

MAINE STATE LEGISLATURE

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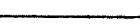
LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.



1901.

SENATE.

Augusta, February 20th, 1901.

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

Prayer by the Rev. Mr. Hope of Augusta.

Journal read and approved.

Papers from the House disposed of in concurrence.

Mr. White of Androscoggin presented the following bill: An act authorizing the city of Lewiston to accept donations of money or property and to establish and maintain a free public library in Lewiston, and to accept conveyance of land for a site, therefor, and said: Mr. President: I move that the rule be suspended, that I may introduce this bill out of order; and I will say in explanation to the Senate that the attention of Senators perhaps may have been called to the fact that Mr. Andrew Carnegie has made a gift to the city of Lewiston of \$50,000 to establish a free public library. We find, upon examination that it is necessary to have some legislation in relation to it; and I have prepared a bill, the first section of which simply authorizes the city to receive donations of this kind, and to accept conveyances of land for the city; and the next section provides for the management of the library. I will say that it is modeled simply after the Lewiston water works commission, which has been in operation for some thirty years in the city of Lewiston and has been found entirely satisfactory; and it is the desire of our people that a similar act shall be passed in this case. The haste about the matter is that the city desires to act this week in relation to the matter.

A suggestion has been made by the Senator from Somerset that I explain the matter a little further. As the laws stands at the present time in relation to the city, it apparently provides that there shall be a vote of the people to authorize an acceptance, or for the city to have a building for such purposes. There seems to be no necessity in this case, for calling a public meeting; and it is the unanimous desire of our people that there

should be immediate action taken in reference to it.

The bill was received under suspension of the rules, and on the further motion of the same Senator, the bill received its two several readings, under suspension of the rules, and was passed to be engrossed.

The bill was subsequently passed to be enacted.

READ AND ASSIGNED.

An act to cede jurisdiction to the United States over certain property of the National Home for disabled volunteer soldiers.

An act to amend section 2 of chapter 166 of the Private and Special Laws of 1887, as amended by chapter 40 of the Private and Special Laws of 1899, relating to the Fort Fairfield Village Corporation.

An act to amend section 17 of chapter 60 of the Revised Statutes as amended by chapter 178 of the Public Laws of 1897, and as amended by chapter 94 of the Public Laws of 1899, relating to change of name in divorce proceedings, and relating to the care, custody and support of minor children of divorced parents.

An act to amend section 17 of chapter 128 of the Revised Statutes as amended by chapter 130 of the Public Laws of 1899, relating to tramps.

An act to authorize Robert Jordan to maintain a wharf into the tide water of the New Meadows river in Brunswick, county of Cumberland.

Resolve authorizing the land agent to release the State's interest in Bar Island in Hancock county.

An act to amend the charter of the Ossipee Valley Telegraph and Telephone Company.

An act to amend chapter 61 of the Public Laws of 1887, as amended by chapter 319 of the Public Laws of 1897, relating to loan and building associations.

An act to incorporate the Union Boom Company.

An act to incorporate the Pleasant River Improvement Company.

House amendments A and B to this bill were adopted in concurrence.

Resolve in favor of bridge over the St. Croix river in the town of Masardis.

Resolve for State pensions.

Resolve in favor of Laura J. Darling of Lee, for State pension.

Resolve in favor of the permanent employment of a cataloguer for the Maine State library.

An act to provide for the retirement of commissioned officers of the militia or the national guard of the State of Maine.

An act prohibiting the taking of shell fish from the shores and flats of Little Whaleboat island in the town of Harpswell.

An act to amend chapter 104 of the Public Laws of 1899, relating to the salary of judge of municipal court of Bath.

A communication was received from the secretary of State transmitting certain claims growing out of the Spanish war.

On motion of Mr. Morrison of York, the same was referred to the committee on military affairs.

A communication was received from the secretary of State transmitting communication of Horace Nicola, relating to the adoption of certain parties by the Penobscot tribe of Indians.

On motion by Mr. Virgin of Cumberland the same was referred to the committee on Indian affairs.

A communication was received from the secretary of State, transmitting report of the treasurer of State for the year 1900.

On motion by Mr. Bryant of Somerset the same was referred to the committee on financial affairs.

A communication was received from the secretary of State, transmitting reports of the commissioners on contagious diseases of animals.

On motion by Mr. Vickery of Kennebec the same was referred to the committee on agriculture.

A communication was received from the secretary of State, transmitting the report of the Military and Naval Orphans' Asylum, at Bath for the year 1900.

On motion by Mr. Morrison of York, the same was referred to the committee on military affairs.

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

LEGAL AFFAIRS.

By Mr. Staples of Cumberland—Petition of David P. Chaplin and 84 others in favor of granting a charter to the Bridgton Water Company.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Virgin of Cumberland—An act to repeal chapters 102 and 103 of the Public Laws of 1895 relating to organization of gas and electric companies, and telephone and telegraph companies.

