

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventieth Legislature

OF THE

STATE OF MAINE.

1901.

SENATE.

Augusta, March 8th, 1901.

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

Prayer by the Rev. Mr. Peckham of Hallowell.

On motion by Mr. Libby of Kennebec, it was,

Ordered, that, in the absence of the President, the Hon. George G. Weeks of Somerset, be, and hereby is, elected President pro tempore of the Senate.

By request of the secretary, Senator Bryant of Somerset, conducted the President pro tempore to the Chair.

Mr. WEEKS: Senators, I thank you sincerely for the honor you have conferred upon me today. The Chair will proceed with the business of the Senate.

Journal read and approved.

On motion by Mr. Whitehouse of Sagadahoc, it was

Ordered that the House of Representatives be notified of the election of the Hon. George G. Weeks of Somerset, as President pro tem of the Senate, in the absence of the President.

That senator was requested to convey the message to the House of Representatives, and subsequently reported that he had discharged the duty.

On motion by Mr. Stearns of Oxford, it was

Ordered, that the Governor and Council be notified of the election of the Hon. George G. Weeks of Somerset, as President pro tem of the Senate, in the absence of the President. That senator was requested to convey the message to the Governor and Council, and subsequently reported that he had discharged the duty.

Mr. ADAMS of Penobscot: Mr. President, in order that the order which I am about to present may get to the other branch in season I ask leave to present the same out of order.

The request was granted.

On motion by Mr. Adams of Penobscot, it was

Ordered that, the House concurring, when the Senate and House adjourn,

they adjourn to meet on Tuesday, March 12th, at 10.30 o'clock, A. M.

The President subsequently announced that the order had been concurred in by the House.

Papers from the House disposed of in concurrence.

READ AND ASSIGNED.

An act to incorporate the Friendship Water Company.

Resolve in favor of the town of Madawaska. On motion by Mr. Stearns of Oxford this bill was laid on the table.

An act to regulate the salary of the clerk of courts of Franklin county.

Resolve in favor of Lee Academy. On motion by Mr. McFadden of Lincoln, this resolve was laid on the table pending its assignment for second reading.

Mr. JONES of Penobscot: Will the senator from Lincoln assign a day for a hearing.

Mr. McFADDEN of Lincoln: I merely wanted to get a little light on the matter. I will take it up at an early day next week.

A communication was received from the secretary of State, transmitting communication of Hon. A. M. Dockery, Governor of the state of Missouri, in relation to the world's fair, to be held at St. Louis; and, on motion duly seconded, the same was referred to the committee on finance.

The following bill was presented and under suspension of the order, the same was received and referred:

BANKS AND BANKING.

An act to incorporate the Waldo Trust Company.

REPORTS OF COMMITTEES.

Mr. Weeks for the committee on the judiciary, on report of the State board of health for the year 1900, reported that no legislation was required thereon.

Mr. Burleigh, for the committee on inland fisheries and game, on communication relating to compliance with the order of the Legislature, relative to the marking of the mouths of the tributaries to Moosehead lake, reported that said communication seems in every way to meet the requirements of the order; and that the commissioners

carried out in good faith the law requiring them to mark the mouths of said inlets.

The same senator for the same committee, on communication of the commissioners of inland fisheries and game in response to the following order, Ordered, that the commissioners of inland fisheries and game be, and hereby are, requested to report to the Senate at an early date a full and complete statement of the total number of all fish fry, (stating the quantity and kind of each), which have been hatched at each and every factory belonging to the State, as well as the total amount of each kind of fry, or fingerlings or yearlings received from all other sources of supply during each and every year from 1890 to 1900; also to report the number and kind of all fish fry, fingerlings or yearlings, placed by them in each lake, pond, river, stream, or brook during the same period; also to report the cost of hatching, raising and the distribution per 1000 of fry, fingerlings or yearlings, for each and every year above mentioned, stating the various items, included in cost of same, reported that they have examined carefully said communication and that it fully complies with the order of the Senate so far as possible under the conditions under which the old records are found.

