

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

# Seventieth Legislature

OF THE

# STATE OF MAINE.

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1901.

## SENATE.

Augusta, Feb. 8, 1901.

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

Prayer by the Rev. Mr. McKinnon of Augusta.

On motion by Mr. Hodsdon of Cumberland it was, Ordered, that in the absence of the President of the Senate the Hon. Bert M. Fernald of Androscoggin be and hereby is elected President pro tem.

At the request of the Secretary Senator Weeks of Somerset conducted the President pro tem to the chair.

Mr. Fernald: I thank you, gentlemen for the distinguished honor.

Journal read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Wilson of Washington it was, Ordered, that the House of Representatives be notified of the election of Hon. Bert M. Fernald of Androscoggin as President pro tem of the Senate in the absence of the President.

Mr. Wilson of Washington was requested to convey the message to the House and subsequently reported that he had discharged the duty.

On motion by Mr. Burleigh of Aroostook it was, Ordered, that the Governor and Council be notified of the election of Hon. Bert M. Fernald of Androscoggin as President pro tem of the Senate in the absence of the President.

Mr. Burleigh of Aroostook was requested to convey the message to the Governor and Council, and subsequently reported that he had discharged the duty.

Mr. McFadden of Lincoln—I ask leave to introduce an order, out of order. The order is as follows: Ordered, the House concurring, that when the Senate and House adjourn it shall be to Tuesday, February 12th at 10.30 o'clock in the forenoon.

Mr. Weeks of Somerset—I am not opposed to the order. I think that the order should receive a passage. Several of the Senators have had a con-

ference with some members of the House committee on business of the House, yesterday afternoon; and we find, at the session of the last Legislature that Monday afternoon sessions were held, beginning on the 23d day of January, and were thereafter held during all the rest of the session of the last Legislature. Now, upon a careful examination of the business before the present Legislature, I am convinced, and I think the other Senators who have looked into it are convinced, that we cannot further the business by having a Monday afternoon session next Monday; but it would seem to me, if the committees do their proper work, after that date we can have a Monday afternoon session and that it will be profitable; and I would like to have the Senate come to some understanding this morning, that after the present adjournment, we shall adjourn from Friday until Monday afternoon at 4.30 o'clock. I do not know that any order or motion is necessary; but hereafter I think it would better be generally understood by the Senators, that the adjournment shall be from Friday until Monday afternoon, because I think that the business of the Legislature will require a Monday afternoon session.

Mr. Hodsdon of Cumberland—I agree with the Senator from Somerset that there should be an understanding after this week, and that it would be to the advantage of both bodies to have an afternoon session on Mondays at 4.30 o'clock.

Mr. NOBLE of Franklin: I agree with the gentlemen in this matter; but it seems to me it is useless to meet Monday afternoons until committees shall have decided to hold committee meetings on Friday. So far, during this session no business has been transacted by the committees on Friday, and until committees do meet and transact business and get reports ready to come in at the Monday afternoon session, it would seem to me entirely useless to meet Monday afternoon. I think, if it is understood at this time that we are to adjourn hereafter until Monday afternoon, committees should take notice of that understanding and

arrange their meetings for Friday afternoon.

Mr. PLUMMER of Penobscot: I would like to ask the gentleman from Somerset if this is any more than a tacit understanding, not binding upon the Senate in any way. I understand it is an intimation of the desire of the Senate in the matter and a notification to the committees that they may hold meetings on Friday, so as to give us something to do on Monday afternoon. Is that the purpose of it, or is it the purpose to bind the Senate to that policy now, so that in case the condition of business is such week after next that it would do no good, and would not advance the business of the session to meet Monday afternoon, the Senate would not in its discretion pass an order to adjourn until Tuesday morning?

Mr. WEEKS of Somerset: This, as I understand it, is in no way binding upon the Senate; but I thought that, at the present time it would be better that the Senate should receive some notice, that hereafter it should not ask adjournment from Friday until Tuesday. Of course, if the business of this Legislature would not be forwarded by having a session on Monday afternoon, I would not be in favor of it, neither would any of the senators, probably. But if the committees get down to hard work, and if they make numerous reports next week, then it would seem that we can further the business of this Legislature by having a Monday afternoon session, because it is probable that all the reports upon bills next week, made Thursday or even Friday morning will not be printed until perhaps the next Monday, so that they cannot receive their first reading until the next Monday. I am only inferring that next week committees will get down to hard work and will make reports as rapidly as possible.

