

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.

1901.

SENATE.

Augusta, Feb. 13th, 1901.

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

Prayer by the Rev. Mr. Lewis of Gardiner.

Journal read and approved.

Papers from the House disposed of in concurrence.

READ AND ASSIGNED.

An act to amend section twenty-two of chapter one hundred and twenty-two of the Revised Statutes, relating to falsely assuming to be a justice or officer.

Resolve in favor of the Maine General Hospital.

Resolve in favor of Maine Home for Friendless Boys.

Resolve providing for epidemic and emergency fund.

On motion by Mr. Bryant of Somerset, the foregoing resolve was amended by inserting in the 5th line after the word "invasion," the words "or threatened invasion."

An act to extend the charter of the Bluehill and Bucksport Electric Railroad Company.

An act to authorize the Augusta, Hallowell and Gardiner Railroad Company to sell or lease its property and franchises.

Resolve to complete the improvements of the Songo and Chute rivers.

Resolve authorizing the compilation and publication of the sea and shore fisheries laws of the State of Maine.

The bill came from the House reported from the committee on sea and shore fisheries, ought to pass. House amendments A, B, C and D were adopted by the Senate in concurrence.

Mr. PLUMMER of Penobscot—I move that the resolve lie upon the table.

Mr. McFADDEN of Lincoln—Will the Senator from Penobscot assign some day for its consideration?

Mr. PLUMMER—I simply want to examine it, to ascertain if the compilation of the statutes is such as to render it necessary to make this expenditure for this compilation.

Mr. McFADDEN—The compilation of the statutes would not take place

within two years, or about that time, if it were authorized, and from the complicated nature of the fish laws and the difficulties that fishermen, even, get into, I think it is desirable that this compilation should be made. I do not object to its lying upon the table.

Mr. PLUMMER—I will take it up at an early date after I examine it.

The motion prevailed, and the resolve was laid on the table.

A communication was received from the Secretary of State transmitting communication of the industrial commission of the United States, and, on motion by Mr. White of Androscoggin, the same was referred to the committee on judiciary.

A communication was received from the Secretary of State transmitting House joint resolutions of the assembly of the state of Oregon, relating to election of United States Senator, and, on motion by Mr. Bryant of Somerset the same was referred to the committee on the judiciary.

A communication was received from the Treasurer of State in compliance with the order of the Senate of the 12th inst, submitting statement in detail of the estimated income of the State for the year 1901 and the year 1902 that will be available to pay amounts appropriated and to be appropriated for those years; and, on motion by Mr. Virgin of Cumberland, the same was laid on the table to be printed.

A communication was received from the superintendent of schools in response to the order of the Senate date Feb. 12th requesting a statement of the number of schools and academies in the State who will be beneficiaries under Senate Bill No. 45, and the amount they will receive; and, on motion of Mr. Staples of Knox the same was laid on the table to be printed.

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

JUDICIARY.

By Mr. Vickery of Kennebec—Bill, an act to cede to the United States jurisdiction over certain land in Augusta.

By Mr. Prince of Oxford—Bill, an act to further amend section 8 of chapter 24 of the Revised Statutes relating to depen-

dant soldiers and sailors and their families.

TEMPERANCE.

By Mr. Titcomb of York—Remonstrance of E. W. Churchill and 25 others of Acton against resubmission of the prohibitory amendment.

TAXATION.

By Mr. McFadden of Lincoln—Petition of Lendon M. Soule and 51 others citizens of Somerville, asking that Senate bill No. 4 be enacted into law.

By Mr. Alden of Kennebec—Petition of W. P. Lion and 38 others in favor of taxation bills.

By Mr. Vickery of Kennebec—Petition of E. A. Lapham and 20 others, citizens of Randolph in favor of Senate bill No. 4, taxing railroads upon the value of their stock.

REPORTS OF COMMITTEES.

Mr. McFadden, for the committee on pensions, to whom was referred petition of Orrin Plaisted for State pension, reported that petitioner have leave to withdraw. Report accepted.

Mr. Bryant for the committee on financial affairs, on resolve in favor of Central Maine General hospital, reported same in new draft, under title of resolve in favor of Central Maine General hospital, and that it ought to pass. Bill tabled to be printed under the joint rules.

