

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**Seventieth Legislature**

OF THE

**STATE OF MAINE.**

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**1901.**

## SENATE.

Augusta, March 12th, 1901.

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

Prayer by the Rev. Mr. Miller of Hallowell.

Journal read and approved.

Papers from the House disposed of in concurrence.

Resolve in favor of K. W. Sutherland, chairman of the committee on Maine State prison. Under suspension of the rules this resolve took its two several readings, and was passed to be engrossed.

Communication of Charles E. Oak, land agent, relative to salary fees and expenses of his office. On motion by Mr. Burns of Penobscot, this communication was laid on the table, pending the acceptance of the report of the committee in concurrence.

## READ AND ASSIGNED.

An act to amend Section 55 of Chapter 3 of the Revised Statutes relating to the taking of lands for public parks and squares.

An act to amend an act to incorporate the city of Augusta.

An act to legalize the doings of the town of Leeds.

An act additional to Chapter 29 of the Revised Statutes relating to bowling alleys.

An act to authorize the Machias Lumber Company to acquire by purchase all the rights and property of the proprietors of Machias boom, and to confirm all purchases of said rights and property already acquired by said Machias Lumber Company.

An act to extend the charter of the Maine Water and Electric Power Company.

Resolve in favor of the town of Edmunds.

Resolve in favor of Edward Bolin.

Resolve in favor of the town of Ashland.

An act establishing a salary for the sheriff of Kennebec county.

Resolve in favor of William J. Maybury, surgeon general, National Guard, State of Maine.

An act to ratify the lease of the Paten and Sherman Railroad to the Ban-

gor and Aroostook Railroad Company.

An act to regulate proceedings on certiorari.

An act to cede to the United States jurisdiction over certain land in Augusta.

An act to incorporate the Masonic trustees of Fairfield.

Resolve in favor of the town of Meddybemps.

An act authorizing the Fryeburg Horse Railroad Company to maintain steamboats upon the waters of Upper Kezar pond.

An act to amend Section 8 of Chapter 24 of the Revised Statutes, as amended by Chapter 269 of the Public Laws of 1885, as amended by Chapters 9 and 146 of the Public Laws of 1887, as amended by Chapter 256 of the Public Laws of 1889, as amended by Chapter 60 of the Public Laws of 1891, as amended by Chapter 326 of the Public Laws of 1897, relating to dependent soldiers and sailors and their families.

An act to authorize Warren Sawyer to build and maintain a wharf in the tide waters in the town of Milbridge, county of Washington.

An act to extend the charter of the Sebasticook Manufacturing and Power Company.

An act to incorporate the trustees of Lincoln Lodge, No. 90, Knights of Pythias.

An act to amend an act to establish a municipal court in the town of Waterville.

An act to extend the charter of the Manufacturer's Trust Company.

An act to incorporate the Solon Academy.

A message was received from the office of the secretary of State, transmitting a communication from the president of the executive board of the Boys' and Girls' National Home and Employment Association of the United States and Canada relative to the adoption of the curfew and other ordinances for regulating the presence of youth on the streets after late hours of the night. On motion of Mr. Fernald of Androscoggin, the same was referred to the committee on judiciary.

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

legislation under suspension of the order.)

#### JUDICIARY.

By Mr. Weeks of Somerset—Bill, an act relating to trustee processes.

#### LEGAL AFFAIRS.

By Mr. Pierce of Waldo—Bill, an act authorizing the construction of a wharf into the tide waters of the Penobscot river in Winterport, Maine.

#### RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Jones of Penobscot—Bill, an act to authorize the Bangor & Aroostook Railroad Co. to issue consolidated bonds and secure the same by mortgages.

#### LABOR.

By Mr. Staples of Knox—Bill, an act to repeal the laws of 1887, Chapter 69, Paragraph 52, as amended by the Laws of 1889, Chapter 297, Paragraph 262, and the Laws of 1891, Chapter 133, Paragraph 148, relating to bureau of industrial and labor statistics.