The same senator, for the same committee, on remonstrance of Joseph H. Card and 28 others against the prevention of shooting of geese, coots, megansers, whistlers and old squaws, reported legislation thereon inexpedient.

The same Senator, for the same committee on resolve in favor of adding specimens to the State museum, reported same ought not to pass.

The same Senator for the same committee on remonstrance of S. D. Edwards and 55 others against closing any part of Thompson's pond for ice-fishing, reported that the petitioners have leave to withdraw.

The same Senator for same committee on bill, an act to prevent the taking of smelts from Mill brook in Lowell, Oxford county, reported that legislation thereon is inexpedient.

Mr. White for the committee on the judiciary, on bill, an act to incorporate the trustees of Lincoln Lodge No. 90, Knights of Pythias, reported that the same ought to pass. Tabled for printing under the joint rules.

The same Senator for the same committee, on bill, an act entitled an act to extend the charter of the Sebastcook Manufacturing and Power Company, reported same ought to pass. Tabled for printing, under joint rules.

The same Senator, for the same committee, on bill, an act to amend an act to establish a municipal court in the town of Waterville, reported that the same ought to pass. Tabled for printing under the joint rules.

Mr. Weeks, for the same committee, on bill, an act to incorporate the Solon Academy, reported same ought to pass. Tabled for printing under the joint rules.

Mr. Libby for the committee on commerce, on bill, an act to authorize Warren Sawyer to build and maintain a wharf into the tide waters in the town of Milbridge, county of Washington, reported that the same ought to pass. Tabled for printing under the joint rules.

Mr. Titcomb, for the committee on banks and banking, on bill, an act to extend the charter of the Manufacturers Trust Company, reported the same in new draft under same title, and that it ought to pass.

Mr. Burleigh, for the committee on inland fisheries and game, on resolve in favor of establishing a fish-hatchery and feeding station at Moosehead Lake, reported the same in new draft, under the same title, and that it ought to pass.

On motion by Mr. Macfarlane of Piscataquis, laid on the table.

PASSED TO BE ENGROSSED.

An act to amend Chapter 208 of the Private and Special Laws of 1895, entitled an act to enable the proprietors of the Bangor bridge to dispose of their bridge property.

An act additional to Section 59, Chapter 33 of the Revised Statutes, relating to city ordinances.

An act to amend the charter of the Augusta Water Company.

An act to incorporate the Winthrop Electric Light and Power Company.

An act to legalize and make valid the acts of the town of Monmouth.

Resolves authorizing a temporary loan for the year 1902.

Resolves authorizing a temporary loan for war purposes for the year 1901.

An act to amend Sections 1 and 4 of Chapter 80 of the Public Laws of 1899 relating to truants.

Resolve providing for the payment to the town of Kingfield the amount due said town on account of an error in the returns of scholars for that town.

An act relating to the filing of papers in cases argued before the supreme judicial court when sitting as a court of law.

An act to incorporate the town of Millinocket.

Resolve in favor of the town of East Livermore.

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

An act to extend the charter of the North Berwick Trust Company.

An act to extend the charter of the Bluehill Trust and Banking Company.

An act to extend the charter of the Boothbay Harbor Banking Company.

An act to incorporate the New England Trust Company.

An act to incorporate the Old Orchard Trust and Banking Company.

An act to incorporate the State Trust Company.

An act to incorporate the Granite Trust Company.

An act to amend Section 29 of Chapter 30 of the Revised Statutes as amended by Chapter 42 of the Public Laws of 1899, known as the Fish and Game Laws.

An act to amend Section 4 of Chapter 16 of the Public Laws of 1895, entitled an act to regulate the alewife fishery in Pemaquid river.

An act to extend the charter of the Bath Trust Company.

