of jurors.

An act for the arrest and apprehension of criminals.

An act additional to and amendatory of Chapter 625 of the Private and Special Acts of 1893 entitled an act to establish a board of police of the city of Biddeford, as amended by Chapter 60 of the Private and Special Acts of 1895 entitled an act to amend an

act entitled an act to establish a board of police for the city of Biddeford, approved March 28, 1893.

An act amendatory of Chapter 33 of the Public Laws of 1899 and Section 6 of Chapter 287 of the Public Laws of 1893 relating to the better protection of sheep.

An act prohibiting the taking of shell fish from the shores and flats of Little Whale back island in the town of Harpswell.

An act to fix the salary of the judge and register of probate for the county of Oxford.

An act to establish the Hancock County Railway Company.

Mr. Hill of Belfast moved to lay this bill on the table.

Mr. BURRILL of Ellsworth: This motion to lay on the table is not debatable but I hope the motion will not prevail.

The motion was lost.

The bill was then passed to be enacted.

#### FINALLY PASSED.

Resolve in favor of Melinda B. Davis, administratrix.

Resolve in favor of the State Pomological Society.

#### ORDERS OF THE DAY.

Report of the committee on agriculture, reporting legislation inexpedient on order that the committee on agriculture be requested to inquire into the feasibility of having the State, under the direction of the Governor and Council, supply the farmers of the State with fertilizers at cost price from the manufacturers.

Came up as a special assignment.

On motion of Mr. Adams of Lagrange, the report was referred to the next Legislature and sent to the Senate.

Resolve in favor of the University of Maine for a central steam heating and power plant.

Came up as a special assignment, and was re-assigned to Wednesday next, on motion of Mr. Chase of Portland.

On motion of Mr. Foster of Oakland, resolve in aid of navigation of Moosehead lake, was taken from the table, read the second time under suspension

of rules, and passed to be engrossed in concurrence.

On motion of Mr. Carleton of Winthrop, bill an act to amend paragraph 8 of Section 6 of Chapter 6 of the Revised Statutes, as amended by the Public Laws of 1895, relating to poll taxes, was taken from the table.

Mr. CARLETON of Winthrop: Mr. Speaker, I do not know as I understand wholly the last clause of the bill. There is nothing that goes before it to explain it. But I think it is to exempt soldiers who are more than 65 years of age from the payment of a poll tax. Now, I am not in favor of that. I do not know of any reason why a soldier who served in the War of the Rebellion and is able to pay a tax, simply because he is 65 years of age should be exempted. Some of us, not many, perhaps, but some of us do not want that exemption. We are willing, I think all of us, who are able, to bear our share of the public burden by way of taxation. No country on earth has ever been so liberal to the old soldiers as has the United States of America, and no State has a prouder record in that respect than the State of Maine. The State of Maine has never denied any reasonable request that the soldiers have ever made, and we are now appropriating for State pensions \$80,000 a year so long after the close of that strife.

I move that the bill be indefinitely postponed.

The motion was agreed to.

On motion of Mr. Haskell of Windham, bill, an act to prevent ice fishing in Little Sebago pond in the towns of Gray and Windham, was taken from the table, passed to be engrossed and sent to the Senate.

On motion of Mr. Fellows of Buskport,

Adjourned.