The question being put upon the foregoing order, the same was passed, and the Senate was subsequently advised that the House had concurred in its passage.

#### READ AND ASSIGNED.

An act to prohibit the killing of deer in the town of Isle au Haut in the county of Hancock.

This came from the House with House amendment A adopted by that body. The Senate concurred in the adoption of the amendment.

An act to authorize the Portland Railroad Company to acquire certain street railroads and make certain extensions of its street railroad system.

An act relating to academies. The following bills, petitions, etc., were presented and referred:

#### JUDICIARY.

By Mr. Weeks of Somerset—Bill, an act to incorporate the Solon Academy under suspension of the rules.

By Mr. White of Androscoggin—Remonstrance of citizens of Calais against changing the place of holding the April term of Supreme Judicial Court in Washington county.

#### LEGAL AFFAIRS.

By Mr. Staples of Cumberland—Bill, an act to incorporate the Bridgton Water Company under suspension of the rules.

By Mr. Staples of Knox—An act to amend section 31 of chapter 186 of the laws of 1893 relating to ward lines, under suspension of the rules.

#### INLAND FISHERIES AND GAME.

By Mr. Vickery of Kennebec—Petition of Llewellyn Powers and 11 others in favor of repeal of September law so-called.

Mr. McFadden of Lincoln—Mr. President, I have an order. Order, the House concurring, that the committee on legal affairs be directed to inquire into the expediency of requiring all parties applying to the Legislature for private legislation, to advance to the State a fee of \$25.00, or such other sum as may seem equitable to such committee, for the privilege of applying for such private legislation.

The flood of applications for private legislation, more than half of which is unnecessary, more than half of which could be accomplished under the general laws, induces me to put in this order.

Two years ago a general law was passed, and in section 34 of chapter 42 of that act the commissioners of inland fisheries and game are authorized upon petition of five or more petitioners of the State, wherever they shall deem it for the best interests of the State, after due notice and public hearing in the locality to be affected, to regulate the times and places in which and circumstances under which game and inland fish may be taken, etc., and yet, instead of taking advantage of the general law, parties come here from all over the State and private legislation respecting almost every brook and pond in the State, and so take up the time of the Legislature and make expense of printing an immense volume of private legislation in which nobody is interested, and it ought to be checked in some way. The reason, I presume that these parties come here for these little fish and game laws is that this law, this general law provides that they shall bear a part of the expense—"where the prayer of the petitioners is refused, one-half of the expense of the commissioners shall be paid by the petitioners." Now if they have to pay for coming to the Legislature, perhaps it would check some of this immense flood, and for that reason I offer the order, and move its reference to the committee on legal affairs.

Mr. VICKERY of Kennebec—As a matter of information I would like to ask if the matters referred to come under the head of private legislation, or is it public? From the best advice we could get it was advertised as public legislation. I only ask for information.

Mr. McFADDEN—My object was to call it to the attention of the legal affairs committee, to see if some remedy could not be provided to lessen the flood of private legislation.

Mr. PLUMMER of Penobscot—I would like to ask the Senator from Lincoln if he would deny to anybody the right of petition, and if the right of petition was not established many years ago in the Congress of the United States and through the instrumentality of John Quincy Adams, and if it is not

secured to the people in our own State constitution; and if he thinks this Legislature, by the advice of the committee on legal affairs, or any other committee should take any measures to abridge the right of petition, and prevent any person in the State, no matter how poor he may be, who has a grievance, or has a desire to have some measure passed which will benefit him or his section or the public at large, from coming here and having a respectful hearing?

