

MAINE STATE LEGISLATURE

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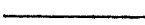
LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.



1901.

SENATE.

Augusta, Jan. 25, 1901.

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

Prayers by the Rev. Mr. Hayden of Augusta.

Journal read and approved.

Papers from the House disposed of in concurrence.

A communication was received from the Secretary of State transmitting the report of the Board of Trustees, and also of the Maine Industrial School for Girls for the year 1900; and, on motion by Mr. Stearns of Oxford the same was referred to the Committee on Education.

Also a communication from the Secretary of State transmitting the report of the Commissioners of Inland Fisheries and Game for the year 1900, and on motion by Mr. Vickery of Kennebec the same was referred to the Committee on Inland Fisheries and Game.

Also a communication from the Secretary of State transmitting the report of the trustees, officers and visiting committee of the Insane Hospital, and on motion by Mr. Prince of Oxford the same was referred to the Committee on Insane Hospital.

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

JUDICIARY.

By Mr. Virgin of Cumberland—Bill, An act to prevent the shooting of human beings by persons in pursuit of game and game birds.

ORDERS.

By Mr. Staples of Cumberland—Ordered, the House concurring, that when the Senate and House adjourn they adjourn to meet at 4.30 P. M., Monday, Jan. 28, 1901.

Mr. NOBLE of Franklin—Mr. President, it seems to me that the session on Monday afternoon avails very little. It is impossible for me to go to my home, and return in time for the session unless I start very early; and it strikes me that an early session on Tuesday morning will accommodate the Senators very much better, and I move that the order be

amended by striking out the words "half past four o'clock on Monday, January 28th" and inserting instead thereof the words half past ten o'clock on Tuesday, January 29th.

The motion to amend prevailed, and the order as amended received a passage.

REPORTS OF COMMITTEES.

Mr. Plummer for the Committee on Education, to which was referred bill, entitled, An act to amend section 108 of chapter 11 of the Revised Statutes in relation to qualifications necessary for admittance to normal schools, reported same ought not to pass. Report accepted.

Mr. Wilson for the Committee on Education to which was referred bill, entitled, An act to amend sections 6 and 119 of chapter 11 of the Revised Statutes, relating to the manner of assessment of common school fund, reported same ought not to pass. Report accepted.

Mr. Virgin for the committee on the judiciary to which was referred bill, entitled, An act to enable the Compressed Air Company of Massachusetts to acquire, hold and dispose of shares of the capital stock of other corporations, reported same ought to pass. Report accepted. Bill tabled to be printed under the joint rules.

Mr. Virgin for the committee on the judiciary to which was referred bill, entitled, An act to amend and extend the charter of Strong Water Company, reported same ought to pass. Report accepted. Bill tabled to be printed under the joint rules.

PASSED TO BE ENGROSSED.

An act to authorize the city of Lewiston to issue its bonds to the amount of \$185,000 to pay its bonds outstanding and maturing in the year 1901.

An act to amend chapter 295 of the Private and Special Laws of 1895, entitled, An act to incorporate the Yarmouth Water Company.

PASSED TO BE ENACTED.

An act relating to Franklin Real Estate Company.

ORDERS OF THE DAY.

On motion by Mr. White of Androscoggin—Senate Document No. 12, be-

ing the report of the Topographic Commission of the State of Maine, tabled for printing pending its reference to a committee, was taken from the table and referred to the Committee on Manufactures.

On motion by Mr. White of Androscoggin—Bill, An act in relation to action for libel, was laid on the table to be printed, pending its reference to the committee on the judiciary in concurrence.

Mr. VIRGIN of Cumberland: Mr. President, while the Senate is awaiting the return of the order relating to adjournment from the House, I want to say in connection with the bill I introduced this morning, that it seems to be time when some action should be taken by the Legislature to prevent the indiscriminate shooting of human beings in the woods and on the lakes of Maine.

There has been a close time provided for game in our woods and it is time there was a close time on human beings which should be perpetual; and for that reason I have drawn a bill that is very stringent in its provisions, and have had it referred to the judiciary committee; and I hope that the members of the Senate will give the matter close consideration and examination, and attend the hearings on the bill, in order that the committee may put the bill in its final draft in such shape as will accomplish the end aimed at. There has been a request on the part of the committee and of the commissioners of inland fisheries and game for some such legislation. I know that the provisions of the statutes relating to manslaughter are broad enough to cover all necessary offenses, or all offenses that might be included under the bill as drawn; but we all know that neither the county attorneys nor the sheriffs have brought to the bar of the court any of the offenders included in the class at which the bill is now aimed. We have read of the shooting of persons in the woods by gunners who simply shot at something they saw moving in the bushes, not knowing what they were shooting at; and it is such cases of criminal negligence and carelessness that this bill is aimed at; and I believe that the time has arrived when some action should be taken by the Legislature in that re-

spect, for a time has now arrived when a large number of our citizens are actually afraid to go into the woods in search of game, for fear that they will be shot by others who are in pursuit of game.