Mr. Rankin, for the committee on financial affairs, on bill, an act in favor of Maine School for the Deaf, reported same ought to pass. Bill tabled to be printed under the joint rules.

PASSED TO BE ENGROSSED.

An act to amend the charter of the Rockland Trust Company.

An act to authorize the city of Rockland to control the brooks and streams therein to prevent pollution of the same, and to better protect public health.

Resolve in favor Women's Christian Temperance Union.

An act to amend an act entitled, "An act to incorporate St. Albans Academy."

Resolve in favor of the town of Turner.

An act to amend section 55 of chapter 6 of the Revised Statutes as amended by chapter 235 of the Public Laws of the year 1893, relating to taxation of express companies.

An act fixing the salary of the sheriff of Piscataquis county.

An act relating to a winter speed course or way above the Kennebec dam at Augusta.

An act to incorporate the Matagamon Manufacturing Company.

An act to incorporate the Mattanawcook Manufacturing Company.

PASSED TO BE ENACTED.

An act to supply the town of Dexter with pure water.

An act to amend chapter 67 of the Public Laws of 1891 relating to the taking of smelts.

An act to amend the charter of the Parsonsfield Seminary.

An act to extend the charter of the Kennebec and Franklin Railway.

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

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 Company.

An act to incorporate the Pushaw Lake Railway.

An act to incorporate the Little Churchill Stream Dam Company.

An act to establish ward boundaries of the city of Bangor.

Mr. STAPLES of Knox: Mr. President, Inasmuch as the reasons given the other day why this bill should be hurried through this body have been eliminated from it because of the reasons given by the senator from Bangor that the city of Bangor, in order to have their election this spring, that the matter should be passed through at this time, that they might give the thirty days notice required by their charter; and, inasmuch as they could not get the thirty days notice, even if this bill is passed through and enacted today, there seems to me to be no hurry in railroading this matter through this body, because, the city of Bangor, if it is enacted today, cannot use this in their voting election this spring, because they could not get the required thirty days' notice now if this bill is passed by this body to be enacted today. It is an important matter, Mr. President, and gentlemen, and I trust

that now, as that speed has been eliminated, that it may lie upon the table, or be set ahead for some day when the matter can be discussed.

The city of Bangor, by their city council, has made ward lines in the city of Bangor; and the statute of this State provides that they shall be submitted to the registered voters of that city at their next meeting, or next election after the council of the city has made those ward lines. They did not dare to submit those ward lines as they have formed them to the good people of the city of Bangor, they admit that there is something wrong about it and they come here and ask us to legalize that which they do not dare to submit to the people of Bangor. Now, I believe that every city should have a right to govern their own affairs, in their own way. I believe the fathers of the city of Bangor know whether they want the ward lines as made up by the city council of the city of Bangor, better than this Legislature knows; and I believe that the people of the city of Bangor should have a right to be heard upon this matter; and I believe they should be made to submit it to the people of the city of Bangor, and not come here and ask us to legalize a matter that they do not dare to submit to the city of Bangor. For that reason, I ask that it be laid upon the table temporarily, that the matter may be discussed. There can be no hurry. Why undertake to railroad this matter through this Senate. I say, gentlemen of the Senate, that the remonstrance, if you will look at that, is a remonstrance that should be respected, signed by five ex-mayors of the city of Bangor, an ex-speaker of the House of Representatives from Bangor, by the ex-chief justice, John A. Peters, of the city of Bangor, and two hundred others of the most prominent citizens that there are in the city of Bangor today, protesting against this Legislature taking out from their own hands and undertaking to legalize the doings of the city council of the city of Bangor, which they claim to be a wrong upon the people of that city. You may pass it in the end, but, as I say, as the reason which was given the other day, that they must

have this thing put through in order to have their election this spring under it, has failed, they cannot do it, if you will count the days, it is impossible for them to use it for that purpose; and therefore there can be no hurry about this matter; and I trust, Mr. President, and gentlemen, that this matter may lie upon the table. I move that it lie upon the table pending its passage to be enacted.