Mr. McFADDEN—Oh, no! Mr. President, I would not abridge the right of petition. But the Senator from Penobscot is well aware that this evil has become so large in this State and in other states that many of the states are moving for a constitutional amendment prohibiting private legislation. There is such a move, I do not know but it is already consummated, in the state of New York. I do not know but that is the proper remedy here in Maine; but, I thought, we charge now for private legislation, we charge a fee for corporate legislation; and I do not know any difference really in the principle of the thing. At any rate, I do not know why the committee should not take the matter under consideration and see if some remedy can be applied to shut off in whole, or in part the flood of applications that came in here for private legislation over the most trivial things imaginable.

Mr. PLUMMER—Mr. President, I have no doubt if the order is referred to the committee on legal affairs, that the committee will be very glad to hear the Senator from Lincoln as to any suggestions which he may offer, that are practical and practicable to reach this evil. But I really think that any person in the State who desires legislation of a public character, as this legislation with regard to these lakes and ponds in my opinion is, or of a private character, even where he has a grievance which he thinks can only be righted through the action of the Legislature of his State, has a right to come here without putting up a fee in the first instance.

The order received a passage.

On motion by Mr. Weeks of Somerset, it was, Ordered, the House concurring that the committee on agriculture be and hereby is authorized to make a complete investigation into the management of the office of the Board of Agriculture as conducted by the Secretary, examine all accounts pertaining to the work of the office, summons witnesses, to appear and present evidence and employ such counsel as may be necessary, also a stenographer; ascertain the amount of outstanding bills of whatever kind or nature, and present to this Legislature a complete and itemized account of the result of said investigation.

On motion by Mr. McFadden of Lincoln, petition of committee of the Lincoln County Historical Society with accompanying report of committee on financial affairs, tabled yesterday, on the same senator's motion, was taken from the table, and on the further motion of the same senator, the Senate concurred with the House in the acceptance of the report.

#### REPORTS OF COMMITTEES.

Mr. Burleigh, for the committee on inland fisheries and game, on bill, an act to amend Section 5, Chapter 30 of the Revised Statutes, as amended by Section 1 of Chapter 42 of the Public Laws of 1899, so far as it relates to the marking of the mouths of the tributaries of Moosehead lake, reported same ought not to pass. Report accepted. Bill tabled for printing under the joint rule.

Also, bill an act to incorporate the Mattawamkeag Manufacturing Company, reported same ought to pass. Report accepted, bill tabled for printing under the joint rules.

Mr. Staples, for the committee on legal affairs, on bill, an act relating to mid-winter speed-course or way above the Kennebec Dam at Augusta, Maine, reported same ought to pass. Report accepted, bill tabled for printing under the joint rules.

#### PASSED TO BE ENGROSSED.

Bill, an act to amend the charter of the Parsonfield cemetery.

Resolve providing for the payment to the town of Eden of the amount deducted from said town's proportion of

the school fund for the year 1899, on account of imperfect school return.

Bill, an act to incorporate the Little Churchill Stream Dam Company.

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

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

On motion by Mr. Vickery of Kennebec, communication from commissioners of inland fisheries and game, Senate document No. 7, was taken from the table, and, on the further motion of that Senator the same was referred to the committee on inland fisheries and game.

Also on motion of the same senator, communication from commissioners of inland fisheries and game, Senate document No. 14, was taken from the table, and on his further motion was referred to the committee on inland fisheries and game.

#### PASSED TO BE ENACTED.

An act to amend Section 19 of Chapter 118 of the Revised Statutes, relating to offenses against the lives and persons of individuals.

An act relating to agents of domestic mutual fire insurance companies.

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

An act amending Chapter 365 of the Private and Special Laws of 1893, in relation to the Rumford Falls Light and Water Company.

An act to amend Chapter 154 of the Private and Special Laws of 1895, relating to the charter of the Wiscasset Water Company.

An act additional to chapter 333 of the private and special laws of 1897, relating to the United Gas and Electric Company.

An act to amend an act to authorize the city of Portland to appoint commissioners of cemeteries and public grounds.

An act to legalize the doings of school district, No. 16, of the town of Stonington.

An act permitting ice fishing in Cochewasgon pond in Monmouth.

**FINALLY PASSED.**

Resolve in favor of roads in Indian township, Washington county.

