

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.

1901.

SENATE.

Augusta, February 26th, 1901.

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

Prayer by the Rev. Mr. Hayden of Augusta.

Journal read and approved.

Papers from the House disposed of in concurrence.

READ AND ASSIGNED.

An act additional to and amendatory of chapter 625 of the Private and Special Acts of 1893, entitled An act to establish a board of police in the city of Biddeford, as amended by chapter 60, of the Private and Special Acts of 1895, entitled An act to amend an act entitled An act to establish a board of police of the city of Biddeford, approved March 28, 1893.

An act for the arrest and apprehension of criminals.

Resolve in favor of King's Daughters Home of Bangor.

An act to provide for a board of Pan-American managers, of the Pan-American Exposition of nineteen hundred and one, and to defray the expenses thereof.

An act to grant a charter to the Union Telephone Company.

An act to establish the Hancock County Railway Company.

On motion by Mr. Wilson of Washington, this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

An act amendatory of chapter 33 of the Public Laws of 1899 and section 6 of chapter 287 of the Public Laws of 1893, relating to the better protection of sheep.

An act to authorize the construction of a footbridge over the tide waters in Boothbay Harbor.

On motion by Mr. McFadden of Lincoln this bill took its second reading, under suspension of the rules, and was passed to be engrossed.

Resolve in favor of Cyrenus B. Downs of Winterport in the county of Waldo.

An act to fix the salary of the judge and register of probate for the county of Oxford,

The President announced that the order appointing a committee to attend the funeral of Senator Hodsdon, had come back from the House with a committee joined on the part of the House.

A communication was received from the State superintendent of public schools, transmitting a report in accordance with the order of the Legislature of 1899, requesting him to investigate the condition and amount of the school funds of the several towns, arising from the sale of school lands; and to report the result of his investigation to the Legislature of 1891.

On motion by Mr. Plummer of Penobscot, the foregoing communication was laid on the table to be printed.

The following petitions were presented, and referred:

EDUCATION.

By Mr. Bryant of Somerset—Petition of W. S. Brown and 49 others of Dexter, in favor of Act relating to the superintendent of schools, also petition of Alden C. Wheeler and 14 others of Mechanic Falls in favor of act relating to superintendent of schools.

REPORTS OF COMMITTEES.

Mr. McFadden, for the committee on taxation, on bill, An act to amend chapter 258 of the Public Laws of 1853, as amended by chapter 130 of the Public Laws of 1895, relating to the taxation of savings banks, reported that legislation thereon is inexpedient at the present time.

PASSED TO BE ENGROSSED.

An act to establish the Hancock County Railway Company.

An act to authorize the construction of a foot bridge over the tide waters in Boothbay Harbor.

An act to prevent the throwing of sawdust, and other refuse stuff, into the waters of McGraw, Ellis, East, North, Great, Long, Little or Snow ponds or either of their tributaries, situated partly in Kennebec and partly in Somerset counties.

An act to incorporate the Bridgton Water Co.

Resolve in favor of Melinda B. Davis, administratrix.

An act to amend Chapter 266 of the Public Laws of 1893, as amended by

Chapter 128 of the Public Laws of 1899 relating to the militia.

An act to prohibit fishing in Pleasant pond and its inlets situated in Sumner, Oxford county.

An act to extend the charter of the Winn Water and Power Co.

Resolve in aid of navigation on Moosehead lake.

On motion of Mr. Burleigh of Aroostook, this bill was laid on the table.

An act to authorize telephone, telegraph, electric light, heat and power companies to place their wires under the surface of public ways.

An act relating to the Malison Power Co.

An act to incorporate the Sandy Stream Dam and Improvement Co.

Resolve in favor of the State Pomological Society.

An act to amend Chapter 104 of the Revised Statutes as it was amended by Chapter 85 of the Public Laws of 1895, by adding thereto section 49 relating to the settlement of titles to real estate.

On motion by Mr. Burleigh of Aroostook this bill was laid on the table, pending its second reading.

PASSED TO BE ENACTED.

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

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

An act to amend Chapter 204 of the Public Laws of 1856, in relation to the municipal court for the city of Portland.