Mr. VIRGIN: This is to repeal those laws which have been termed vicious by so many of the citizens of the State, and have also been criticized most severely, as I understand, by members of the court; and they are the same laws referred to in debate in this body, last week.

Mr. BRYANT of Somerset: Mr. President, I have here an act relative to the employment of superintendents of schools by cities and towns. I wish to state that I am not the father of the act. It is not my child even by adoption. I was requested to present it by several of my constituents in their behalf, and for them, I do it. They inform me that petitions are on the way. I desire to have it referred to the committee on education, and so move. Such a law, I believe, exists in Massachusetts, and I believe is said to work well. Whether the conditions in Maine are favorable for such a law is for the educational committee and this Legislature to determine.

On motion of Mr. Staples of Knox the bill was laid on the table to be printed, pending reference.

TAXATION.

By Mr. Fernald of Androscoggin—Petition of W. B. Bradford and 27 others of the town of Turner in favor of equalization of taxation.

By Mr. Libby of Kennebec—Petition of Frank S. Collins and 75 others in favor of taxation.

TEMPERANCE.

By Mr. Staples of Knox—Petition of F. W. Nichols and 35 others of Portland in favor of resubmission.

Also petition of F. G. Staples and 30 others of Old Orchard for same.

Also petition of Samuel F. Humphrey and 90 others of Bangor for same.

Also petition of H. J. Brown and 11 others of Springfield for same.

Also petition of E. Bailey and 93 others of Mattawamkeag for same.

Also petition of Fred Emery Beane and 40 others of Hallowell for same.

Also petition of H. B. Sawyer and 14 others of Masardis for same.

Also petition of I. B. Isaacson and 32 others of Lewiston for same.

Also petition of Geo. E. Johnson and 231 others of Belfast for same.

Also petition of Nathan B. Stone and 14 others of Lovell for same.

Also petition of W. J. Bradbury and 29 others of Fairfield for same.

Also letter of E. P. Ricker of Poland Springs in regard to same.

Also petition of Williston Grinnell and 81 others of Camden for same.

Also petition of E. T. Hartwell and 30 others of Old Town for same.

Also petition of George H. Gilman and 84 others of Houlton for same.

Also petition of A. M. Goddard and 62 others of Augusta for same; of James E. Fuller and 9 others of Augusta for same.

Also petition of Charles C. Chase and 18 others of Portland for same.

Also petition of Fred A. Hall and 57 others of Lewiston for same.

Also petition of D. Fessenden and 37 others of Lisbon Falls for same.

Also petition of L. A. Smith and 12 others of Farmington.

Also petition of H. B. Austin and 40 others of Phillips for same.

Also petition of M. J. McQuirk and 20 others of Madison for same.

Also petition of F. S. Paine of Eastport and 28 others for same.

Also petition of C. F. Bragg and 106 others of Bangor for same.

Also petition of L. J. Morse and 117 others of Bangor for same.

Also petition of Edward Conners and 99 others of Bangor for same.

Also petition of E. M. Blanding and 79 others of Bangor for same.

Also petition of Albert H. E. Buřum and 29 others of Lewiston for same.

Also petition of Harry P. Reed and 24 others of China for same.

Also petition of G. M. Clement of Standish and 49 others for same.

Also petition of Chas. A. Carson and 47 others of Randolph for same.

Also petition of J. W. Kimball and 102 others of Bath for same.

Also petition of F. C. Thayer and 108 others of Waterville for same.

Also petition of M. W. Levensaler and 53 others of Waldoboro for same.

Also petition of Robert F. Somes and 13 others of Portland for same.

Also petition of Chas. P. Allen and 74 others of Presque Isle for same.

Also petition of George P. Dewey and 49 others of Portland for same.

Also petition of M. S. Goodrich and 48 others of Waterville for same.

Also petition of J. S. Durrell and 28 others for same.

Also petition of E. A. Chase and 54 others of Brownville for same; of Frank E. Gould and 61 others of Milo for same.

Also petition of W. F. Hodgdon and 11 others of Westport for same.

Also petition of Elmer H. Woodbury and 74 others of Portland for same.

Also petition of Fred S. Greene and 30 others of Portland for same.

Also petition of Isaiah C. Rich and 55 others of Winterport for same.

Also petition of Fred N. Hooper and 71 others of Portland for same.

Also petition of Rev. Henry Blanchard and 67 others of Portland for same.

Also petition of Clarence Hayward and 102 others of Portland for same.

PENOBSCOT COUNTY DELEGATION.

By Mr. Plummer of Penobscot--Remonstrance of H. W. Blake and 35 others, citizens of LaGrange, against the Bangor and Brewer bridge bill.

Also remonstrance of J. H. McKenney and 14 others against same.

Also remonstrance of S. B. Dennett and 36 others, citizens of Etna, against same.

