

MAINE STATE LEGISLATURE

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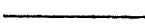
LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.



1901.

SENATE.

Tuesday, Jan. 15th, 1901.

The Senate met according to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Gibson of Augusta.

Journal read and approved.

The following communication was received from the Secretary of State: January 15th, 1901.

To the President of the Senate and Speaker of the House:

I have the honor to transmit herewith report of Bank Examiner for the year 1900.

BYRON BOYD,
Secretary of State.

On motion of Mr. Morrison of York, the foregoing report was referred to the Committee on Banks and Banking.

Bills, petitions, etc., presented and referred.

JUDICIARY.

By Mr. Virgin of Cumberland—Bill, An act to enable the Compressed Air Company of Massachusetts to acquire, hold and dispose of shares in the capital stock of other similar corporations.

Also, Bill, An act to extend the charter of the Waldoboro Water and Electric Light and Power Company.

By Mr. Noble of Franklin, Bill, An act to amend and extend the charter of the Strong Water Company.

Also, Bill, An act relative to the issue of capital stock and lands by the quasi public corporations.

By Mr. Prince of Oxford—Petition of Union meeting of Baptist, Methodist and Congregational churches at South Paris, relative to excursion rates of the railroads on the Lord's day.

LEGAL AFFAIRS.

By Mr. Plummer of Penobscot—Bill, An act to supply the town of Dexter with pure water. Also, Bill, An act to amend chapter 60 of the Revised Statutes relating to divorce.

FINANCIAL AFFAIRS.

By Mr. Virgin of Cumberland—Resolve in favor of St. Elizabeth Roman Catholic Orphan Asylum at Portland. Also, Petition of Franklin C. Robinson of Brunswick and 17 others in favor of, Resolve in aid of temporary home for women and children of Portland.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Virgin of Cumberland—Bill, An act to authorize the Portland Railroad Company to acquire certain street railways and to make certain extensions of the street railway system.

WAYS AND BRIDGES.

By Mr. MacFarlane of Piscataquis—Petition of E. P. Blanchard and 22 others to rebuild the bridge destroyed by fire at Blanchard.

INLAND FISHERIES AND GAME.

By Mr. Virgin of Cumberland—Bill, An act to prevent the killing of water fowl by the use of launches propelled by steam, naphtha, electric or other power.

By Mr. MacFarlane of Piscataquis—Bill, An act to regulate fishing in Moosehead Lake and tributaries.

Also, Bill, An act entitled an act to regulate non-residents of the State going into the woods under the provisions of Section 21, Chapter 42, Public Laws of 1899.

Also, Bill, An act to close Misery Stream, Somerset county.

Also, Bill, An act to regulate fishing in Wilson and other ponds of Piscataquis county.

COUNTIES.

Petition of John Houghton and others of the town of Byron, Oxford county, to set off a part of Rangeley Plantation and Townships E and D from Franklin to Oxford county.

PENSIONS.

By Mr. Staples of Knox—Resolve in favor of Benjamin Smith for increase of State pension.

TAXATION.

On motion by Mr. McFadden of Lincoln, Senate Bill No. 4, Bill, An act providing for the taxation of railroad companies according to the value of the capital stock thereof, tabled for printing was taken from the table and referred to the Committee on Taxation.

ORDERS.

By Mr. Macfarlane of Piscataquis—Ordered, that the commissioners of Inland Fisheries and Game be requested to report to the Senate what action, if any has been taken by them in accordance with the laws of 1899, chapter 42, section 5, on page 31, in reference to

the closing of the tributaries of Moosehead Lake; to state if commissioners performed that duty, and if so, to state the place, or places at which said metes and bounds were established on each of the tributaries of said lake, and the reason for placing the same at such place or places.

By Mr. Macfarlane of Piscataquis—Ordered, that the commissioners of Inland Fisheries and Game be and are hereby requested to report to the State, at an early date, a full and complete statement of the total numbers of fish fry, (stating the quantity and kind of each), which have been hatched at each and every hatchery belonging to the State, as well as the total amount of each kind of fry, or fingerlings, or yearlings received from all other sources of supply during each and every year from 1890 to 1900 inclusive. Also to report the time, number and kind of all fish fry, fingerlings or yearlings, placed by them in each lake, pond, river, stream or brook, during the same period. Also to report the cost of hatching, raising, and the distribution, per one thousand, of fry, fingerlings, or yearlings, for each and every year above mentioned, stating the various items included in cost of same.