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 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 incorporate the Pleasant River Improvement Company.

An act to provide temporarily for the storage of water in West Branch of Penobscot river.

An act additional to Chapter 51 of the Revised Statutes in relation to railroads.

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

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 amend Section 5 of Chapter 96 of the Private and Special Laws of 1899, and to authorize the Van Buren Water Company to increase the amount of its mortgage bonds.

An act to incorporate the Union Boom Company.

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 prohibit bait fishing, so called, in Seven ponds, Seven ponds stream, Little Kennebago lake, and the outlet of the same to the dam at the head of Kennebago Falls, and the outlet of Kennebago lake.

An act in relation to the taxation of street railroad companies.

An act in relation to the compensation of the sheriff of the county of Oxford, establishing a salary.

An act additional to Chapter 49 of the Revised Statutes relating to insurance.

An act to extend the charter of the Mutual Fire Insurance Company.

An act to prohibit winter fishing in Great Watchie pond, and regulating the time for fishing in the tributaries of the same.

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

An act in relation to disorderly conduct and evasion of fares on street railroads, steamboats and ferries.

FINALLY PASSED.

Resolve granting a pension to Nellie Flanders of Liberty.

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

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

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

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

Resolve for State pensions.

Resolve in favor of repairing the road between Patten and Grand lake.

Resolve in aid of navigation on Sebec lake.

Resolve in favor of the passage of the Ship Subsidy bill.

Resolve in favor of road in Perkins' plantation.

Resolve in favor of Allegash road.

Resolve favoring legislation by Congress to equalize extra pay to United States volunteers.

ORDERS OF THE DAY.

On motion by Mr. Bryant of Somerset, Senate Document No. 78, An act relating to fraternal beneficiary organizations, was taken from the table; and on the further motion of that senator, the same was referred to the committee on mercantile affairs and insurance.

The PRESIDENT: The following order, Ordered that the treasurer of the Insane Hospital furnish an itemized account of expenditures from 1892 to 1900, was tabled by the senator from Somerset, Mr. Weeks, and today assigned for its special consideration.

Mr. STAPLES of Knox: Mr. President, That was an order that I placed in here; and I did it to get what information I could in regard to it; and I understand that I can get that information from the secretary of State's office. An itemized account of the treasurer of the Insane Hospital is on file there; and the secretary of State informs me that I can have them for the use of the Senate, by amending the order. But, I think, unless some senator desires to see it, I can get what information I want by going there, and seeing them there; and therefore I do not ask that the order have a passage.

Mr. WEEKS of Somerset: Mr. President, I think the senator from Knox,

at least for once in his life, has come to a wise conclusion. I desire, in order that the treasurer of the Insane Hospital may be put right, to submit for the consideration of the Senate a letter written by him to the senator from Kennebec, Mr. Vickery. The senator from Kennebec very kindly passed me this letter this morning; and authorized me to use it in any manner that I saw fit. Now, if there is any institution in the State of Maine that courts the closest scrutiny and investigation, it is the Insane Hospital at Augusta; and you will see, from the candid, honorable, honest statements of this letter, that its treasurer is ready to do anything in his power to furnish information required by either branch of the Legislature, or by anyone else having a right to have that information. In order that the letter may be placed before the public and before the Legislature; and in order to show the spirit which animates the treasurer of this institution, I will take the liberty of reading it here.

Hon. P. O. Vickery,

Senate Chamber, State House,
Augusta, Maine.

Dear Sir: Referring to the first order of Mr. Staples or Knox, he requests the amount of appropriations made for the Insane Hospital from 1890 to 1900 inclusive, and the amount that had been expended. Such information was furnished the Senate in the form of Senate Document No. 51, by the State treasurer, adding amendment "A" which states:

"That the expenditures could only be furnished by the treasurer of the Insane Hospital."

