

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.

1901.

SENATE.

Augusta, Feb. 1.

Senate met according to adjournment, and in the absence of the President, was called to order by the secretary.

Prayer by Rev. Mr. Wight of Hallowell.

On motion by Mr. Staples of Knox, it was

Ordered, that in the absence of the President of the Senate, the Hon. Harry R. Virgin of Cumberland, be, and he hereby is, elected President pro tem.

At the request of the secretary, Senator Burns of Cumberland, conducted the President pro tem. to the chair.

The PRESIDENT PRO TEM.: I thank you gentlemen for the honor you have conferred upon me by electing me President pro tem. We will now proceed with the business of the Senate.

On motion by Mr. Rankin of York, it was

Ordered, that the Governor and Council be notified of the election of Hon. Harry R. Virgin of Cumberland, as President pro tem of the Senate in the absence of the President.

Mr. Rankin was thereupon requested to convey the information to the Governor and Council, and subsequently reported that he had discharged the duty.

On motion by Mr. Noble of Franklin, it was

Ordered, that the House of Representatives be notified of the election of the Hon. Harry R. Virgin of Cumberland, as President pro tem of the Senate, in the absence of the President.

Mr. Noble was thereupon requested to convey the information to the House of Representatives, and subsequently reported that he had discharged the duty.

Journal read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Staples of Knox, Bill an act relating to taxation of mortgaged real estate which came from the House referred to the committee on taxation, was laid on the table to be printed, pending its reference to the committee.

On motion by Mr. Staples of Knox, report of the committee on military affairs on resolve in favor of the University of Maine, which came from the House, reported ought not to pass, was laid on the table one week, pending the acceptance of the report.

The following order, introduced and passed in the Senate came back from the House indefinitely postponed:

Ordered, the House concurring, that the State treasurer furnish to the Senate and House of Representatives as soon as possible a full list containing the names of all owners of wild lands in this State, the approximate number of acres owned by each and the amount of taxes assessed thereon; also the amount of taxes paid by owners for the last year.

Mr. STAPLES of Knox: I move that the Senate non-concur with the House.

Mr. NOBLE of Franklin: I would like to know if the senator will give us the information what this will amount to if we cannot find out the names of the owners of these lands, and how much they own—what is the object of it?

The PRESIDENT: The senator from Cumberland introduced the order and can doubtless give the required information.

Mr. HODSDON of Cumberland: It was intended to give the committee on taxation more detailed information; but the committee find they cannot get any more information without two or three months' work other than what they can get from the assessors' report.

Mr. PLUMMER of Penobscot: I move to amend the motion of the senator from Knox, by moving that the Senate recede, and concur with the House.

Mr. NOBLE of Franklin: Would a motion to lay on the table be in order?

The PRESIDENT: It is.

Mr. NOBLE of Franklin: I move that it lie on the table until we can see what to do about it.

Mr. WEEKS of Somerset: Mr. President, the senator from Cumberland, Mr. Hodsdon, who introduced this order, said that this information required under this order cannot be obtained for three months. Now what is the use of the Senate dallying with this matter?

If this information cannot be obtained in the manner in which the committee on taxation desires it, for three months, let us dispose of the matter at once, and have it out of the way, so that we can consider other matters in their proper turn. I do not think we should cumber up the table with matters of this character when we know we cannot get any definite results from it.

Mr. NOBLE of Franklin: That is just one of the things I wanted to learn. If such is the case, I will withdraw the motion.

The PRESIDENT: The Senate will allow me to say that a motion to lay on the table is not debatable.

Mr. NOBLE of Franklin: I withdraw the motion to lay on the table.