#### ORDERS.

By Mr. Virgin of Cumberland,

Ordered, the House concurring, a committee of three, of which the President shall be one on the part of the Senate, with such as the House may join, be appointed to consider and recommend such amendments and additions to the joint rules as may be deemed expedient.

The President appointed, on the part of the State, Messrs. Virgin of Cumberland, and Plummer of Penobscot.

#### REPORTS OF COMMITTEES.

Mr. Virgin, for the committee on the judiciary, on bill, an act relating to the Maine Sanatorium Association, reported same ought to pass. Bill tabled for printing under joint rules.

Mr. Noble, for the committee on inland fisheries and game, on bill, an act to correct certain clerical errors and make plain the meaning of and amend Chapter 30 of the Revised Statutes, as amended by Chapter 427 of the Public Laws of 1899, relating to inland fisheries and game, reported same in new draft, under same title, and that it ought to pass. Bill tabled for printing under the joint rules.

#### PASSED TO BE ENGROSSED.

An act to incorporate the Friendship Water Co.

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

An act to authorize Manly Morrison to erect and maintain booms in the Sebasticook river.

An act to amend Section 1 of Chapter 35 of the Public Laws of 1891, relating to the salaries of assistant superintendent, steward and matron at the Insane Hospital.

Resolve in favor of Kennet W. Sutherland, chairman of the committee on Maine State prison.

#### PASSED TO BE ENACTED.

An act imposing a franchise tax upon sleeping and palace cars.

An act relating to prisoners in the county of Sagadahoc.

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

An act to close the tributaries of the upper and lower Stone ponds in the town of Stoneham.

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 Co., as amended by Chapter 131 of the Private and Special Laws of 1899.

#### FINALLY PASSED.

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

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

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

#### ORDERS OF THE DAY.

On motion of Mr. Bryant of Somerset, House bill No. 214, an act to authorize Manley Morrison to erect and maintain booms and piers in the Sebasticook river, was taken from the table.

On motion of Mr. Weeks of Somerset, this bill was amended as follows:

Senate amendment A. Amend by striking out all of Section 2 and inserting in its place the following: All logs, pulp wood and other lumber not intended for manufacture at the mills of said Morrison or his grantees at Clin-

ton, shall be turned by with reasonable expedition.

Senate amendment B. Amend by striking out all of Section 3 and inserting in its place the following: In case said Morrison, or his assigns, shall collect, sort, raft or hold any logs, pulp wood or other lumber of other parties at their request, said Morrison and his assigns shall have a lien for reasonable charges for said collecting, sorting, rafting or holding which may be enforced by attachment and shall continue for 60 days after such logs, pulp wood or other lumber arrive at the place of destination for manufacturing. The provisions of Section 42, 43, 44 and 45 of Chapter 91 of the Revised Statutes shall be applicable to said lien.

On motion of Mr. Bryant of Somerset, the bill as amended, was passed to be engrossed.

An act to amend Chapter 6 of the Revised Statutes, as amended by Sections 1, 2 and 7 of Chapter 70 of the Public Laws of 1895 relating to sales of land for non-payment of taxes.

On motion by Mr. Prince of Oxford, this bill was taken from the table, and on the further motion of that senator, the same was referred to the committee on legal affairs.

On motion by the same senator, Senate bill No. 93, an act to amend Section 1 of Chapter 35 of the Public Laws of 1891 relating to salaries of assistant superintendents, steward and matron at the Insane Hospital was taken from the table.

Mr. PRINCE of Oxford—Mr. President: On account of the large appropriations for other purposes, the committee were very reluctant in reporting this bill, and were divided upon the amount. We all felt that Mr. Campbell's salary should be raised. Some of the committee thought the salary should be raised to \$1800.00; but finally concluded to ask for only \$1600.00. We felt that it was not a matter of generous appropriation, but a matter of investment for the State of Maine to retain the services of Mr. Campbell. The trustees of the hospital have become alarmed at the prospect of losing the services of so valuable a man; and, last year, he had a promise from

the trustees that they would endeavor to have his salary raised.