Now, if Senator Staples wants the items expended of these appropriations from 1890 down to 1900, I can prepare such a statement and furnish the information in four days. Again, if Senator Staples wants information pertaining to the appropriations for Insane Beneficiaries; the appropriations averaged since 1890 from \$60,000 to \$68,000 per year. I will state that we furnish to the Governor and Council quarterly itemized bills against this appropriation, which includes the bills for the support of patients charged and

supported wholly by the State, i. e. Those that are placed here by order of court, or the order of the Governor and Council, which means those that are convicted of crime, aliens and those indigent cases that are supported by the towns who receive the benefit of the State aid of \$1.50 per week. This account is rendered to the State, as above stated, quarterly and in detailed, itemized form, and can be found on file in the Secretary of State's office. We only draw against this appropriation as we have warrants. These warrants are the orders of the Governor and Council and the certificates of selectmen, certifying as to the inability of the patient to provide for his or her support.

I shall be very glad to prepare a statement of direct appropriations for buildings and improvements, or provide any information in my power to the Senate. The request of Senator Staples in its present form covers an expenditure of two millions of money. The item that go to make up that two millions of money, would furnish a printed annual report of 240 pages each at least; covering a period of ten years, it would be a volume of 2,500 printed pages. It would seem to me that it would be a great deal better for the Senate that if there is any information that is desired to call for it, or any special points of information to call for it and we shall be glad to furnish it or provide a committee to examine our books thoroughly, or we will take our books to the Senate Chamber for examination by the Senate. Shall be glad to comply with the mandate of the Senate in any form desired. I have been treasurer of this institution since July 1st, 1890, and since that time to Jan. 1st, 1901, I have received \$1,979,097.25 and have disbursed \$1,971,169.81, or nearly two millions of money. The items would make a large volume.

MANNING S. CAMPBELL,
Treasurer."

I now understand that the motion of the senator from Knox is that the order be indefinitely postponed.

Mr. STAPLES of Knox—Perhaps I ought to thank the Senator from Somerset for his very flattering saying that "the Senator from Knox was right for

once in his life." I do not see—I cannot see the point or the necessity of the Senator from Somerset reading the very fulsome letter of the treasurer of the Insane Hospital at this time, and especially after I had said that I did not desire the order to have a passage—that I could get the information that I wanted in the Secretary of State's office, and that I supposed I could amend the order by having them brought in here. I was so informed by Mr. Boyd, the Secretary of State. I put the order in here in good faith. I wanted the information—some information in regard to the doings of treasurer of the Insane Hospital. I have got that information. I have got it without subjecting that State to the expense of printing that report. I have got it by going to the Secretary of State's office; and I am satisfied; and I move that the order be indefinitely postponed.

The motion prevailed.

Mr. McFADDEN of Lincoln—Mr. President, if it is in order, I move to take from the table, Resolve in favor of the State Pomological Society, House Document 140, which was tabled on my motion a few days ago, pending its second reading.

The motion prevailed.

Mr. McFADDEN—Mr. President, when a man has been a little alarmed, he naturally, when he gets over his fright, wants to explain why he got scared, because we do not like to, any of us, acknowledge that we have been cowardly in any matter; and so I propose, if you will spare me the time, to make a few confessions—as my friend from Somerset would say. I will tell you what I thought when this matter came in. I thought that, if each of the pomologists of the Legislature got a barrel of apples upon his shoulder, and started for the cold storage room of the State treasury, that there would be a very large crowd follow, and make an unseemly procession. I was afraid that the commissioner of fish and game might—seeing us make that move—run down cellar and gather a moose under one arm and a deer under the other, and follow in our rear; and I did not know but my friend Nickerson, the commissioner of sea and shore

fisheries would gather up an armful of lobsters and a pan of clams and follow on too; and, then I thought perhaps that the various manufacturers of the State would shoulder a box or a bale of their productions and come along with us. I thought, on the whole, that the cold storage room of the treasury might be over-done; but I have given some attention and investigation, and I find that, while the commissioner of fish and game did have it in mind once to make an exhibit out there at the Pan-American, so as to induce the Mexicans and South Americans to come up here and hunt, and bring millions of dollars into the State, and scatter it around among the guides, railroads and landlords, that our friend Bracket of the House got on to it; and he went to him, and convinced him that that would not do—that those fellows down there were such inveterate smokers that they would burn up the Maine woods; and we did not want them here; and there I found, too, that my friend Nickerson had contemplated exhibiting a Maine lobster and a Maine clam and a Maine sardine, but the people of his town who are almost overwhelmed with summer company, went to him, and convinced him that they could not get lobsters and clams enough for their summer company now; and that we did not want any more market for those articles; and so he does not contemplate any approach to the treasury for such a purpose. And then, upon investigation as to the manufacturers I am told that the Governor called a lot of them together the other day and told them that if they had any such thing in their minds as a raid on the treasury to make an exhibition out there at that Pan-American, that they must stop or he would veto anything that went through, that the only thing that should come out of the treasury was just enough to get the farmer's apples out there in cold storage.