Mr. STAPLES of Knox: Mr. President: It seems to me this is a matter of a great deal of importance; and it seems to me the committee on taxation should have all the information, and have it as speedily as possible, that they can. I think that the order of the senator from Cumberland was very good; and it does seem to me that this Senate should give that committee on taxation all the information in regard to this subject matter, that it is possible for them to do. It is true, as the senator from Cumberland says, that the committee cannot obtain that information, unless they spend a great deal of time, of the State treasurer, and the State assessor can furnish this body with that information in 24 hours, it seems to me a strange thing that the House should indefinitely postpone so important a matter as this. This question of taxation is an important question. The committee on taxation want all the information they can get. Now why should we lay this matter on the table? They want it now, immediately, as soon as they can have it.

Mr. HODSDON of Cumberland: Mr. President, I will say, for the information of the Senate, that one of the most important things in this order was to ascertain the names of the owners of wild land. We find that the State treasurer does not know who owns the wild land, but simply knows who pays the taxes.

Mr. WEEKS of Somerset: This order would not settle a question of title to this wild land. A question of title of wild land cannot be settled in any such way as this.

Mr. MCFADDEN of Lincoln: I understand that the party that pays the tax is not, half the time, the owner, but the agent or attorney of the owner; and I do not think the order can serve any good purpose.

The question being put upon the motion of Mr. Plummer of Penobscot, to recede, the motion was declared carried, and, on the further motion of that senator, the Senate concurred with the House in indefinitely postponing the order.

The President announced that a document had been received from the House endorsed as follows:

Petition of P. E. Craig and 22 others, in favor of the State maintaining large bridges, and that the contents of the paper related to the establishment of a Normal school in Presque Isle.

Mr. PLUMMER of Penobscot: Mr. President, because of the fact that this petition is wrongly endorsed, and has been entered upon the journal of the House and of the Senate according to the endorsement instead of according to the subject matter of which it treats, I move that it be sent back to the House for correction. And the motion prevailed.

A communication was received from the secretary of State transmitting the report of the Governor and Council on the claim of A. J. Cameron, for stitching and binding for the year 1878, in response to the order of the Legislature of January 299, and the same was referred to the committee on financial affairs.

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

JUDICIARY.

By Mr. Rankin of York, Bill, an act relating to and amendatory of Chapter 254 of the Private and Special laws of 1891, entitled an act to incorporate the Mousam Water Company.

By Mr. Murchie of Washington—Remonstrance of John Dudley and 28 others, against the removal of the

April term of the supreme judicial court from Calais to Machias.

Also remonstrance of Willis Williams and 15 others, for same.

By Mr. Dudley of Aroostook—Petition of Kate DeWitt and others of the W. C. T. U. of Presque Isle, for prohibition of railroad travel on the Lord's Day.

By Mr. McFadden of Lincoln—Bill, an act to amend Section 18 of Chapter 81 of the Revised Statutes, relating to service of writs.

LEGAL AFFAIRS.

By Mr. Rankin of York—Bill, 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 titles to real estate.

EDUCATION.

By Mr. Weeks of Somerset—Resolve in aid of the Solon High school. Also Bill, an act to amend an act entitled an act, to incorporate the St. Albans academy.

MILITARY AFFAIRS.

By Mr. Morrison of York—Bill, an act to provide for the retirement of commissioned officers of the militia and National Guard of the State of Maine.

INTERIOR WATERS.

By Mr. McFarlane of Piscataquis—Resolve in aid of navigation of Moosehead lake.

TAXATION.

By M. McFadden of Lincoln—Petition of Joseph B. Welt and 34 others, citizens and taxpayers of Waldoboro, favoring Senate bill No. 4, taxing railroads on the value of their stock.

Also petition of Samuel D. Wyman and 32 others, asking for passage of Senate bill No. 4, taxing railroads upon the value of their stock.

AROOSTOOK COUNTY DELEGATION.

By Mr. Dudley of Aroostook—Bill, an act to enable the county of Aroostook to dispose of its holdings in the Bangor & Aroostook Railroad.

READ AND ASSIGNED.

Bill, an act to amend Section 6 of Chapter 267 of the Public Laws of 1893, entitled an act to provide for the

printing and distributing of ballots at the public expense and to regulate voting for State and city elections.