Mr. ADAMS of Bangor: Mr. President, I have been a tax-payer and resident of the city of Bangor for 42 years. We have, for a good many years had four Republican wards and three Democratic wards there. The statute provides, I think, that we should revise our ward lines every ten years, or something like that. Now, I have been, during those 42 years, more or less associated and mixed up with its municipal affairs, and have been a member of one or the other of the boards of the city government; and we have tried many times to correct our wards, so that there would not be such a great difference in the number of voters in the different wards. Some of our wards have something like 400 voters perhaps, in the neighborhood of 400, I think that is about the way it stands, and other wards have more than 800. I think the ward I live in has more than 800 voters, and I know that other wards have about 400. Now we have tried, of course, the Republicans, being in the majority, have tried, year after year, to regulate this thing and straighten it out, and we get the thing along about so far, and when it comes to a final action, the Democrats come in and say: No, we won't have any change, we won't have any change at all, and they vote the thing down. As a matter of fact, we never would have come here to you, we never would have come to this Legislature to ask you to interfere in the matter, were we not obliged to do it. Take their three wards, the fact is, they will get a few outside Republicans perhaps to go with them, and when they get the thing all regulated and fixed, they will come up and vote it down. The only way we can straighten this thing out is for you to do it for us. There is no crooked business about this. I know

about it, I am familiar with the situation. The ward lines as at present arranged, are run by the streets, one side in one ward and the other in the other ward, then, when they strike into another street at right angles, they cut it off there, when they get the right number of voters for a ward, and in that way they have tried to regulate the matter, and I believe they have regulated it as it should be, as nearly as possible to get it, perhaps. There is no gerrymandering of the wards, there is no unfairness about it. I do not believe the matter of politics is taken into consideration at all in the matter, I do not believe it is. We want to straighten this thing out. As I say, I have been there 42 years, and the wards are the same as they were when I first came there; and it is all wrong, because some of our wards have grown, while others have depreciated. Now, as I said before, we would not come to you to regulate this thing, if we could do it otherwise; but we ask you to straighten the thing out for us. I assure you it is all right, I believe it to be all right, at any rate. Why talk here as they do! It is just the same as they have always come on, when we have got the thing already to consummate, up they pop, and oppose it. I do not believe the Republicans of the city of Bangor are a set of cut-throats or cheats, I do not believe in any such thing, I do not believe this thing is put up in any such spirit at all. I believe it is put up as it should be, fair and square. It ought to be regulated. When you come to take 800 or more voters in one ward and 400 in another, it is not as it should be, it is not according to the statute. I like to see fair play, and I want to see this thing done in a fair, square spirit.

The PRESIDENT—The Chair understands this matter to be hardly debatable, but assumes that it is debated by the consent of the Senate.

Mr. STAPLES of Knox—I have not mentioned politics in this matter. While I would wish that the city of Bangor was Democratic, I believe that the Republicans of Bangor are well-meaning men. I attribute nothing to them that is dishonorable in this matter. I apprehend that the Democrats of the

city of Bangor are equally as honorable. I believe they want fair play to answer the Senator from Penobscot, because the remonstrance is signed by two hundred of the best Republicans in the city of Bangor. Now, if they want fair play with the other side, why do not they do just what the law requires them to do. It says, the city council of all cities in Maine, by the law that was passed in 1893, shall submit it and put an article in their warrant at the next coming election—and let the city of Bangor decide this matter, if it is fair, and if everybody in Bangor is as fair as the gentleman from Penobscot says they are. If the ward lines are fair, why then, I apprehend that they will ratify the doings of the city council of the city of Bangor. Why do they not submit them, that is the question. Why do they come over here and ask us to legalize that matter; and not submit it to the city council. There can be no reason for any haste in this matter. Let it lie upon the table for some future day, when it may be taken up. I believe in keeping down with the people as near as we can. Let the people of Bangor decide this matter. It is none of your, and none of my business, gentlemen. That is good Democratic—that is good Republican doctrine; and that is as far forth as I have any politics in this matter.

