

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.

1901.

SENATE.

Augusta, March 6th, 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 relating to and amendatory of Chapter 88, Special Laws of 1895, entitled an act to allow the Bar Harbor Electric Light Company to issue bonds, preferred stock, and purchase property.

An act additional to an act to incorporate the Union Gas and Electric Company of Waterville and to amend Section 4 of Chapter 556 of the Private and Special Laws of 1897.

An act to amend the charter of the Northport Wesleyan Grove Camp-meeting Association.

An act to extend the charter of the Kittery and Eliot Street Railway Company.

An act to further regulate the powers and privileges of street railroads.

An act to further regulate procedure in the organization of street railroad corporations.

An act relating to the organization and control of street railroads.

An act to continue in force Chapter 276 of the Private and Special Laws of 1895, entitled an act to incorporate the Van Buren Trust and Banking Company, as amended by Chapter 131 of the Private and Special Laws of 1899.

An act additional to Chapter 287 of the Public Laws of 1893 entitled an act for the better protection of sheep.

House amendment adopted in concurrence.

An act to authorize the erection and maintenance of dams, side dams, piers and booms in Sandy stream, Gilman pond and Gilman stream in the plantations of Highland and Lexington and the town of New Portland in the county of Somerset and State of Maine, and to make improvements in said streams and pond.

An act to incorporate the Tunk River Water Power Company.

An act to amend Chapter 22 of the Public Laws of 1899 relating to traveling libraries.

An act additional and amendatory to Chapter 242 of the Public Laws of 1893 relating to free public libraries.

An act to amend Chapter 96 of the Public Laws of 1895 relating to collateral inheritance tax.

An act establishing the salary of the county attorney for the county of Aroostook.

On motion by Mr. Weeks of Somerset, this bill was laid on the table. Subsequently, on motion of the same senator, the bill was taken from the table.

Mr. WEEKS of Somerset: Mr. President, I have no particular objection to this bill. I think that the amount of the increase in the salary of the county attorney of Aroostook is a proper one; but I wish to inform the Senate upon this subject, that the State pays the salary of the county attorney, that a county attorney is a State attorney for a certain district, namely the county. With this explanation, I am willing that the bill should go along, so far as I am concerned.

The bill was then read and assigned.

An act to allow open time on deer in certain towns in Cumberland county.

An act to fix the compensation of the sheriff of the county of Lincoln.

On this bill a majority and minority report were submitted, the majority report being that same ought to pass, and the minority report that same ought not to pass; and, on motion by Mr. McFadden of Lincoln, the bill was laid on the table, pending the action of the Senate upon the reports.

Mr. WEEKS of Somerset: This is a matter in which I am not interested personally; but I would like to ask the senator from Lincoln if we can have an early disposition of this matter. I do not care to interfere with it at all.

Mr. McFADDEN of Lincoln: I think I will call the matter up at an early date, Mr. President.

An act relating to prisoners in the county of Sagadahoc.

An act in relation to supplying the municipal courts in the county of York with dockets and blanks.

An act to incorporate the Cumberland Trust Company.

An act to incorporate the Sandy Stream Dam and Improvement Company. This bill came back from the House amended; and, on motion of Mr. Plummer of Penobscot, the vote whereby the bill was passed to be engrossed, was reconsidered. The Senate then concurred with the House in the adoption of the amendment, and the bill as amended was passed to be engrossed.

An act to amend Chapter 262 of the Private and Special Laws of 1824, entitled an act to incorporate the Cumberland Lodge.

Mr. FERNALD of Androscoggin: I move to introduce this bill out of order, and that it take its several readings at the present time, and pass to be engrossed without reference to a committee, and in explanation will say: The Cumberland Lodge of Masons of Cumberland county, town of Gloucester, was chartered in 1824; and at that time they had a right to take and hold real estate to the extent of \$3,000, and personal property to the extent of \$3,000. They are about to erect a new lodge room which will cost them some six or eight thousand dollars, and they wish their charter amended so that they can hold real estate to the extent of \$10,000, and issue bonds to that amount.

The motion prevailed, and the bill took its two several readings, under suspension of the rules, and was passed to be engrossed.