Mr. Vickery of Kennebec—Mr. President, I am very much pleased to see this bill introduced. I believe, with every sportsman in Maine that it is time some action should be taken in this matter. People outside of our State come in here, some of them never having seen a deer, and they are on their nerve all the time, and when they see something moving in the bushes, they shoot, and very often shoot at human beings, and this danger is hanging over all of us who go into the woods. This act, presented this morning hanging over such people is going to make them very careful not to shoot until they get something to shoot at, and then they are going to shoot at game. I am very glad to see this bill introduced, because it is time it should be introduced, and I believe it will be something of great benefit to Maine.

Mr. WHITE of Androscoggin—I would like to ask the senator if he does not think that if there had been one or two good, vigorous prosecutions under the present law it would have had the same effect that this bill seeks to accomplish. I do not make this inquiry in opposition to the present bill, which I have not seen, I think the bill is in the right direction but I do think we have law enough at the present time if the proper officers would see to its enforcement.

Mr. VICKERY of Kennebec—There never has been a prosecution of that kind for accidental shooting, and there never will be. The officers will not take it upon themselves unless they have a specific act directing them to do so. I do not think we should ever have a prosecution under the present law.

Mr. VIRGIN of Cumberland—I will say for the information of the House, the act as drawn contains two sections, one defining the offence, the other making it the duty of the county attorney and sheriff of each county to investigate and prosecute forthwith any violation of the act in that county; and it also provides a penalty or fine of not exceeding a thousand dollars, and removed from office of a

county attorney or sheriff who negligently fails to perform his duty under the act. As I said before, the act as drawn is very stringent in its provisions,—full of teeth; and it may be that it is too strong; and that is the reason why I ask the close attention of the Senate to it, in order that when it comes to its final draft it may be such as to accomplish the end aimed at.

Mr. STAPLES of Knox—Will the senator allow it to be printed pending its reference?

Mr. VIRGIN—I have no objection.

On motion by Mr. Staples of Knox, the vote whereby bill, An act to prevent the shooting of human beings by persons in pursuit of game and game birds, was referred to the committee on judiciary was reconsidered, and on the further motion of that senator the bill was tabled to be printed pending its reference to the committee.

The president announced that the order relating to adjournment had been returned from the House, passed in concurrence.

On motion by Mr. Whitehouse of Sagadahoc, the Senate

Adjourned.

HOUSE.

Friday, Jan. 25.

Prayer by Rev. Mr. Wight of Hallowell.

Papers from the Senate disposed of in concurrence.

The Speaker joined, on the part of the House, Messrs. Pettengill of Rumford, Webb of Portland, Irving of Caribou, Gilmore of Turner, Simes of Mt. Desert, McNamara of Thomaston and Gardner of Patten.

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

JUDICIARY.

By Mr. Pattangall of Machias—Petitions of citizens of Roque Bluffs for change in relation to the April term of the S. J. court in Washington; of citizens of Machias, of citizens of Whitneyville, of citizens of Jonesboro, all for same.

By Mr. Stevens of Bluehill—Bill an act to amend Section 3, Chapter 100, Public Laws of 1891, relating to forest fires.

By Mr. Webb of Portland—An act to amend the act entitled an act to regulate the practice of medicine and surgery.

By Mr. Hyde of Bath—Bill, an act to ratify the purchase by the Sagadahoc Light and Power Co. of the property rights and franchises of the Bath Electric Light and Power Co., the Bath Gas and Electric Co., and the Bath Gas Light Co., and to give further rights to the Sagadahoc Light and Power Co.

LEGAL AFFAIRS.

By Mr. Scammon of Franklin—An act to amend Section 9 of Chapter 106 of the Revised Statutes relating to the draft of jurors.

By Mr. Pratt of Veazie—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.

By Mr. Lawrence of Gardiner—Bill, an act to increase the powers of the judge of probate in the county of Kennebec for a certain purpose.

By Mr. Gammon of Jay—An act in relation to political caucuses in towns.