Mr. PLUMMER of Penobscot—Mr. President, I do not propose to discuss the merits of this measure. The merits of this measure were considered very fully by the committee to which it was referred; and in my absence from the committee, as I understand it, that committee, my friend from Knox alone dissenting, voted to report this bill. I wish, now, merely to refer to my connection with the matter here in the Senate, last Friday. That measure was pending for its first reading, last Friday. It had come from the House. If it could have its several readings and been engrossed, and finally passed on that day, it would have been more than thirty days before the day set for the election in the city of Bangor. At the request of those interested in the measure, I moved a suspension of the rules, and that the bill have its first

and second readings and pass to be engrossed at that time. I supposed, at that time, that the friends of the measure, those personally interested in it, would follow the matter up, and endeavor to hold the two bodies in session until it could be on that day, finally passed, so there could be no question that the action of the city council of Bangor had been legalized by this body thirty days or more before the day set for the election. With that in my mind, I took the opportunity I did in the matter, and made the motions, and secured its passage to be engrossed, through the action of the Senate here on that day. Now, what is the situation of the matter? It was not followed up. It was allowed to rest there. It went in due course, and regular order to the House, and has there been passed to be engrossed, and comes over here today for its final passage. But, if finally passed today, the time between its final passage and the day set for the election in the city of Bangor will be less than thirty days. This presents a question for the lawyers to determine. Some of them, perhaps the most of them, may hold that the action of the city council fixing the ward lines, having been taken more than thirty days before the time of the election, even if the ratification of their action, the legalizing of that action by this Senate and by the House of Representatives of this Legislature, is not consummated thirty days or more before the time for the election, if the terms of the bill are complied with with relation to the posting of the ward lists in accordance with the arrangement of the new wards, that the election may be legally held under the new ward system. It is not for me to decide that question, or attempt to do it. I believe the citizens of Bangor and the city government of Bangor are going ahead. Are they not? I ask my colleague, Mr. Adams.

Mr. ADAMS—I think so.

Mr. PLUMMER—Under this new arrangement of wards?

Mr. ADAMS—They are.

Mr. Plummer—They are not doing that blindly. They must have secured good and competent counsel in the matter. At

all events that is a matter for them,—if they see fit to get an illegal city government it is their matter. That matter, if raised by anybody, would have to be settled in the courts finally. Now, what is to be gained by anybody, by delaying this matter,—by laying it upon the table. Today it is less than thirty days before the election is to take place there. If the passage of this bill today does not legalize their doings and enable them to go ahead as they are now doing, and to hold their election in accordance with the new arrangement of the wards, it would not do if it passed a week hence; and it is just as well for those opposed to the new ward lines, to have this passed today, as it would be a week hence, because they get the benefit of the fact that it was not passed thirty days before the election, just the same. There is nothing about this to be gained by the people on that side of the question, by delaying it, and throwing it off its regular order, and cumbering the table with it for another week; so I do not see, for the life of me, why anybody can complain to have it take its usual course today, and have it finally passed. Every legal right which the people on the other side of this question would have if it was on Tuesday, a week hence, by this Legislature finally passed, they will have if it is passed today, because today it is less than thirty days before the day set for the election; and that is all there is involved in it. I hope, for that reason that it will not be delayed, and that it will not be laid upon the table, but that it will have its passage today. My friend, the senator from Knox has had an opportunity today to express himself upon the question. If it were a matter of courtesy to him, and he wished to be heard upon it, and wished time in which to be heard, it would be another matter; but I do not understand it is presented in that way. I understand he wishes to have it tabled in order to fight out the main question here, which has already been determined by the committee unanimously with the exception of his vote, and which has already been determined by the House of Representatives finally, and by this Senate, up to the very last step in the passage of the measure.

Mr. Staples of Knox—If the Senate will pardon me just one word. I asked for no delay in this matter for any personal reason. I asked it Mr. President, for reasons which I am not at liberty at this time to divulge. But I will assure you in good faith that I ask it for the benefit of the good citizens of Bangor who, if this matter can lie upon the table will give me such information that I can satisfy the Senate that the bill never should pass to be enacted, but be referred back to the people of the city of Bangor, where it belongs. I do ask it as a matter of courtesy to myself, although I stand alone as a minority party in this Senate. I think it makes no difference. I have more confidence in the integrity, honesty and fair dealings of my associates here to say that this matter shall be railroaded through, and that I shall not have an opportunity after consulting with those who are interested in this matter, in presenting my views fully upon this question.