Mr. VICKERY of Kennebec: I second the remarks of the senator from Oxford in behalf of this bill; and wish to say a word in regard to what led to the bringing in of this bill. Four years ago, a vacancy occurred in the board of trustees and I was appointed resident trustee of that institution. When I entered upon the duties of trustee, I also entered upon the duties of chairman of the finance committee. I had not been on the board long when I realized that Mr. Campbell was not getting the salary which he was properly entitled to for discharging the various duties which devolved upon him, and for the efficient manner in which he discharged those duties. I talked with him and found that he was as well aware as myself that his salary was not what it ought to be; and he expressed the hope that the trustees might go to the Legislature and get his salary raised to something like what it ought to be. Matters went along smoothly until a year ago, when Mr. Campbell, thinking there might be no chance for a raise in his salary, became a candidate for sheriff of Kennebec county; and I think if he had fought the fight out, he would have been sheriff of Kennebec county, today. I will admit that I was more disturbed than any other member of the board of trustees, and I had the following paper signed by the trustees:

Feb. 9. 1900.

To M. S. Campbell, Steward and Treasurer of the Maine Insane Hospital:

We, the undersigned trustees of the Maine Insane Hospital, regret exceedingly to hear that you have allowed the use of your name for the office of sheriff of Kennebec county. We think you are making a great mistake, as your position is looked upon by us as a life one for you. During your eight years of administration of affairs at the hospital great improvements have been made; and you have grown up with its growth. We know that your salary is not commensurate with the responsibilities resting upon you, and it is our intention, if you remain in your present position, to go to the Legislature at the next session, and ask for

a proper increase in your salary, and feel sure that the State will increase your salary to a reasonable extent.

We hope you will reconsider your idea of being a candidate for sheriff, and remain with us, your friends.

(Signed) Frederick Robie, R. B. Shepherd, Mrs. J. R. Smith, Chas. S. Pearl, P. O. Vickery, Thomas White, Herbert T. Powers, Trustees of the Maine Insane Hospital.

This is the excuse I have to offer for bringing in this bill. I believed when I brought the bill in that he was entitled to a salary of \$1800; but it has been compromised with his permission at \$1600; and I would like every senator, as a business proposition, to vote for its passage.

On motion of Mr. Prince of Oxford, the bill took its second reading and was passed to be engrossed.

On motion by Mr. McFadden of Lincoln, Senate bill No. 98, resolve in favor of Lee Normal Academy, was taken from the table.

Mr. McFADDEN of Lincoln: I now move that this resolve be indefinitely postponed. I was much gratified when the committee on education succeeded in framing a bill that they could all support—the general academy bill; and it was understood, I think, by the whole Legislature, when that bill was reported, that it was to do away with special appropriations for these higher institutions of learning. The bill is everywhere regarded as a great improvement on previous log rolling methods. It seems to me that this institution is not shut out by the provisions of the general bill. I cannot take any stock in the word "Normal," which is attached to this institution. It is said by the friends to this institution that it will be cut off by the general bill because it cannot comply with the conditions. That is just what the committee on education intended—that it should be cut off if it could not comply with these reasonable conditions. I apprehend it is not the only institution that will be so cut off. While I have not the least prejudice against this institution or any other, I think we should stand by the general law, and insist that its provisions

shall govern appropriations to private institutions of learning.