Also remonstrance of Frank White and others, citizens of Levant, against same.

ORDERS.

On motion by Mr. Peirce of Waldo it was Ordered, That the use of the

Senate chamber be granted to the sea and shore fisheries this afternoon at two o'clock.

On motion by Mr. Buck of Hancock it was Ordered, That the committee on public buildings inquire into the expediency of improving the light in the Senate chamber.

REPORTS OF COMMITTEES.

Mr. Whitehouse, for the committee on mercantile affairs and insurance, on Bill, an act to amend chapter 100 of the Public Laws of 1899, entitled An act additional to chapter 237 of the Public Laws of 1889, relating to life and casualty insurance on the assessment plan, reported same ought not to pass.

Mr. Jones, for the committee on interior waters, on Bill, an act to provide temporarily for the storage of water in West Branch of the Penobscot river, reported same in new draft, under the same title, and that it ought to pass. Bill tabled for printing under the joint rules.

Mr. Jones for the committee on interior waters on Bill, an act authorizing and empowering the Great Northern Paper Company to erect and maintain piers and booms in the West branch of the Penobscot river, reported same ought to pass. Bill tabled for printing under joint rule.

PASSED TO BE ENGROSSED.

An act to incorporate the trustees of the Springfield Normal school.

An act to set off Calf island and West Black island from the plantation of Long island in the county of Hancock, and annex the same to the town of Swan's island.

Resolve in favor of O. B. Clason of Gardiner, Maine.

Resolve in favor of the town of Waterboro.

Resolves in favor of the Eastern Maine General Hospital.

Resolve in favor of the State Pomological Society.

On motion by Mr. McFadden of Lincoln, this resolve was laid on the table pending its second reading.

Resolve in favor of passage of ship subsidy bill.

PASSED TO BE ENACTED.

An act to prohibit the sale of trout in Hancock county.

An act to incorporate the Mattanawcook Manufacturing Company.

An act to regulate fishing in Grand Lake stream, at the outlet of Grand lake, Washington county.

An act to incorporate the Mattagamon Manufacturing Company.

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

An act granting Alexis Morneau the right to erect and maintain piers and booms on the St. John river in the town of Grand Isle.

An act to amend and extend the charter of the Bangor Gas-light Company.

An act relating to fishing for togue through the ice.

An act to ratify the purchase of the Sagadahoc Light and Power Company, of the property, rights and franchises of the Bath Electric Light and Power Company, Bath Gas and Electric Company and the Bath Gas-light Company, and to give further rights to the said Sagadahoc Light and Power Company.

An act to authorize the Skowhegan and Norridgewock Railway and Power Company to extend its line to and into the town of Smithfield.

An act to incorporate the Lincoln Electric Railway Company.

An act to authorize the Androscoggin Railroad Company to convey its interest in the Androscoggin Railroad to the Maine Central Railroad Company.

An act authorizing the city of Lewiston to accept donation of money or property and to establish and maintain a free public library in Lewiston and to accept conveyance of land for a site therefor.

An act to extend the rights, powers and privileges of the Eastport Street Railway Company.

An act to extend the charter of the Ellsworth Street Railway Company.

An act to amend section 42 of chapter 6 of the Revised Statutes as amended by chapter 166 of the Public Laws of 1893, relating to taxation of steam railroads.

An act to merge the Knox and Lincoln Railway in the Maine Central Railroad Company.

FINALLY PASSED.

Resolve in favor of Joseph Sepsis, representative of the Passamaquoddy tribe of Indians.

Resolve making appropriations for the Passamaquoddy tribe of Indians.

Resolve providing for an epidemic and emergency fund.

Resolve for an appropriation for the use of the commissioner of sea and shore fisheries.

Resolve in favor of the Children's Aid Society of Maine.

Resolve in favor of the Bangor Children's Home.

Resolve in favor of Thomas Dana, representing the Penobscot tribe of Indians.

Resolve making appropriations for the Penobscot tribe of Indians.

ORDERS OF THE DAY.

An act to provide for returns of Telegraphs and Telephone Companies to the State.

The PRESIDENT—Pending the reference of this bill to the committee, it was laid on the table by motion of the Senator from Somerset, yesterday, and specially assigned for today.

Mr. WEEKS of Somerset—Mr. President, pending reference in the Senate, I moved that this matter lie upon the table. It appeared to me, yesterday morning, that this was a proper subject for consideration by the committee on railroads, telegraphs and expresses. They have, during the entire session, had jurisdiction in matters of this character; and it seemed to me, at that time, as though that committee was the proper committee for the consideration of this bill. It is a printed bill, No. 161, House bill. But I have been informed, this morning, by the Senator from Androscoggin, Mr. Fernald, that a bill is now before the committee on taxation, providing for the taxation of telegraph and Telephone Companies, and that there is incorporated in that bill, before the committee on taxation, a provision, or all the provisions of this bill: so that the committee on taxation has already jurisdiction, or

assumed jurisdiction of this subject. Now, I do not know, Mr. President, as I have any motion to make in regard to the reference of this measure; but I make these remarks in order that if the Senate concurs with the House, the committee on legal affairs may know what is already pending before the committee on taxation. I do not know, Mr. President, as I desire to make any motion in relation to this matter; and am willing, so far as I am concerned, that it should go along, and that the Senate should concur with the House.