Mr. Bryant of Somerset—I would like to ask one question, just for my own information. I think, when this matter was before us last week, it was stated by the senator from Knox that a minority report on this bill was expected. Now, I am a thorough believer in the fact that minorities should be heard; and I think it would be an act of simple justice that they should be heard, and that they have a right of petition; and for my own information, before voting upon it, I would like to know whether such minority report is expected.

Mr. Staples of Knox—I was instructed to make a minority report. I say to the senator from Somerset that I concluded not to do it, but concluded to state my views upon the Senate floor, and ask time that I might finally present my views for your consideration.

Mr. Plummer of Penobscot—I would like to ask the senator by whom he was instructed?

Mr. Staples of Knox—By the best people of the city of Bangor, men who stand higher in position than you do today in this Senate.

Mr. Adams of Penobscot—Mr. President, the ward lists of the city of Bangor are all prepared, and they were issued last night. According to the new ward lines,

It was done by authority, or by the opinion of the best counsel in the city of Bangor. They prepared their voting lists, and they were published or posted last night. There is no question about that. They were intended to be, and I have no doubt they were. It was understood that they were to be the best legal opinion they have been able to get was that it was entirely proper and legal for them to do that. If the Legislature did not ratify, that would be another thing. They believed that the State would ratify what the city council had done, and they believed they had done right, and acted according to the statute. Now, under these circumstances, I do not see any reason why we should delay this matter.

Mr. Staples of Knox—Will the senator from Penobscot allow me to ask him a question? Why did not you refer it, according to law, to the citizens of Bangor?

Mr. Adams—We did. We will do as the statute provides; and after this is done it shall then be referred to the citizens; and that can be done now.

Mr. Staples of Knox—Does the senator from Penobscot say you can form your city election under the ward lines as outlined by this bill and afterwards submit it to the city of Bangor,—does he mean that?

Mr. Plummer of Penobscot—I did not intend to go into the merits of this case at all. I do not propose to any extent, now, but simply to state that, as I understand it, as the law now stands, which is a general law which was passed for a general purpose, and as most laws passed in that way, is not the best law that could have been passed, as a general law to apply to the whole State, the action of the city council must be ratified not by a majority of the voters voting upon the question, but a majority of the registered vote of the city; and that, practically, in any case it would be impossible to secure a majority vote of the entire registered vote of the city. Consequently, in order to bring about a change of lines and to correct these great inequalities, and everybody admits that the wards, according to the old arrangement, were unequal in population, unequal in the registered vote, the vote usually cast at the elec-

tions, unequal in territory, irregular in form, and all that sort of thing, and ought to be corrected. The practical question submitted to the committee was how they were to be corrected unless in the way which has been adopted; because, the city council having acted, and the law, as it stands, requiring a majority of the registered voters, it would be impossible to secure that in any case, and the action of the city council would thus be nullified, and the thing might go on indefinitely; and, in order to have this thing made right, and these ward lines corrected, it seemed to be necessary for the Legislature to legalize the doings of the city council. That is all there is to it. That matter was heard in extenso before the committee. It was adopted in the committee. It was considered by a sub-committee. It was referred back to the committee. It was considered in all its aspects and bearings, and the committee in its best judgment, seeking to do what is right, I believe, I was not wita it when the matter was finally settled,—the committee reported this bill. There is no disposition to take away from people, as I understand it, any rights which they have to be heard upon the matter. It resolved itself into the practical question whether the ward lines were to remain as they were, unequal and irregular, and injustice is done to the citizens of that city in that way, and have it perpetuated, or whether the thing was to be remedied in this way.

Mr. VIRGIN of Cumberland—Mr. President.

Mr. ADAMS of Penobscot—Question.

Mr. VIRGIN—Does the senator refuse me the privilege of speaking?

Mr. ADAMS—Not at all.