Well, now, considering all these things, I think my apprehensions were unfounded—or rather that the foundations have been all knocked out; and

so I think it may be a very safe thing to pass this resolve.

The apple, Mr. President is the king of fruits; and if we only take proper measures, we can show that Maine is its kingdom. The apple, sir, has a history beyond any other fruit in the whole catalogue. It was undoubtedly the apple with which our ancient ancestors were lured to their ruin. Experts have investigated this subject and have come to that conclusion; and I have thought of it a good deal, and I think I know almost to a certainty, not only that it was an apple that was used then—but the very variety which was then made use of. It was beyond question, gentlemen, the "Ladies' Sweet," or the "Maiden's Blush." Both of these are beautiful varieties in outward appearance and of exquisite flavor. Now, sir, I have further to say upon this subject, that anyone who raises apples need not be afraid to vote for this measure. I have looked it all over; and I do not believe it will depress the price of apples a cent a barrel. I do not believe it will have that effect at all; and, on the other hand, if any of you live in villages or cities and have to buy your apples, I do not believe the passage of this resolve will directly, or indirectly cause you to pay any more for the apples that you buy. Indeed that was not the object of the committee on agriculture, I think. They did not mean to put the price of apples up on people here in Maine. They just wanted to go for those Pan-Americans and get even with them for the big price they charge us for coffee and India rubber and other productions of their countries. So, now, Mr. President, I move that this resolve take its second reading and pass to be engrossed.

The motion prevailed, and the bill took its second reading, and was passed to be engrossed.

On motion by Mr. Weeks of Somerset, House Document No. 169, bill, An act to prevent the throwing of sawdust, and other refuse stuff into the waters of McGraw, Ellis, East, North, Great,

Long, Little or Snow ponds or either of their tributaries situated partly in Kennebec and partly in Somerset counties, was taken from the table; and, on the further motion of that Senator, the same received its second reading, and was passed to be engrossed.
On motion by Mr. Dudley of Aroostook, the Senate adjourned.

HOUSE.

Tuesday, Feb. 26.

Prayer by Rev. McKinnon of Augusta.

(Mr. Walls of Vinalhaven in the chair).

Papers from the Senate disposed of in concurrence.

An act to authorize the Milbridge & Cherryfield Electric Railroad to construct and operate its railroad over the Narraguagus river in Milbridge.

An act to apportion representatives to Congress.

An act to incorporate the Poland Telephone Co.

On motion of Mr. Fellows of Bucksport this bill was laid on the table pending its second reading, and Tuesday of next week was assigned for its consideration.

A communication was received from the superintendent of public schools transmitting an itemized account of expenses of the State superintendent of public schools for the year 1900.

On motion of Mr. Plummer of Portland, the communication was referred to the committee on salaries.

The following petitions, bills, and so forth, were presented and referred:

LEGAL AFFAIRS.

By Mr. Dunn of Orono—Remonstrance of O. T. Brown and 76 others of Old Town, against amendment of clause six of section 55 of chapter 86 of the Revised Statutes relating to trustee process.

By Mr. Hill of Belfast—Petition of Volney Thompson and 30 others of Montville in favor of repeal of State constable law.

INLAND FISHERIES AND GAME.

By Mr. Page of Skowhegan—Bill, An act allowing the propagation of beaver by Henry McKinney of the waters of the East Branch of Enchanted Stream in Somerset county.

BANKS AND BANKING.

By Mr. Beal of Bangor—Bill, An act to incorporate the Bangor Loan and Trust Company.