Resolve in favor of roads in the Indian Township, Washington county.

Bill, an act to open Lambert lake, Washington county, to ice fishing.

Bill, an act to prohibit ice fishing in Bunganeaut pond, situated in Alfred and Lyman, York county.

Bill, 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.

Bill, an act amending an act creating the Rumford Falls municipal court.

REPORTS OF COMMITTEES.

Mr. Murchie, for the committee on railroads, to which was referred bill, an act to extend the charter of the Kennebec & Franklin Railway, reported same ought to pass. Bill tabled for printing under the joint rules.

Mr. Noble, for the committee on claims, to which was referred petition of Isaac Moore of Somerville, State of Maine, praying that he be reimbursed for commutation money paid by him during the Civil War, reported that the claim of said Isaac Moore is a just claim in the opinion of this committee, but is against the United States and not against the State of Maine, and therefore recommend that it be referred to the delegates in Congress with the request that they do what they can with this claim.

The report was accepted.

Mr. Vickery, for the committee on inland fisheries and game, to which was referred bill, an act to prevent pursuit and killing of duck, reported that the same ought to pass. The bill was tabled for printing under the joint rules.

The same senator for the same committee, also reported ought to pass, bill, an act to regulate fishing in Wilson and other ponds in Piscataquis county. Bill tabled for printing under the joint rules.

Mr. Virgin, for the committee on legislative apportionment, which was instructed by order of the Legislature to take into consideration the apportionment of the State for senators and representatives, reported resolve to ap-

portion State senators for the 71st and succeeding Legislatures to and including 1911. Report accepted. Resolve tabled for printing under the joint rules.

PASSED TO BE ENGROSSED.

Bill, an act to build a bridge across the bar between Mount Desert Island and Bar island, county of Hancock.

Bill, an act to amend Section 47 of Chapter 77 of the Revised Statutes in relation to the terms of the supreme judicial court in the county of Oxford.

Bill, an act to authorize the construction of a wharf into the tide waters of the Piscataqua river at Kittry.

Bill, an act authorizing the construction of a wharf into the tide waters of Penobscot river at Verona, Me.

Bill, an act to authorize the construction of a wharf into the tide waters of Penobscot river at Bucksport.

Bill, an act to authorize the construction of a wharf into the tide waters of the Penobscot river at Verona, Me.

Bill, an act authorizing the construction of a wharf into the tide waters of the Penobscot river at Bucksport.

Resolves in relation to extra pay of Maine volunteers in the war with Spain.

Bill, an act to prohibit ice fishing in Androscoggin pond, situated partly or wholly in Kennebec county.

Bill, an act to regulate fishing in Branch and Meadow brooks in Thomaston and Rockland.

Bill, an act to regulate fishing in Wilson river in Piscataquis county.

Bill, an act to amend Section 2 of Chapter 176 of the Private and Special Laws of 1887, entitled an act creating the Fryeburg Village Fair Corporation.

Bill, an act to regulate winter fishing and to close the tributaries of certain lakes and ponds in Piscataquis county.

Bill, an act to prohibit ice fishing in Sabbath Day lake in the town of Gloucester in Cumberland county.

PASSED TO BE ENACTED.

Bill, an act to amend Section 104 of Chapter 11 of the Revised Statutes of Maine, relating to the duties of the State superintendent of public schools.

Bill, an act to amend and extend the charter of the Agamenticus Water Co.

ORDERS OF THE DAY.

On motion of Mr. Staples of Knox, the motion whereby bill, an act to incorporate the trustees of Leavitt Institute in the town of Turner, was passed to be engrossed, was reconsidered, and the further motion of that senator, the bill was laid on the table.

On motion by Mr. Plummer of Penobscot, bill, an act in relation to the salaries of the justices of the supreme judicial court was taken from the table and referred to the committee on salaries.