By Mr. Bryant of Somerset—Ordered, that the Educational Committee be directed to inquire into the expediency of enacting some law for the permanent aid of academies and secondary schools, and report by bill or otherwise.

REPORTS OF COMMITTEES.

The Committee on Governor's Message to which was referred, Order of the Legislature relating to consideration of Governor's message, having had the same under consideration report that the following portion relating to the fee system be referred to the Committee on Judiciary.

Report accepted and so referred.

PASSED TO BE ENGROSSED.

Bill, An act to regulate the ice fishing in Thompson Pond in Oxford, Casco, Poland and Otisfield.

ORDERS OF THE DAY.

Mr. VIRGIN of Cumberland: Mr. President—Some days ago a matter

was presented here relating to the Camden Water Company, which was referred to the Committee on Judiciary, and sent into the House and there concurred in, and the following day the senator from Knox moved to reconsider the vote whereby it was referred; and I moved that the motion to reconsider be laid upon the table. I now move that the matter be taken from the table, and be acted upon by the Senate at the present time. It would seem that the matter, having been referred to the Judiciary in both branches, that that would be the proper tribunal before whom it should go for a hearing; and I hope the motion to reconsider will not prevail.

Mr. STAPLES of Knox: Mr. President—A bill for the incorporation of a charter for the Camden Water Company has never been presented, as yet. I do know that a remonstrance was introduced in the House; and referred to the Committee on Judiciary in my absence, and in the absence of friends of the bill, last Tuesday afternoon. The friends of the bill objected to its being referred to the Committee on Judiciary for two reasons: First, that no bill had been presented by the Camden people, and therefore thought it was premature that the enemies of the bill should undertake to get jurisdiction by the Judiciary Committee by referring it before the bill was presented to the Senate. I have the bill in my pocket, that, at the proper time I shall introduce and I apprehend that the Senate in courtesy, at the present time, as always in the past, if I move it to be referred to a proper committee, will coincide with me that it is my right so to do; and I hope that the motion of the senator from Cumberland will not prevail. After a matter is introduced into the Senate it seems to me to be an unusual thing for a remonstrance to be referred to the committee for the very purpose of getting jurisdiction, before the bill has been introduced into this honorable body. When that time comes, when the bill is introduced, then it is the proper time and the only time when a remonstrance should be referred before the bill is introduced, and I hope the gentleman's motion will not prevail.

Mr. VIRGIN of Cumberland—My motion, Mr. President, simply was to take the matter from the table.

Mr. NOBLE of Franklin—Mr. President. It seems to me that this matter, referred as it was to the Committee on Judiciary, is all right, without any reconsideration.

It seems to me it is the proper committee to consider a matter of this sort. It is a matter of importance—a matter involving constitutional rights and rights of eminent domain. Certainly the committee on judiciary is the committee to grapple with a bill of this sort. As to the fact of the matter going in backwards, it makes no difference. It matters not how many petitions and remonstrances go to this committee previous to the bill's coming in. If the bill is not put in, it can certainly do no harm; and then, again, I fail to see, and I have not been informed why the judiciary committee is not the committee to entertain this matter. The gentleman from Knox suggests that we are trying to avoid getting the matter before any other committee—not necessarily. I do not understand that there is any such attempt to avoid getting the matter before any other committee. It is understood, and generally conceded that the committee on judiciary is the committee before which this bill should be entertained. There is no suggestion that the committee on judiciary are biased or prejudiced in anything at all about the facts and merits of the case. There may be a suggestion that the gentleman from Knox knows all about this case, is thoroughly conversant with it, probably has made up his mind, and, for that reason he would be unqualified to sit upon a jury or even upon a committee that was considering this matter. For that reason if for no other this matter should not be referred to the Committee on Legal Affairs, but should go, where it very properly belongs, to the committee on judiciary; and I trust, Mr. President, this motion to reconsider will not prevail.