The following bills, petitions, etc., were presented and referred: (Private legislation under suspension of the order).

JUDICIARY.

By Mr. Libby of Kennebec—An act to incorporate the East Pittston Village Corporation.

By Mr. Virgin of Cumberland—An act to authorize the sale or mortgage of estates subject to contingent remainders, etc.

LEGAL AFFAIRS.

By Mr. Prince of Oxford—Bill, an act to amend Chapter 6 of the Revised Statutes as amended by Chapter 70 of the Public Laws of 1895, relating to sales of land for non-payment of taxes.

On motion by the same senator, this

bill was laid on the table for printing, pending its reference to the committee.

By Mr. Peirce of Waldo—Remonstrance of E. M. Hall, president, and others of the W. C. T. U. of Winterport, against repealing the constabulary law.

FINALLY PASSED.

By Mr. Fernald of Androscoggin—Resolve providing for the topographical survey for the years 1901 and 1902 and for the geological survey.

BANKS AND BANKING.

By Mr. Bryant of Somerset—Bill, an act to incorporate the Skowhegan Banking Company.

COUNTIES.

By Mr. Plummer of Penobscot—Petition of A. R. Page and 23 others that portion of Reed plantation set off from Drew plantation in 1889 be again annexed to Drew plantation.

ORDERS.

On motion by Mr. Weeks of Somerset, it was, Ordered that the committee on agriculture be authorized and directed to have printed forthwith for the use of the Legislature such a part of their forth-coming report of the investigation of the affairs of the board of agriculture as conducted by the secretary as they may deem necessary.

REPORTS OF COMMITTEES.

Mr. Weeks for the committee on the judiciary, on Bill, an act to amend Section 123 of Chapter 127 of the Public Laws of 1887 relating to disclosure of poor debtors, reported ought not to pass.

Mr. Libby, for the committee on education, on report of commissioners to investigate and ascertain the desirability of establishing new normal schools in eastern or central Maine, from the last Legislature, reported that same be referred to the next Legislature.

Mr. Plummer, for the committee on education, on resolve in aid of the Solon High school, reported that same ought not to pass.

Also, on resolve (1) in favor of Westbrook Seminary; (2) resolve in favor of the Ricker Classical Institute; (3) re-

solve in favor of Somerset Academy, of Athens; (4) resolve in favor of Cherryfield Academy, reported same ought not to pass, being provided for under the general law.

Also on resolve in favor of the Central Maine State Normal school at Dexter, from the last Legislature, reported same be referred to the next Legislature.

Also on Bill, an act to establish an additional normal school at Houlton, from the last Legislature, reported same be referred to the next Legislature.

Also on resolve in favor of the Lee Normal Academy, reported same ought to pass. Tabled for printing under the joint rules.

Mr. Dudley, for the committee on agriculture, on petition of R. T. Taylor and 53 others, and other petitions, praying for a bounty on bears, reported that petitioners have leave to withdraw.

Mr. McFadden, for the committee on claims, on resolve in favor of the town of East Livermore, reported ought to pass. Tabled for printing under the joint rules.

Mr. Morrison, for the committee on towns, on Bill, an act to incorporate the town of Millinocket, reported same ought to pass. Tabled for printing under the joint rules.

Mr. Alden for a minority of the Kennebec County Delegation on Bill, an act to fix the salary of the judge of probate of Kennebec county, submitted a minority report that the same ought not to pass. On motion by Mr. Libby of Kennebec, the report was laid on the table.

PASSED TO BE ENGROSSED.

An act to incorporate the Cumberland Trust Company.

An act to amend Chapter 262 of the Private and Special Laws of 1824, entitled an act to incorporate the Cumberland Lodge.

An act in relation to railroad crossings.

An act to amend the charter of the Portsmouth, Kittery and York Street Railway.

An act to incorporate the trustees of the Coburn Classical Institute.

An act to establish a municipal court in the town of Pittsfield.

An act to establish a municipal court in the town of Fairfield.

An act to amend and extend the charter of the Buckfield Water Company.