Mr. PLUMMER of Penobscot—Mr. President, the committee on legal affairs are not reaching out for work. They have enough to engage their attention. Of course they are willing to do anything that legitimately belongs to them, and are willing to remain here a sufficient length of time to do it as well as they know how to do it; but, in view of the statements made by my friend from Somerset, that the subject-matter covered by this bill is embraced in a bill now being considered by the committee on taxation, it would seem to be a superfluous and a waste of time for the subject to be considered by the committee on legal affairs. Accordingly, I move that the Senate non-concur with the House in considered by the committee on legal affairs; and if that vote shall be adopted, I will move that it be referred to the committee on taxation.

The question being put on the motion of the Senator from Penobscot, that the Senate non-concur with the House in reference of the bill to the committee on legal affairs, the motion prevailed, and, on the further motion by Mr. Plummer of Penobscot, the bill was referred to the committee on taxation.

Resolve in favor of passage of the ships subsidy bill.

The PRESIDENT: This resolve seems to have come from the House, without having been printed. If no senator is interested in its passage, it will lie on the table to be printed under the joint rules. It evidently has passed the House, under suspension of the rules.

Mr. PLUMMER of Penobscot: I move that the rule be suspended, and that it take its passage at this time. It is desirable, Mr. President, to have it passed as soon as possible, if it is to influence the delegation in Washington, inasmuch as that measure is pending there, and the remaining days are very limited.

Mr. VIRGIN of Cumberland: Mr. President, I call for reading of the resolve.

The resolve was read, as follows:

STATE OF MAINE.

“Resolve, in favor of the Passage of the Ship Subsidy Bill.

Resolved, That this Legislature gives its hearty approval to the ship subsidy bill which has been so ably presented in the United States Senate by Hon. William P. Frye of Maine, and that the same ought to become a law, thereby giving the United States a chance to secure an honest share of the ocean carrying trade of the world which would eventually be instrumental in increasing the demand abroad for our merchandise and more especially our farm products, the surplus of which at this time is in very limited demand from our State for exportation. The many tenantless farms in the rural districts of Maine call loudly for legislation which shall be instrumental in restoring them to their former productiveness.

The subsidy bill now pending in becoming a law, together with increased reciprocity with foreign countries, would stimulate ship-building in Maine and load our ships with the surplus of our farm products for our foreign neighbors. The struggle now going on for existence in most towns remote from markets would disappear with the increase in demand for our products which demand would surely increase if the quality and prices of our products sustained us in remaining in the foremost ranks among the food supplying nations of the world.

This struggle disposed of, the farming industries of Maine would be on the road to prosperity, and the price per acre of our now tenantless farms would equal the price per acre of land now under cultivation. The United States also, in the excellence of the

manufacture of its wares as a whole, can undoubtedly compete with the world and should introduce into the Orient such goods as are in demand in competition with Germany and other nations.

We therefore pray that all possible means may be employed favoring the passage of the above mentioned bill.”

Mr. STAPLES of Knox: Mr. President, this is an important matter; and while the United States has been for a great many months wrestling with this matter, I, for one, am opposed to the bill; and I hope it may lie upon the table, that senators may have a chance to discuss it, if they wish. If the United States Senate, after wrestling with it for 60 days, or three months, cannot come to a conclusion, I do not think this Senate should railroad this bill through here without giving senators a chance to discuss it. I hope the motion of the senators from Penobscot, will not prevail; and that it will lie upon the table; and if speed is necessary I hope it will lie upon the table until tomorrow.

Mr. PLUMMER of Penobscot: I have no objection to the bill lying upon the table to be printed and will withdraw my motion.

Mr. WEEKS of Somerset: I would like to inquire if it is in the form of a memorial to Congress, or a resolve?

The PRESIDENT: It reads as a resolve; but the whole tenor of the instrument is that of a memorial to our delegation.

Mr. WEEKS: It seems to me, Mr. President, we all understand this matter well enough. We have all read it. We have all followed along in the newspapers the line of discussion by Congress. We have followed along in the public prints and in the periodicals, this general subject; and I think we are all prepared to vote upon this matter this morning. If it is a question where the resolve or memorial wants some revision, it should certainly be sent to a committee; but if it is a question expressing the sentiments of this Senate, and it seems to me it is, I think we ought to act upon it, and act upon it quickly, and I hope that this matter may be disposed of this morning.

The PRESIDENT: The Chair will state that it has been before a committee, and been reported by a committee.