Mr. Staples of Knox, presented the following order:

Ordered, That the State treasurer be requested to furnish for the use and information of the Senate the amount of the appropriation made for the Insane Hospital at Augusta each year from 1890 to 1900 inclusive, and the amount that has been drawn by said hospital from the treasurer during these years.

On motion of Mr. Weeks of Somerset, the order was laid on the table until the next session of the Senate.

On motion by Mr. Staples of Knox, bill, an act relating to the filing of papers in cases argued before the supreme judicial court when sitting as a court of law, was taken from the table and referred to the committee on judiciary.

On motion by Mr. Hodsdon of Cumberland, bill, an act to prohibit the obstruction of the Songo and Chute rivers in the town of Naples in the county of Cumberland, was taken from the table and referred to the committee on interior waters.

The following order came from the House, read and passed by that branch:

Ordered, The Senate concurring, that when the Senate and House adjourn they adjourn to Monday, Feb. 4, at 4.30 o'clock in the afternoon.

Mr. WEEKS of Somerset: I desire to offer an amendment to that order, and in order that I may do so, I move that it lie on the table.

The motion prevailed and the order was tabled.

The same senator thereafter moved to take the order from the table and to amend the same by striking

out "Monday, Feb. 4, at 4.30 o'clock in the afternoon," and inserting instead thereof: "Tuesday, Feb. 5, at 10 o'clock in the forenoon," which motions severally prevailed, and the order as amended was passed and sent down to the House.

The order subsequently came back from the House, non-concurred in by that branch, and,

On motion by Mr. Plummer of Penobscot, it was voted to adhere. The order was subsequently returned from the House, that body adhering to its former action.

On motion by Mr. Plummer of Penobscot, it was voted to reconsider the vote to adhere and to ask a committee of conference.

The President appointed as a committee of conference in relation to the foregoing order, on behalf of the Senate, Messrs. Plummer of Penobscot, Weeks of Somerset, and Noble of Franklin.

Mr. Plummer, for the committee of conference on the part of the Senate, thereafter reported that, having conferred with a committee of conference on the part of the House, were unable to agree. The report was accepted.

On motion by Mr. Buck of Hancock, it was

Ordered, That when the Senate adjourn it adjourn until tomorrow morning at 8 o'clock.

On motion of Mr. Buck of Hancock, the Senate adjourned.

HOUSE.

Friday, Feb. 1.

Prayer by Rev. Mr. White of Hallowell.

A message was received from the Senate informing the House that in the absence of the president, Hon. Harry R. Virgin had been elected president pro tem.

Papers from the Senate disposed of in concurrence.

Mr. Chase of Portland, asked unanimous consent to introduce an order out of order:

Ordered, the Senate concurring, that when the Senate and House adjourn they adjourn to Monday, February 4, at 4.30 o'clock in the afternoon.

The order received a passage.

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

JUDICIARY.

By Mr. Williams of Sangerville—Petition of Mary Grace Canfield and 104 others for women's suffrage.

By Mr. Parkhurst of Bangor—Petition of William L. Leavitt and 12 others of Plymouth to amend as per bill chapter 23 of the Special Laws of 1899, entitled an act to establish a municipal court in the town of Newport; of S. J. Ridlon and 12 others; of W. I. Wood and 26 others—all for same.

By Mr. Carson of Mt. Vernon—Petition of W. P. Cram, J. W. Allen and 47 others asking for a tax upon peddlers.

By Mr. Hinkley of Jonesport—Petition of citizens of Cutler for change in relation to the April term of the supreme judicial court in Washington county.

By Mr. Russ of Woodstock—Petition of Estella C. Ford and 73 others of Woodstock, asking for passage of an act to prevent Sunday excursions.

By Mr. Parkhurst of Bangor—Bill, an act to amend chapter 23 of the Special Laws of 1899 entitled, an act to establish a municipal court in the town of Newport.

By Mr. Moulton of South Portland—An enabling act for the annexation of the city of South Portland to Portland.