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

This bill came from the House, with report of Mr. Fellows for the committee on legal affairs, that it ought to pass. The report was accepted.

Mr. PLUMMER of Penobscot: I move that the rule be suspended and that this bill have its first and second readings at this time.

It is important to get it through as soon as possible inasmuch as an election will occur, March 12, and full lists have to be posted at least 30 days before election; and in order to have them properly prepared before that time it will be important for this bill to become a law as early as possible.

Mr. STAPLES of Knox—There is some discussion that a minority report is to be offered. I move that the bill lie on the table until next Tuesday.

Mr. PLUMMER: As I understand the matter, I was not present, the committee on legal affairs considered the matter very carefully. It had been in the hands of a sub-committee for sometime, and the outcome of it was that it was decided to report the bill. So far as a minority report is concerned, I know nothing. I think knowledge of that is within the consciousness of the senator, my friend from Knox. This is the first I have heard of it. I do not think that the bill should be delayed. I think it should have a passage.

Mr. STAPLES of Knox: Mr. President: This is an important matter to the citizens of Bangor and I have been asked to have this matter laid upon the table until a minority report can be prepared. Certainly the senator would not undertake to rush this matter through without discussion; and I ask that it be lie upon the table until next Tuesday, for a hearing. He would not deny us the right to be heard upon the matter at this time, or any future time. I ap-

prehend, and I move it lie upon the table until next Tuesday and be assigned for a hearing on that day.

Mr. ADAMS of Penobscot: Mr. President: This is the first indication I have had, I am a resident there, that there is to be a minority report, or that there is any minority, anyway. As I understand the matter we are all united in regard to it, and I hope the gentleman from Knox, will not insist upon having this matter lie upon the table, and delay it. It does not seem to me that it is necessary. We are all of one opinion in regard to the matter, so far as I know I am not aware that there is any minority in the matter, I am not aware that there is any clash, or any dispute in regard to it. I think it is all generally understood that this is the proper thing to do, and the only thing to do as we are situated; and it should be done promptly in order to facilitate the matter, and get it through before our annual election.

Mr. STAPLES of Knox: I wish to say to the senator from Penobscot, that if he will look at the remonstrances filed in his case from his own city of Bangor, he will find remonstrances with names of some of the leading men, headed by Chief Justice Peters, against this bill and one ex-mayor of Bangor and very many of other leading citizens of the city of Bangor, protesting against this bill, some two or three hundred of the leading citizens of that city; and for that reason, and that they may be heard, Mr. President, in this matter, I ask that it lie upon the table, and I think it is reasonable request, until next Tuesday when they may be heard in this matter. I apprehend that the financial condition of the good city of Bangor, or its election this spring will not be injured, if it lays upon the table and is not reported during this session. But I will not ask for any unnecessary delay. I ask in behalf of those people who remonstrated against this bill, that it lie upon the table for a hearing. There are senators perhaps who desire to discuss this bill before the Senate, and I hope the Senate will let it lie upon the table until next Tuesday. I will not ask any unnecessary delay. I will not filibuster upon this

case; but I do ask that I may consult with those who have written to me in regard to it. I think their rights should be protected in this matter. If I am not prepared next Tuesday I will ask to take it from the table and pass it upon its way.

Mr. ADAMS of Penobscot: I would like to inquire of the senator from Knox, of those gentlemen whom he refers to did not have an opportunity; and were they not before the committee, Haven't they been before the committee—were they not there? Now they have been before the committee. They have been heard. Why this delay? I think they have had their day, their opportunity, and if they have, why ask to delay this matter? I fully understand the position Mr. President, I know the reference the senator makes as to certain people in our community. I know all the "out" and "ins" of it. There is no reason for it. It is simply a private pique, that is all there is to it, simply a private pique. This is a matter that interests all the people of our city—it interests all of us who are voters. There are two there who have a private pique and who object to this matter and want to delay it. It cannot be helped, of course. We can understand that—it cannot be helped. But, at the same time I do not believe this Legislature should trig the wheels or cause the machinery to stop I think we should go right along, just the same.