Mr. WEEKS—In order that the Senator from Knox who seems to be so anxious upon this matter may go upon record, I would call for the yeas and nays at the proper time.

Mr. PLUMMER of Penobscot—The reason why I withdrew my motion, after hearing the resolve read, was that it occurred to me that possibly it might need to be amended; or that it might be wise to have it amended in some respects; and if it were printed it would carry it over one entire day, and would enable the members of the Senate to examine it and to propose such amendment as they might deem desirable—not that I am not now ready to act upon the matter, so far as I am concerned, and heartily in favor of the object sought to be accomplished by the resolve. If the members of the Senate think it is in proper form, and desire to give it the stamp of their endorsement as it stands and send it out to the country and Congress, I am willing, but that was the reason I withdrew my motion. The same motion can be made by some other member of the Senate, if he desires so to do, and the question may be tested upon it.

Mr. STAPLES of Knox—I do not apprehend that one day's delay of the Senate of the State of Maine will have much effect upon the bill in Congress; and it seems to me that my request is reasonable—that it lie upon the table. A bill which carries, if passed \$500,000 a day, should not be passed by this Senate without any Senator who desires to be heard upon it, being heard. I do not think there is any necessity for such haste. If it lies up on the table until tomorrow morning, I apprehend our Senators and Representatives in Congress will not feel worried about—for only one day.

Mr. McFADDEN of Lincoln—Mr. President, it does not seem to me it is a very important matter, any way. If there was any doubt about the sentiments of our delegation in Congress, if there was the least doubt as to what they mean to do, it would be

well for this body, or for our Legislature to express to them our sentiments, and try to influence them; but we know, I think, where they all are, and that they are all one way upon this bill—the subsidy bill; and, when that is the case, I do not see that there is much importance to be attached to this anyway.

Mr. NOBLE of Franklin: This matter, it seems to me, would be simply to give them a little encouragement. I suppose we have all made up our minds on the proposition—at least I think the Legislature of Maine would be willing to enorse his action, and willing to give him this encouragement. I move that the rule be suspended and that the resolve take its two several readings and pass to be engrossed at the present time.

Mr. WEEKS of Somerset: Upon that subject, I call for the yeas and nays. I do so in order to allow the senator from Knox who seems to exhibit a great deal of anxiety upon this matter to go upon record.

Mr. STAPLES of Knox: Mr. President, I wish to say just one word. I agree with the senator from Lincoln—it is well known that every one of our representatives and senators in Washington are in favor of this bill. It seems to me that if we pass this bill if I was not opposed to it in any other way, I would oppose its insinuation upon their taking the position which they hold and our instructing them as to what to do. We all know how Senator Frye is—how every member is, and why should we put ourselves on record here as being in favor of it and deny the right of discussion to anybody who is opposed to the ship subsidy bill. I am opposed to it; and I think, as I said, that one day will not make any difference if it lie on the table to be printed under the joint rule and then be taken up; and then, if you want to pass it and to undertake to instruct our senators and representatives in Congress—and you all know how they are—do so. I say it is an insinuation that Maine does not dare to trust them how to vote on this matter.

Mr. PLUMMER of Penobscot: I call for a reading of the caption.

The caption was read.

The question being taken upon the motion of the senator from Franklin that the rules be suspended and that the resolve take its two several readings and pass to be engrossed, at the present time, the yeas and nays were ordered.

Yeas—Messrs. Adams, Bryant, Burleigh, Fernald, Jones, Libby, Morrison, Murchie, Noble, Pierce, Plummer, Prince, Rankin, Staples of Cumberland, Stearns, Titcomb, Vickery, Virgin, Weeks, White, and Whitehouse—21.

Nays—Messrs. Burns, McFadden, Staples of Knox—3.

Absent—Messrs. Alden, Buch, Dudley, Hodsdon, Macfarlane and Wilson. And the motion prevailed.

Mr. PLUMMER of Penobscot: Mr. President, the attempt to force a suspension of the rules for passage of the measure at this time has presented it in an aspect that it ought not to have. It indicates that there is a division of opinion upon the subject here in the Senate, which I do not believe exists to the extent that this vote would indicate. If it is to go out to the country and to have any influence upon the question now pending in the Congress of the United States it ought to go out as the unanimous expression of this body if possible, at all events as the unanimous expression of the Republicans of this body. It has been presented in such a way and complicated with a motion to suspend the rule and not to allow it to be printed, as is customary in such cases—that there appears to be a division of the sentiment among the Republicans upon this question; consequently, I move, if in order, that the vote whereby the rules were suspended and the resolve had its two several readings, at this time, be reconsidered.

Mr. STAPLES of Knox: I want to say that I heartily commend the conscience of the senator from Penobscot.