An act to amend Chapter 495 of the Private and Special Laws of 1893, entitled, an act to prevent the destruction of fish in the Eastern Penobscot river in the town of Orland.

An act to amend Section 1 of Chapter 25 of the Public Laws of 1891, relating to salaries of assistant superintendents, steward and matron of the Insane Hospital. On motion by Mr. Prince of Oxford, this bill was laid on the table.

PASSED TO BE ENACTED.

An act to amend Chapter 104 of the Revised Statutes as it was amended by Chapter 185 of the Public Laws of 1895 by adding thereto Section 49, relating to the settlement of titles to real estate.

An act additional to Chapter 91 of the Revised Statutes relating to liens on wharves and piers.

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

An act to provide for voting by machines.

An act amendatory to Section 20 of Chapter 242 of the Special Laws of 1895, entitled an act to incorporate the city of South Portland.

An act to amend Section 2 of Chapter 406 of the Private and Special Laws of the year 1850, entitled an act creating the Norway Village Corporation.

An act to amend an act to incorporate the Madison Village Corporation.

An act to amend Chapter 419 of the Private and Special Laws of 1897, as amended by Chapter 155 of the Private and Special Laws of 1899, relating to the Penobscot East Branch Log Driving Company.

An act to incorporate the Pownal and Yarmouth Railroad Company.

An act relating to the Malison Power Company.

An act to protect lobsters in the waters adjacent to the shores of the towns of Lubec and Trescott.

An act to close a portion of Sandy river and certain of its tributaries against fishing.

An act to close Sandy stream and tributaries and the tributaries of Unity pond in the town of Unity.

An act to close the tributaries of Duck pond in Cumberland county.

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 Company.

An act to extend the charter of the Bluehill Water Company.

An act to incorporate the Bridgton Water Company.

FINALLY PASSED.

Resolve in favor of Nancy Mayberry of Gray.

Resolve in favor of the Young Women's Home at Lewiston.

On motion of Mr. Bryant of Somerset, this resolve was laid on the table.

Resolve in favor of the Society of the Sisters of Charity, for the use of the Healy Asylum of Lewiston, Maine.

On motion of Mr. Bryant of Somerset, this resolve was laid on the table.

Resolve in favor of the Hospital of the Society of the Sisters of Charity of Lewiston, Maine.

On motion by Mr. Bryant of Somerset, this resolve was laid on the table.

ORDERS OF THE DAY.

On motion by Mr. Dudley of Aroostook, House Document No. 182, an act relating to Sheridan Plantation, tabled pending its passage to be engrossed, was taken from the table, and on the further motion of that senator, the same was recommitted to the committee on towns.

An act to provide for a board of Pan-American managers of the Pan-American Exposition of 1901, and to defray the expenses thereof.

On motion by Mr. McFadden of Lincoln, this bill was taken from the table.

Mr. McFadden of Lincoln—I now move that this bill be indefinitely postponed. I had intended, Mr. President, to make some extended remarks upon this mat-

ter; but the discussion yesterday upon the general appropriation bill seemed to furnish such conclusive argument against this bill, and every other of its class—I mean bills or appropriations that can be got along without—that I do not think it is necessary for me to inflict upon the Senate extended remarks upon this matter. We learned, I think, all of us, that it is not desirable to send things to the Governor with a string tied to them; and we learned, also that an ill-advised appropriation made by us comes up and stares us in the face upon the general appropriation bills, and that when we cannot look them out of countenance. They have a right of way, and we cannot very well help the matter, then. The error is committed in the first instance; and I ask the honorable senators to consider this appropriation of \$86000 which is really only to provide for a junketting expedition to Buffalo; and to consider whether the State of Maine, in its present financial condition ought to make this appropriation. I question whether the liberal appropriations which have been made for former expositions—and I refer to the Centennial and the Columbian—have contributed in any considerable degree to the prosperity of this State, to its markets, or to its advantage in any way. Those occasions appealed to the patriotism of every man, but this does not. Why! This thing was turned down the other day in Congress—they refused to make an appropriation for the Pan-American Exposition to be held this summer. Consider another thing. This matter of exhibitions or expositions has become a regular vocation. We have one pending, the Pan-American, this coming summer, and next summer one at Charleston, and the next summer one at St. Louis; and then there are others projected for each year, I think for I cannot tell how long; and no doubt, if this appropriation should pass, each one will come up in due course and claim an appropriation.