Mr. WEEKS of Somerset: I would like to ask the senator from Penobscot, a question; if he will permit me, I would like to ask, if this matter goes over to next Tuesday and the bill is then passed if it could apply to the coming city election in March.

Mr. ADAMS: I would have to take the calendar and figure up to see.

Mr. WEEKS: Next Tuesday is the 12th of February.

Mr. PLUMMER of Penobscot: Mr. President, I believe the election is to be on the 12th of March. Next Tuesday is the 12th of February, and the list must be posted 30 days before the election. So that, if the matter goes over until next Tuesday, it cannot apply to this coming election, and that was the

reason for asking a suspension of the rules.

Mr. STAPLES of Knox: I will say in answer to the question of the senator from Penobscot that I was not present at the hearing before the legal affairs committee. I do not know who appeared there; but I do not think it is a private pique when the venerable John A. Peters signs a remonstrance against this bill. I do not think it is a private pique when an ex-mayor of Bangor signs a remonstrance to this bill. I do not think it is a private pique when 200 of those best citizens in the city of Bangor protest against this bill. The bill is reported in the Senate this very morning, and the senator asks a suspension of the rules that it may be passed, and those people representing the best element of the city of Bangor although they might "they had a chance, have no chance to go before the committee. It is unprecedented that they should not have an opportunity to go before this Senate and state their grievances. There are few in this Senate upon the legal committee. The full Senate wants to fully understand this matter, and I resent what my friend, the senator from Penobscot, says, that it is a private pique. I apprehend that this excuse for an election upon the 12th day of March—is there any lawyer in this body that says if this bill is not passed at all, but that they can have their election just the same. I think it is but fairness to these men, I think it would be indecent haste for this Senate to undertake to suspend the rules; when I say that I am instructed to put in a minority report and this committee don't report upon this bill and don't decide it until the darkness of last night. Let us be fair, one toward another, in all these matters. I submit, fellow senators, the rules should not be suspended, and this matter should lie upon the table until next Tuesday. I will not ask another moment's time.

The question being put upon the motion of the senator from Penobscot, the bill took its two several readings and was passed to be engrossed.

#### ORDERS OF THE DAY.

On motion by Mr. Staples of Knox, resolve in favor of University of Maine



with accompanying report, ought not to pass, which came from the House, reported by Mr. Walls for the committee on military affairs, was taken from the table, and on the further motion of that senator, the report was accepted in concurrence.

On motion of Mr. Wilson of Washington, the vote whereby bill, an act in relation to the appointment of special fish wardens was referred to the committee on sea and shore fisheries, was reconsidered; and on further motion of that senator the bill was tabled for printing pending reference.

On motion by Mr. Weeks of Somerset, order, that the State treasurer furnish information of appropriations to Insane Hospital, etc., was taken from the table.

On motion by Mr. Staples of Knox, the order was amended by inserting the word "expended" after the word "amount" in the third line thereof.

On motion by Mr. Weeks of Somerset, the order as amended was passed.

House document No. 16, an act to incorporate the trustees of Leavitt Institute in the town of Turner, came from the House passed to be engrossed, amended by House amendment A. This bill was passed to be engrossed by the Senate as reported by the committee, as appears in House document No. 16.

Mr. VIRGIN of Cumberland: Mr. President, this bill incorporating the Leavitt Institute was laid upon the table in the House, yesterday, pending its passage to be enacted. The House has voted to reconsider the vote whereby it was passed to be engrossed. An amendment to the bill was introduced in the House to amend Section 1 of House bill No. 16 by striking out the words "the annual income of which shall not exceed five," after the word "otherwise" in the 11th line of said section, and inserting in lieu thereof the words, "to an amount not exceeding one hundred and fifty," also by striking out the words "said income" in the 12th line of said section and inserting in lieu thereof the words "the income thereof." That amendment was adopted and the bill has now come back to the Senate, and I move that

we reconsider the vote whereby it passed to be engrossed in the Senate.

The motion prevailed.

Mr. VIRGIN: I now move that the Senate concur with the House in adopting the amendment.

Mr. WEEKS of Somerset: I would like to know what the amendment is.