Mr. WEEKS of Somerset: Mr. President, I hope that the motion of the senator from Penobscot will not prevail in this matter. I do not know in Congress that this is a matter that is purely partisan. I do not know that we should appeal to this Senate as a partisan question. The senator

from Lincoln, my friend, Mr. McFadden, arose here and said that he regards this resolve as of no particular consequence. If the senator from Penobscot, thinks that he can pacify the senator from Lincoln, I can assure him from a knowledge of the gentleman, that he has a very hard task. Now I do not know what might have actuated the other Republican senator—I do not care. He is a man of his own opinions, and he is a man who can express them if he desires to, in this Senate. We have gone upon record in this matter. We cannot take it back. Every senator in this body who is present and has voted, is on record. We cannot take it back. It has gone out to the country, now, if it is going at all. Let us stand by our colors, now—let us not strike in front of the enemy or anywhere else.

Mr. PLUMMER of Penobscot—We have not gone on record as to the main question, as to whether it is the opinion of this body, that this measure in due and proper course and order, should pass. We have gone on record on a subordinate question, on the motion to suspend the rules, and railroad it through this Senate today; and upon that question I believe that the vote does not represent the real feeling of this Senate upon the main question; and my only purpose was that the real feeling of the Senate upon that question might go out, and that, so far as the cause of the passage of this resolve is concerned it might be what it ought to be, considering the real feeling of the people of Maine and this Senate as representatives of that feeling, upon this question; and that it might not go out to the delegation in Congress and to the people that this Senate is divided to the extent which this vote indicates upon this very important question.

Mr. BURNS of Cumberland—Mr. President, if in order, I wish to say that I am not opposed to this resolve; but I am fully in sympathy with it, and at the proper time, or what I deem the proper time, I should be very glad to vote for it. As it is so short a time, if taken up tomorrow, I thought it would be well to defer to the senator from Knox; and if the matter were brought

up tomorrow, I should have voted for it.

The question being put upon the motion of Mr. Plummer of Penobscot, that the vote whereby the resolve should have its two several readings at the present time and passed to be engrossed, be reconsidered, the motion was lost.

The resolve then took its two several readings, and was passed to be engrossed.

The PRESIDENT: The Chair is happy to say to the Senate that it receives most encouraging news from Senator Hodsdon, whose condition we are so anxious about. His condition is much improved.

On motion by Mr. Staples of Knox, bill, an act to repeal Chapter 297 of the Laws of 1897, being an act for investigating fires, was taken from the table.

Mr. STAPLES of Knox: Mr. President, this bill was tabled by myself, the committee on mercantile affairs and insurance having reported ought not to pass. Upon that question, I desire to submit a few remarks. I cannot, in justice to myself, allow the bill to be accepted as reported by the committee, without making my protest against it; and I ask the indulgence of the Senate for a few moments while I give to them my reasons against the adoption of the report of the committee upon this bill. I am aware that when a committee reports, the Senate is liable to take that report, and consider that they have had the matter fully under investigation, and ought to know about it better than anybody that opposes it. This is an act to repeal Chapter 267 of the Laws of 1897, for the investigation of fires; and I wish to say, gentlemen, that we already have upon the Statutes—and this is my first objection—a statute covering this whole ground, that, when a fire has occurred—which you will find by Chapter 298 of the Revised Statutes of Maine, Section 34—that when any building or any store or anything is burned, that it is suspected it might be incendiary, the municipal officers of the town, the county attorney and officers of the county have full and complete power to investigate those fires, and I apprehend, to take it plainly, that this act was passed entirely for the benefit of

the insurance commissioner of this State. Now, we have appropriated \$2000 per year since 1897. That \$2000 has been spent by the insurance commissioner in his office, in expenditures—and my first objection to this bill is that the municipal officers of our towns, the county attorneys of our counties are jealous of this matter, and there is a rivalry between the insurance commissioner and the whole lot upon our statute which gives power to municipal officers to investigate this matter. I do know that in my own town—I will say here, that I believe that the appropriation of this \$2000 is a gross humbug, and is only gotten up for the very purpose of giving the insurance commissioner an additional salary. He already has a salary of \$1500 a year and expenses of his office, \$1200 a year, and now he himself, gets through in 1897 an act to give him a chance to spend \$2000 more by junketting all over this State—perhaps with a railroad pass in his pocket, to investigate fires, and I find that all of the \$4000 appropriated two years ago except 13 cents of it has been spent—13 cents we have—and have not found another fire to investigate. I had some feeling about this matter because in my own town I had some experience. A fire happened there the 9th day of last May, there was some neighbor that made some complaint about it, and I think, notified the insurance commissioner, and he came over there—not the insurance commissioner himself, but a deputy, an *at-tache* of his office, and the insurance upon the building was only \$800. The selectmen of the town were better qualified than anybody else to investigate that fire. They knew more about it than anybody else. After the insurance commissioner of this State had spent \$396, to investigate that fire, when I stand in this Senate and say there was not a scintilla of evidence that the matter was incendiary—the man had been kept out of his insurance and has been kept out of it to the present time, when the insurance of his building was only \$800, and within \$4 of one-half of that amount of his insurance has been spent by the insurance commissioner in investigating a fire where there was not any smoke in