An act to authorize John P. Yerxa, Edgar Perry, Arthur Gilpatrick and

Selden R. Tracy to construct and maintain a dam across the Little Madawaska river in Aroostook county, and build and maintain piers in said river.

An act to amend and extend the charter of the Mechanic Falls Banking Company.

PASSED TO BE ENACTED.

An act to provide in part for the expenditures of government for the year 1901.

An act to amend Chapter 186 of the Public Laws of the year 1897 relating to railroads.

An act to amend Section 31 of Chapter 275 of the Public Laws of 1897 relating to a weekly close time for the taking of fish.

An act to fix the terms of the superior court of Kennebec county.

An act to repeal the organization of Perkins plantation in Franklin county.

An act to incorporate the trustees of Coburn Classical Institute.

An act to prevent the throwing of sawdust and other mill waste into streams lying wholly or in part in the towns of Naples, Casco and Raymond.

An act prohibiting fishing except in the ordinary method of angling by artificial flies in any of the ponds lying on Saddle Back mountain.

An act to prevent ice-fishing in Little Sebago pond in the towns of Gray and Windham.

An act authorizing and empowering the Great Northern Paper Company to maintain piers and booms in the West Branch of the Penobscot river.

An act pertaining to ice fishing in certain lakes and ponds in Kennebec county.

An act pertaining to ice fishing and to close certain lakes and ponds in Oxford county.

An act to amend the charter of the Portland Gaslight Company.

An act to incorporate the Union River Water Storage Company.

An act to incorporate the Winthrop Electric Light and Power Company.

ORDERS OF THE DAY.

Mr. STAPLES of Knox—Mr. President, I tabled, yesterday, Senate Document No. 26, bill relating to salaries of justices of the supreme

judicial court. It was assigned for next Tuesday by request of several senators, and I have been requested, as several senators are to be away next Tuesday, that it be assigned for Wednesday, instead of Tuesday; and I make the motion that it be re-assigned for Wednesday.

On motion of that senator, the bill was taken from the table, and on his further motion the vote whereby the same was assigned for Tuesday next was reconsidered; and on his further motion the bill was re-assigned for Wednesday next for consideration.

On motion of Mr. Morrison of York, the vote whereby the House bill 251, an act to allow open time on deer in certain towns of Cumberland county, was passed to be engrossed was reconsidered; and on the further motion of that senator the bill was laid on the table.

On motion of Mr. Adams of Penobscot, Senate document No. 63, an act authorizing and empowering the Great Northern Paper Co. to maintain piers and booms in the West Branch of the Penobscot river, tabled pending its passage to be enacted, was taken from the table, and on further motion of that senator the same was passed to be enacted.

On motion of Mr. Jones of Penobscot, Senate document No. 74, bill, an act to authorize John P. Yerxa, Edgar Perry, Arthur Gilpatrick and Seiden R. Tracy to construct and maintain a dam across the Little Madawaska river in Aroostook county, and build and maintain piers in said river, was taken from the table and on the further motion of that senator the bill took its second reading and was passed to be engrossed.

Mr. STEARNS of Oxford: In the absence of my colleague, Senator Prince, and at his request I move to take from the table the bill relating to the sale of land for non-payment of taxes, tabled by him yesterday. The calendar does not say what document it is—there is no number. He wished it referred today to the committee on legal affairs.

The PRESIDENT: The Chair will inform the senator from Oxford that the matter is now in the hands of the

printer and has not been returned to the Senate; and the matter will necessarily have to go over until the next session.

On motion of Mr. Libby of Kennebec, the Senate took a recess of ten minutes, at the end of which the session was again called to order by the President pro tem.

Mr. ALDEN of Kennebec: The committee on agriculture have attended to the duty assigned them and beg leave to submit their findings and the accompanying bill. We have, I would say, an accompanying bill which is carefully drawn by General Seiders, who has put a good deal of thought and attention into it; and I believe it will be satisfactory to the agriculturists throughout the State.