I will say no more. It seems to me that there ought to be a unanimous vote in favor of indefinite postponement.

Mr. BURNS of Cumberland—Mr. President, the finance committee considered this measure quite carefully and finds it would be for the interest of the State of Maine to appropriate this small amount that is called for, and believed that the State of Maine would receive rich returns for the money invested, and I hope the senator's motion from Lincoln will not prevail.

Mr. VIRGIN of Cumberland—Mr. President, this matter, to my mind, has a phase that has not been touched upon by the senator from Lincoln. It is a matter that State pride is to enter into largely, as I understand it. It has already been given out among the New England states that a New England building is to be created at this exposition in Buffalo, for which the various states comprising New England will contribute; and I, for one, while I believe in

economy, and that we should not exceed in our appropriations the amount available, or the amount that will be raised by the new system of taxation, I believe, if we are to save, we should save in some other direction than in one where the interest of the State and the pride of its citizens take in it this connection is at stake. If the other states contribute to the building of a suitable structure in Buffalo, and Maine does not contribute we shall be held up in a light before the public that I, for one, hope will not take place. It is not a large resolve that is asked for. As I understand it \$3000 of the appropriation is to go towards expenses of constructing the building, in so far as the State of Maine is interested. The other \$3000 is to pay not the services of the commissioners, but their actual traveling expenses. I appreciate the force of the statement made by the senator from Lincoln that such a thing can be turned into a junketting excursion. There is always danger of some such thing as that; but I should prefer that the small amount possible even might be expended in that way rather than to turn down the appropriation and hold up the State of Maine in the position she would then be in among our sister states of New England; and for that reason, I hope the motion of the senator from Lincoln will not prevail; and that this resolve will go on its passage in the ordinary way.

Mr. McFADDEN of Lincoln—In reply to what the gentleman has said about State pride, I beg to refer him to the Scriptures: "Pride goeth before a fall."

Mr. VIRGIN of Cumberland—It won't be this fall.

Mr. STAPLES of Knox—I concur with what the senator from Lincoln has said in regard to this appropriation. I find by the resolve that it is done for the purpose of exhibiting the industries of this State. I heartily concur with others in regard to State pride. There is no one who is prouder of the grand old State of Maine than myself. There is no one who would do more to advance her interests than myself, but let us be just before we are generous. Do not let pride carry us away from the real position in which we find ourselves. Who are to be benefitted if this resolve passes? Is it the ice industry of this State? Not by any means, for the Trust has swept that from the State of Maine. It is the lime industry down at Rockland with her three millions of capital that control today every quarry in Knox county? It would be a grand good thing, perhaps, for them to have a lime exhibit at the Pan-American Exposition; but I suggest if it is good for the lime manufacturers themselves, if they would be benefitted—and they are immensely wealthy—let them make their own exhibits. If any of the other industries of this State want to make an exhibit of their industries, let the different industries join together and exhibit. They are better able than the State of Maine. Why come here and ask us for \$6000 that

commissioners may be appointed to expend \$3000 of it at least, and \$3000 for the building? I do not believe in it. I hope the motion of the senator from Lincoln will prevail. We cannot do it, as I said the other day. We are already up to our constitutional limit, and you have got to call a halt somewhere. Let us call it in this matter, and say: No. While we would be glad, if we were able—if we thought it belonged to us to do it, we would do it; but, under these circumstances, let the motion of the gentleman from Lincoln prevail.

Mr. McFadden of Lincoln thereupon called for the yeas and nays. The President declared that a sufficient number had not voted for the yeas and nays.

Mr. Staples of Knox thereupon called for a division; and a division being had the President announced that 10 had voted in favor of the motion to indefinitely postpone, and eight had voted against such motion, and that the resolve was indefinitely postponed.

On motion of Mr. Pierce of Waldo, the Senate adjourned.