it and not a scintilla of evidence that it was a matter of incendiarism, or anything of that sort—they continued their investigation from last May way up to November, and you will see, by looking at the report of the commissioner that it cost, as I have said almost \$400; and the poor man, for that very reason has been kept out of his insurance, and this very winter has been obliged to live in a shed that happened not to be burned, connected with his house. What is true in regard to this fire is true with regard to every fire that has happened in the State. Go to your county attorney in Kennebec county, where there was one case of suspected incendiarism—the man, I think, was indicted, and I think the officers of Kennebec county will tell you if it had not been for the monkeying of the insurance commissioner with the evidence in that case, that he would have suffered a conviction. Naturally there is a rivalry. The county attorney of every county in the State of Maine, and the municipal officers of every town are fully qualified and have ample power under the statute to investigate fires. I say this is only gotten up for the very purpose of giving the insurance office a chance to travel over this State and to spend the people's money. There is another reason why I object to this thing. If there is a case of incendiarism, or suspected incendiarism, and the man is insured, is it not the duty of the insurance company? Why should the tax payers of the State of Maine prepare a defense for the insurance company? why should the insurance commissioner go all over this State to investigate that matter and get the case ready when it comes to trial for the insurance company?

If there is suspected incendiarism, let the insurance company fight their own battles and not ask the tax payers of the State of Maine to give into the hands of the insurance commissioners \$2000 for that very purpose. We have got to call a halt somewhere in these expenditures; and I say to you, if you will look at the act upon the Statute that this matter is fully covered by the law today. \$2000! I hope, senators, before they vote on this matter, will look over the expense account of the inves-

tigation of fires for the insurance commissioner. One gentleman said to me that he had not heard any complaint about it. If there has been a fire in this town as there has been in my town and the insurance commissioner comes over there, and instead of investigating as he did there, investigating ex-parte, summon witnesses in, and doing what he pleases, keeping a man out of the insurance—if you want to go on record by supporting that bill, gentlemen, I cannot help it. I do not know your sentiments in this matter but as for me it has no politics in it—there is not 30 to 1 in this case—there is not, I hope, any feeling that because I oppose this bill that you may think it is a party measure—it is no such thing—but in the interest of the tax payers, in the interest of proper investigation of fires which the selectmen of towns have a right to make, I ask that it not pass. Let us save the people of this State that \$4000. Let us protect their rights as much as we can. Do not let us say to the voters of this State that we have appropriated \$4000 to aid the insurance companies to prepare defenses whenever a fire has occurred. I hope the bill will not pass. You will find, if you will look over the reports of the investigation of fires, that the insurance commissioner has employed detectives wherever there is a fire and paid them large sums; and if there is a proper law and a proper remedy upon the statute today, and has been for years. I ask you as fair minded men, do you want to encumber that statute by making another one? If the insurance commissioner has got to have more salary, let us pay him more salary, and not allow him to take \$2000 and perambulate over this State in junketing excursions and charge it to the tax payers of the State.

Mr. WHITEHOUSE of Sagadahoc: Mr. President, I do not propose to make an extended reply to the gentleman who has just addressed you from Knox county. If this bill prevails, we have, as he says, repealed the law which provides for the investigation of incendiary fires. I think it is the policy of this State to build up laws which will prevent crime, and I think this law has gone a long way in that direc-

tion. The gentleman states that the insurance department of this State had this bill passed providing \$2000, that they may junket about this State. I do not think that that is the case. I understand today that the insurance department of Maine is not strenuous over the preservation of this law, but they do believe that it is a good law—that it has gone a long way toward reducing the insurance rates of Maine. It has gone a long way toward the preventing of incendiary fires. This bill was before the committee, who granted it a hearing. The gentleman from Knox appeared before the committee in extended remarks. We listened to other gentlemen, and I believe that the weight of testimony was in favor of preserving this law on the statute books—that it was a good law. I have taken some pains to secure information from the insurance department regarding the working of this law; and, if you will permit me, in a brief way, I will state some facts that I have collected. In the year 1895 the incendiary fires were 8.64 per cent., and all the fires in the State of Maine, unknown fires, were 32.54 per cent. In 1896 the incendiary fires were 8.46 per cent., unknown, 39.57 per cent. In 1897, 4.81 per cent. In 1900, incendiary fires were 1.85 per cent. This shows a very large reduction in incendiary fires; and during the last year there has been a reduction of 33.96 per cent. I believe this alone is sufficient to justify me in stating that this law has worked well; and has saved the State of Maine and the people of the State of Maine a very large amount of money. The reduction, also, in the case of insurance to the people of the State of Maine during the last four years is very marked, and it is due partly to this law, partly to the efficiency of the department, and partly to other laws which are existent today in regard to insurance. I believe it is necessary that we should have good laws, and that we should have an efficient insurance department in order to keep up this state of efficiency which exists today. The savings to the State during the last four years have been as follows: In 1896 the average cost of insurance in the State of Maine was 144; in 1897, it

was 143; in 1898 it was 138; in 1899 it was 138, making to the people of Maine a saving on premiums paid for insurance of \$306,911.24. If this does not show an efficient insurance department, then I cannot understand figures. Your committee, as I have already stated, have investigated this matter thoroughly. They come before you with a majority report; and I ask the support of this Senate in maintaining this report; and Mr. President, I move that the report of the committee be accepted.