The Chair hearing no objections, the report of the committee on agriculture on the investigation of the affairs of the State Board of Agriculture as conducted by the secretary was received, and the Chair read the report, which was as follows:

STATE OF MAINE.

The committee on agriculture to which was referred the following order, "Ordered, that, the House concurring, the committee on agriculture be, and hereby is authorized to make a complete investigation into the management of the office of the board of agriculture as conducted by the secretary, examine all accounts pertaining to the office; summon witnesses to appear and present evidence; employ such counsel as may be necessary, also a stenographer; ascertain the amount of all outstanding bills of whatever kind or nature, and present to this Legislature a complete and itemized account of the result of said investigation," have attended to the work so ordered, and make the following report:

We have made as complete an investigation under this order into the management of the board of agriculture as conducted by the secretary as the time and circumstances would permit. Although the time to be devoted to this investigation was not limited by the Legislature, your committee did not feel that long delays for the purpose of inquiry, should be taken unless such delays were warranted by the belief that new and important testimony could be found for or against this department; and, although the secretary of the board of agriculture has very

courteously furnished all facts and data of his department and of his official work when called for, still the committee has felt that outside of his public examination, where Mr. McKeen in the presence of his counsel and acting under his advice answered questions, the right accorded to every person not to be obliged to give testimony against himself should not be infringed upon by private and personal inquiry from Secretary McKeen, and that they should depend entirely upon the State's books, papers and records pertaining to this office and the testimony of witnesses other than Mr. McKeen. To make a complete and exhaustive inquiry into the work of this department by such a course of procedure would have taken much time, and, as we believe, would not have produced material changes in the result.

Acting under the legislative order we procured the services of George W. Heseltine of Gardiner as attorney to procure the evidence for this investigation, and conduct the examination of witnesses at the hearing. We also employed J. S. Estes, the official reporter of the House, as stenographer to take the testimony and employed John O. Rice of Portland, an expert accountant, to examine the books and accounts of this department. We caused various witnesses to be summoned to give evidence at the hearing whose evidence we thought would aid us in our investigation.

During the afternoons of February 26th and 27th, we listened to all the witnesses who were called to testify for or against Secretary McKeen, and examine such documentary evidence as was then presented, and herewith append a detailed report of same.

By the admitted testimony of B. Walker McKeen, secretary of the board of agriculture, we find that—

First, from January, 1892, to the 1st day of October, 1897, no sufficient books of account were kept by Mr. McKeen as secretary that would in themselves or by reference give a history in detail for what purposes the State's appropriation to this department were disbursed.

Second, from January, 1892, to the first day of February, 1896, Secretary McKeen deposited in his own name in the Traders' National Bank of Portland the moneys received from the State through the several appropriations for this department; and mingled them with his private funds and drew these moneys from this bank on personal checks.

Third, since the first day of February, 1896, Secretary McKeen has deposited in the Augusta Safe Deposit and Trust Company, of Augusta, Maine, on the account of B. Walker McKeen, secretary, his private funds with the funds received from the State, through the various appropriations for this department, and drawn the same out of this trust company on checks signed by himself as secretary for both public and private purposes.

Fourth, at no time since he became secretary of the board of agriculture has

Mr. McKeen kept any books of account or personal account whereby he could know or distinguish what balances, if any, in the banks belonged to him personally, and what belonged to the State.

Fifth, Secretary McKeen has received a salary of \$1500 and an appropriation of \$300 for the expenses of his department. For institute work he has been allowed to take from the institute appropriation the expenses incurred in this specific work, which were allowed in addition to the \$300 allowed for department expenses. The stamps and express charges for this department were furnished by the State.

Sixth, Secretary McKeen has not personally filed vouchers of creditors of his department, when money has been paid, but has filed in a large number of instances, as vouchers, receipts signed by the name of the payee "per B. Walker McKeen, Secretary," and on such vouchers drawn on the appropriation for this department, and in some instances anticipated by payment of the warrants by advances on the appropriation.