Mr. VIRGIN—I would like to ask the senator from Penobscot who just spoke if a delay of one week will make any difference to the people of Bangor in the passage of this bill? Perhaps, before he answers the question, I will preface it with a few remarks to this effect. The senator from Knox asks this Senate to delay action on this matter until he can confer with citizens of Bangor whom he says he represents to the number of 200, before final action is taken on this measure. It is a matter that does not concern me, or Cumberland county in any

way. It is a matter that concerns the people of Penobscot county and the people of Bangor. There has been no debate on the merits of this bill, but, from the remarks that have been made, it does not seem if this bill is passed, today, or a week from today, it will make any difference. Twenty-eight days from yesterday will be the 12th day of March, the day of the election. Now, I believe, in courtesy to the members of the Senate, and unless there is some valid and vital reason for refusing the request of the senator from Knox, I can see no reason why his request should not be granted and the matter be laid on the table. If it will prevent any action by the city of Bangor, or work irreparable injury to the city of Bangor, then I should be against the motion of the senator from Knox, but otherwise I can see no reason for not granting his request out of courtesy to him.

Mr. PLUMMER of Penobscot—In answer to that question I would say that I tried to state when I was on my feet before, that, so far as a legal proposition is concerned, whether the action of the city government in preparing for the coming election in accordance with the new ward lines, on the question whether that is legal or not, it would really make no difference whether this was finally passed, today or tomorrow, or next day; but undoubtedly the people of Bangor would like to have this thing settled at as early a day as possible. They have assumed, undoubtedly, that it was going through, and are acting upon that assumption, and if it is laid over for a week, of course it will not be agreeable to them. It will keep the matter in suspense; and if it is to be delayed out of courtesy to the gentleman from Knox, and you will remember that I distinctly said that if it was a matter of courtesy to the senator, he aspect of the matter would be a little different in my mind from what it would if it were not; but, if it is to go over as a matter of courtesy to him, I would suggest that it be not put off so long as one week.

Mr. VIRGIN of Cumberland—Time to give him opportunity.

Mr. STAPLES of Knox—Four days, say, or until next Tuesday.

Mr. PLUMMER—My friend from Bangor is more interested than I. I simply rose to answer the question of the senator from Cumberland.

Mr. ADAMS of Penobscot—Mr. President, of course I ought to extend all courtesy to the gentleman from Knox that one senator should extend to another, and I would even go a little further than that.

Mr. STAPLES—It is 30 to one in this case.

Mr. ADAMS—But, in this matter, I think I am perhaps more familiar with it than he is. The matter that he speaks about, the delay he asks for is a myth. It amounts to nothing. He may get all the information he can. If he does, it will be all the same. I tell you this thing is just as a I have stated it to you, and the delay that he asks for, and he is undoubtedly acting in good faith in the matter—he asks for this on account of some friends, no doubt, in Bangor, and they, when the time comes, will deceive him. They won't give him the information he expects, or has a right to expect. I do not know that there is anything very important or very vital about this thing; but still I do know that the people of my city are anxious to have this thing settled. That is the main point. They want to know where they are; and I hope you will not delay any longer, but will give this matter passage, today.

On motion by Mr. Staples of Knox, the motion was amended so that the motion should provide that the bill be laid on the table pending its passage to be enacted, until next Tuesday.

The question then being on the motion as amended, a division was had and the motion was lost by a vote of 6 in the affirmative and 12 in the negative.

FINALLY PASSED.

Resolves for the purpose of redeeming outstanding pledges in favor of Eastern Maine Insane Hospital.

Resolves providing for the preservation of regimental rolls in the adjutant general's office.

Resolve providing for the payment to the town of Bucksport of the amount deducted from said town's proportion of the school funds for the year 1899 on account of imperfect school returns.

Resolve providing for the payment to the town of Eden of the amount deducted from said town's proportion of school funds for the year 1899 on account of imperfect school returns.

ORDERS OF THE DAY.

An act to extend the charter of the Waldoboro Electric Light and Power Co.

On motion by Mr. Virgin of Cumberland, the foregoing bill was taken from the table, and on the further motion of that senator it was voted to recede from its reference to the committee on judiciary, and on his further motion it was voted to concur with the House in its reference to the committee on legal affairs.

An act to supply the town of Waldoboro with pure water.

On motion by Mr. Virgin of Cumberland, the foregoing bill was taken from the table and on the further motion of that senator the same was referred to the committee on legal affairs, in concurrence.

Petition of the town of Waldoboro for a municipal water charter.

On motion by Mr. Virgin of Cumberland, the foregoing petition was taken from the table, and on the further motion of that senator the same was referred to the committee on legal affairs.

On motion by Mr. Burleigh of Aroostook, the Senate adjourned.