Mr. BURNS of Cumberland: Mr. President, I am also a member of the insurance committee, and will say that we gave this matter a long and exhaustive hearing; and there was only one person in the State that appeared in favor of the bill; or appeared for repealing the bill; and in my travels throughout the length and breadth of the State of Maine I have never heard any objection to it except from the senator from Knox. And a word with reference to the commissioner. He has stated before our committee that he has never charged \$1 for railroad fares in this State. Well, the senator from Knox says there is no evidence of any incendiarism in a fire in his town. It was brought out before our committee that a bill was made up for between \$400 and \$500 for loss of household furniture, and good judges claim that the whole household furniture was not worth over \$25. Now it may be that there was no incendiarism there, but if those were the facts, there was a good cause for incendiarism.

Mr. STAPLES of Knox: Mr. President, that a wrong impression may not go abroad, I wish to reiterate that there was no occasion for incendiarism, and whoever stated in the presence of the senator from Cumberland that the personal property was only worth \$25 did not know what he was talking about, or else he deliberately told that which was not true. It matters not about that case. We will try that when we get to court. I say that the report of the commissioner on the investigation of fires for two years in the expenditure of \$4000 that the report shows that there was only one arrest for incendiarism. I say that if this bill

remains upon the statute that it virtually annuls that good law upon the Revised Statutes today which gives to towns the right to investigate those fires; and in taking it out of their hands it is put into the hands of the commissioner, who is a stranger to the inhabitants and cannot investigate it as well as others. I do not believe, with all due respect to the senator from Sagadahoc, that our insurance rates have been lowered 1-10 of one per cent. on account of the investigation of fires under this statute.

Mr. BURNS of Cumberland: Mr. President, I wish to say that this was a unanimous report of the committee on insurance, and not a majority report; and further to say that these investigations are not for the benefit of insurance companies from the fact that fires are investigated just the same where there is no insurance on the property as where the buildings are insured.

Mr. STAPLES of Knox: Just to answer the senator from Cumberland in one word, I know that the report was unanimous. This matter was referred in the first instance to the committee on legal affairs. The insurance commissioner came before that committee or sent a person there—he did not come in person—and said to that committee that he wanted this bill referred to his committee, and it was so referred, and they made a unanimous report.

The question being upon the acceptance of the report of the committee on mercantile affairs and insurance on bill, an act to repeal Chapter 267 of the laws of 1897, being an act for the investigation of fires, that the same ought to pass; a vote being had, the report of the committee was accepted.

On motion by Mr. Stearns of Oxford, the Senate adjourned.

HOUSE.

Wednesday, Feb. 20.

Prayer by Rev. Mr. Hayden of Augusta.

Papers from the Senate disposed of in concurrence.

An act relating to a free public library in Lewiston, came from the Senate passed to be engrossed under a suspension of the rules.

In the House, on motion of Mr. Little of Lewiston, the rules were suspended, the bill received its three readings and was passed to be engrossed in concurrence.

Subsequently, on motion of Mr. Little, the rules were suspended and the bill was passed to be enacted.

The following Senate resolves were read and assigned:

Resolve in favor of Benjamin Smith of Appleton, in the county of Knox.

Resolve granting a pension to Nelson Flanders of Liberty.

A communication was received from the secretary of State, transmitting the certificate of the election of Cyrus W. Davis as the representative from Waterville.

Mr. Dudley of Augusta, announced the attendance of Mr. Davis, and was charged with the duty of conducting him to the Governor and Council to take and subscribe the oaths necessary to qualify him to enter upon the discharge of his duty.

Mr. Dudley subsequently reported that he had performed the duty assigned him.

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

JUDICIARY.

By Mr. Shaw of Bath—Remonstrance of People's Safe Deposit and Savings Bank, owner of bonds of Camden & Rockland Water Co. against contemplated municipal water works in Camden.

By Mr. Hix of Rockland—Remonstrance of G. W. Glover and 20 others, tax payers of Camden, against same.

By Mr. Bird of Rockland—Remonstrance of P. P. Freeman and 23 others, tax payers of Camden, against same; of Arthur B. Avery and 23 others, tax payers of Camden, against same.