Seventh, Secretary McKeen has deferred for months the payments to some of the creditors of his department for debts and premiums although the money has been advanced to him by the State.

Eighth, on January 29th, 1896, he received \$7100 for the stipend due to the various agricultural societies of the State, and deposited the same in the Augusta Trust Company. No society was paid before May of that year its stipend, and some did not receive their stipend for many months.

Ninth, on May 7th, 1896, Secretary McKeen drew the State stipend for the State Pomological Society of \$1000 and deposited the same in the Augusta Trust Company and made payment to the societies as follows: \$100 May 15th, 1896; \$400 Aug. 13th, 1896, and \$500 Sept. 3rd, 1896. These payments were made after repeated duns by the officers of the society, and after Mr. McKeen had given insufficient reasons to them for the non-payment.

Eleventh, in one instance, that of H. M. Plaisted & Sons, money was drawn on warrants by Secretary McKeen twice to cover the same account. This error, while apparently an oversight and due to the imperfect book-keeping in the office of Secretary McKeen, has never been rectified.

Twelfth, in one instance, that of L. W. Dyer, \$15 more was charged up as paid to Mr. Dyer than was actually received by him. The evidence bearing upon this incident is such that there may be an honest difference of opinion as to the merits or demerits of the transaction; and your committee cannot form a united opinion, and respectfully refer the Legislature to the testimony upon the same.

Thirteenth, the testimony generally sustains Secretary McKeen as to his efficiency in doing institute work, and as to his zealous efforts in behalf of the agricultural interests of the State. The exception as given by Mr. R. W. Ellis of

Embden, can be weighed by the Legislature in the light of Mr. McKeen's explanation, and your committee would refer to the same without comment.

Fourteenth, the evidence discloses that the board of agriculture has been of little value in the management of this department. The members have not discovered the lack of business methods in the financial management of the department, or have not corrected this mismanagement if it was known to them. They have had little, if anything, to do with the institute work of the department outside of the counties from which they were elected.

Fifteenth, the outstanding bills of the department, your committee cannot furnish, excepting so far as Secretary McKeen has given them, and this list of outstanding bills furnished by Secretary McKeen is imperfect, as is apparent from his admission that there may be other unpaid bills of which he has no recollection and no data; and the committee would be hampered in any efforts to procure a list of unpaid bills on account of the practice of Mr. McKeen in giving receipts in the name of the payee, signed by himself, which payments could not be verified excepting by great delay. This investigation compels your committee to say that, in their belief, the agricultural department of the State as at present established is not for the best interests of agriculture in the State; and they believe it should be supplanted by an agricultural department whose executive officer shall be elected by the Legislature with a fixed salary, a fixed allowance for expenses, and a fixed appropriation for its work. And to this end, unanimously recommend the accompanying bill, and that the same should pass.

RUTILLUS ALDEN,
J. W. DUDLEY,
J. F. STEARNS,
W. J. THOMPSON,
THOMAS H. BOOTHBY,
ISAAC CUSHMAN,
CHARLES H. HOXIE,
H. B. LEATHERS,
HENRY D. HAMMOND,
GEORGE W. HARVEY.

The bill accompanying the report was tabled for printing under the joint rules together with the report which has already been ordered to be printed by an order of the Senate.

On motion by Mr. Staples of Knox, the following order,

"Ordered, the Senate concurring, that the time for the reception of petitions, bills and resolves for private and special legislation be extended to Thursday, March 7, 1901, and that all such bills and resolves presented after that day be referred to the next Legislature," was taken from the table, and on the further motion of that senator, the Senate concurred

with the House in refusing the same a passage.

On motion by Mr. Staples of Knox, Senate document No. 53, a communication of the State superintendent of schools was taken from the table and filed with the bill to which it relates, viz., Senate document No. 45.

On motion by Mr. Adams of Penobscot, The Senate adjourned.