Mr. STAPLES of Knox: Mr. President, The gentleman has no reason to suppose what committee I may refer the bill, or ask it to be referred to. In

reply to his insinuations that I know something about the bill—it comes from my county, and of course I know something about the bill. I am not personally interested. I do not say I shall move its reference to the Committee on Legal Affairs. I certainly assure the Senator I shall not move its reference to the committee on judiciary, because there is an intimation, from the enemies of the bill, broadcast, for the last four or five days in this Senate, the House and the corridors, that the enemies of the bill want it to go to the committee on judiciary, that it may never see the light of day. That is why I object to its being referred to the committee on judiciary. I only bespeak for the bill a fair hearing from the Senators in this body, that it shall be reported from some committee so that the Senators in this body shall have a right to hear the evidence; and if the case is not a good one, we do not expect, or would not expect any consideration of it. All we ask is, we want it all together. The enemies of the bill have submitted this remonstrance thus early, I apprehend, for the very purposes of getting jurisdiction. I ask for fairness in this matter, and that is all.

Mr. NOBLE of Franklin: I spoke of the Committee on Legal Affairs because the gentleman from Knox included in his motion to reconsider, that the remonstrances be referred to that committee.

Mr. STAPLES of Knox—I apprehend, Mr. President, that a proper committee might be the Judiciary Committee, Legal Affairs or Interior Waters.

The President declared the matter to be taken from the table on the motion of the senator from Cumberland, and a vote having been taken on the motion of the senator from Knox that the vote be reconsidered whereby the petition of Hon. Isaac W. Sherman and 71 others in regard to the municipal waterworks of Camden (being the matter referred to) was referred to the Committee on Judiciary and that the same be referred to the Committee on Legal Affairs, the same was declared lost.

Mr. PLUMMER of Penobscot—Mr. President. I move that, in accordance with the order passed last Thursday, and in accordance with the requirements of the Revised Statutes of the United States, the Senate now proceed to vote for a person to represent the State in the Senate of the United States for the term commencing March 4th, next.

The motion prevailed, and the Senate proceeded to vote as follows:

For William P. Frye: Messrs. Alden, Bryant, Buck, Burleigh, Burns, Dudley, Hamlin, Jones, Libby, Macfarlane, McFadden, Morrison, Noble, Plummer, Prince, Rankin, Staples (of Cumberland), Stearns, Titcomb, Vickery, Virgin, Weeks, White, Wilson.

Mr. STAPLES of Knox—Mr. President. I happen to be the candidate of the Democratic party for that honorable office, and I feel very much embarrassed to vote for myself; but, that the Senate may understand, I will say that I am not voting for myself but for my party nominee. I feel very much as Hon. Thomas B. Reed did when he was asked, as a candidate for the Presidency, if he thought he would be nominated. He said: "They probably might do a great deal worse, and probably will." So for myself, I will vote for my party nominee, Lindley M. Staples.

William P. Frye,	24
Lindley M. Staples,	1
Absent,	3

On motion of Mr. McFadden of Lincoln, the Senate adjourned.

HOUSE.

Tuesday, Jan. 15.

Prayer by Rev. Mr. Leshar of Augusta.

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

JUDICIARY.

By Mr. Maddocks of Boothbay Harbor—Petition of the town officers of Boothbay Harbor and 133 others, to make optional to towns the time of holding annual town meetings.

Also bill, an act to amend Section 12 of Chapter 3 of the Revised Statutes, relating to the time of holding annual town meetings.

By Mr. Allen of Portland—Bill, an act relating to the fees of the sheriff of Cumberland county.

By Mr. Gilmore of Turner—Bill, an act to incorporate the trustees of Leavitt Institute in the town of Turner.

LEGAL AFFAIRS.

Bill, an act to amend Chapter 132 of the Public Laws of 1899, relating to the desecration, mutilation or improper use of the flag of the United States or of this State.

EDUCATION.

By Mr. Gammon of Jay—Resolve in favor of Wilton academy.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Maddocks of Boothbay Harbor—Bill, an act to extend the time of construction of the Boothbay railroad.

AGRICULTURE.

By Mr. Hammond of Paris—Bill, an act relating to the powers and duties of the Board of Agriculture.

INTERIOR WATERS.

By Mr. Farrell of Van Buren—Bill, an act granting to Alexis Morneault the right to erect and maintain piers and booms on the St. John river in the town of Grand Isle.

By Mr. White of Naples—Bill, an act to prohibit the obstruction of Chutes river bay of Naples and Songo river in the town of Naples.

ORDERS.

On motion of Mr. Ballard of Fryeburg,

Ordered, that the Maine Board of Agriculture be granted the use of this