Mr. VIRGIN: I think it due to the Senate to state the position of the bill. This is a bill which, with others, came before the judiciary committee for incorporating an academy. The judiciary committee were of the opinion that these academies, most of them, this included, could be incorporated under the general law, and that it was not the duty of the Legislature nor could they be called upon to incorporate these academies and the large number that were here and were on the way. For that reason the bill was tabled in the Senate and motion was made that the bill be laid on the table and it was afterwards found that the bill had gone to the engrossing office and been engrossed, as I have already explained. The reason that this amendment is put in, and that the Legislature is now asked to incorporate this Leavitt Institute, is this: Under the general law no academy or no educational institution can be incorporated and hold property exceeding \$100,000, under Chapter 55 of the Revised Statutes. This Leavitt Institute has some \$15,000 to \$20,000 worth of property now, and there is a will already made by a Mr. Leavitt, for whom the institution is named, in which he gives to this institution \$80,000. He is an old gentleman whose heart is set on this matter, and in his kindness he is going to endow it liberally. Whenever that will takes effect this Leavitt Institute will then have \$100,000 of property and cannot then accept any other donations by gift, will or otherwise in incorporated under the general law. It now asks the Legislature to incorporate it with power to hold property not exceeding \$150,000. For that reason it should be enacted into law by the Legislature; and this amendment that was introduced in the House and adopted and now comes before the Senate for adoption, provides that this institution can hold property not exceeding \$150,000 in

value. The section as amended will read: "Section 1. J. Frank Quimby, Aubrey Leavitt, Hewitt M. Lowe, A. F. Gilmore, H. F. Dresser, A. S. Ricker and William B. Bradford, their associates and successors, are hereby constituted a corporation by the name of trustees of Leavitt Institute, and by that name may sue and be sued, have a common seal, make such by-laws not repugnant to the laws of this State as they may deem expedient for the management of their affairs, fill all vacancies occurring in their number, take and hold any real or personal estate that they now possess or any hereafter received by donations or otherwise, to an amount not exceeding one hundred and fifty thousand dollars, the income thereof to be faithfully applied to promote the cause of education, and the trustees aforesaid are intrusted with all the privileges and powers incident to similar corporations."

For that reason I move the Senate concur with the House in the adoption of the amendment.

The motion prevailed.

On the further motion of the same senator the bill as amended was passed to be engrossed.

On motion of Mr. Plummer of Penobscot, the Senate adjourned.

## HOUSE.

Friday, Feb. 8.

Prayer by Rev. Mr. Small of Gardiner.

A message was received from the Senate through Senator Wilson of Washington informing the House that in the absence of the President the Hon. Bert M. Fernald had been elected President pro tem. (Mr. Parkhurst of Bangor in the Chair).

Papers from the Senate disposed of in concurrence.

Resolve in favor of the town of Dresden, came from the Senate, read once and referred to the committee on military affairs under a suspension of the rules. In the House the rules were suspended and the resolve was referred to the committee on military affairs in concurrence.

Bill, an act to prohibit fishing in Pleasant Pond and its inlets situated in Sumner, Oxford county, came from the Senate read once and referred to the committee on inland fisheries and game under a suspension of the rules. In the House the rules were suspended and the bill was referred to the committee on inland fisheries and game in concurrence.

Bill, an act to incorporate the Searsport Water Company, was read and assigned.

## MESSAGES AND DOCUMENTS FROM THE EXECUTIVE AND HEADS OF DEPARTMENTS.

In compliance with the order introduced into the House on January 23, relative to fees received and expenditures made during the year 1900 by State officers, communications and reports were received from the following:

Byron Boyd, Secretary of State.

F. M. Simpson, State Treasurer.

William T. Haines, Attorney-General.

John T. Richards, Adjutant-General.

Charles E. Oak, Land Agent.

E. C. Stevens, Superintendent of Public Buildings.

Joseph B. Peaks, Chairman of Railroad Commissioners.

E. C. Farrington, Clerk of Board of Railroad Commissioners.

S. W. Carr, Insurance Commissioner.

F. E. Timberlake, Bank Examiner.