Mr. PLUMMER of Penobscot: Mr. President, this Lee Normal Academy has an exceptional standing in its relation to the State, and to the general academy bill. On account of the peculiar circumstances of this institution, it was found impracticable to frame the general law so that it would share in the appropriation carried by the general law. The alternative was to either emasculate the general law so as to make it of no value, and endanger its passage by the two houses, or to consider this institution apart from the general law. It was chartered in 1845 as a Normal academy; and its charter provided that one of its purposes should be to prepare teachers for service in common and primary schools; and it has been doing that work ever since. This institution has not in the past been provided for, as have other institutions, by appropriation of money in the treasury not otherwise expended. It has been provided for by an appropriation out of the school fund of the State, just the same as other Normal schools are provided for. If this resolve passes, it does not add a dollar to the general appropriations of the State—the amount is simply appropriated from the school fund. Now as to this institution being shut out of the operation of the general law: It is situated in a sparsely settled country, where the land is poor and the farms small and unproductive, and the people, as a rule, have all they can do to gain a livelihood and pay taxes to support their municipal governments. The town of Lee is very poor, and, in the last two years, has not appropriated a dollar in support of this school. The only income of the institution, apart from a small amount of tuition, has been this appropriation on the part of the State. (Mr. Plummer here read the statement of facts accompanying the bill). The reasons why this school cannot come within the provisions of the general bill will be seen from the provisions of that bill. Section 1 provides that the amount paid by the State to any academy under the act shall be expended by the said academy

for instruction during the year for which the payment is made.

They could have no other resource except what they would get from the State under this law; and if you could bring them in under the \$500 clause they would have to expend all of that for instruction. No academy can get this \$500 or this \$750 or this \$1000 from the State unless they have at least an equal amount of income from all other sources. This academy has virtually no other resources, and so would be shut out from the benefits of the general law. The committee on education, in view of the peculiar circumstances of this institution, there being not more than one dissenting member, were of the opinion that this institution should be favored. Are we going to shut up that school and deprive its pupils of its advantages? I, for one, am not willing to do so; and I believe the members of this Senate and of the Legislature, when they understand the merits of the case, will feel as I do about it, and as the committee on education feels about it.

Mr. PRINCE of Oxford: I would like to ask the senator from Penobscot how far this school is from the Normal school at Castine. I presume that this resolve will pass. I have no doubt of that; but I am not willing for this precedent to be made without the people of my county knowing my views, in a word, against it. Oxford county comes here at this session without asking a single dollar of appropriation for anything; and we have voted from day to day for appropriations for hospitals and other things for the State; and I do not believe this should be passed, donating this school \$1000, after this general appropriation bill has passed. In Oxford county we have sparsely settled towns and academies that cannot receive a benefit from this general appropriation bill; and I think it is unfair for this institution to come here and ask a thousand dollars. I would like to see the senators vote against this proposition, because I believe it is a bad precedent, and I know it is a proposition that my county, at least, will not favor.

Mr. McFADDEN of Lincoln: I wish to ask how far is this Lee Normal Academy from the Springfield Academy? (Mr. Plummer: About ten miles, I believe.) The two towns are adjacent, and the Springfield Academy expects to come under the general law. (Mr. Plummer: Yes, so far as I know.) If the calamity which the honorable senator apprehends should take place, there would still be in the adjoining town an academy. All these frontier town academies take pains to fit teachers, and it is so in a great many of the High schools. The situation does not seem to me to justify departing from the general rule which has been established by the general academy bill.

Mr. BRYANT of Somerset: Can the senator inform us about how much this academy receives for tuition?

Mr. PLUMMER of Penobscot: Perhaps my friend, the senator from Penobscot at my left, can answer that question. It is in his section of the county and he knows about it better than I. I see the statement of facts gives 34 pupils from other towns. I presume the tuition is very small. I am unable to say what—not nearly enough to meet the requirements of this bill—so that the friends of the school, when they found this bill was to become a law, threw up their hands and said they saw no possible way out of it—we shall have to close the school unless we receive this special appropriation that we have heretofore received.

Mr. BRYANT of Somerset: Under the general academy bill it is provided that the amount paid by the State to any academy under this act shall be expended during the year for which payment is to be made. As I understand the senator from Penobscot, that would shut out this academy from receiving anything under this law. In the resolve we have about the same provision. No part of the appropriation shall be devoted to other purposes than the payment of instructors in said institution.

Mr. WEEKS of Somerset: I would like to ask the senator if there is any provision in this resolve that this academy shall not receive, in any contin-

gency, aid in the general academy bill, so that it is really shut off.

Mr. PLUMMER: There is no provision, as I understand it. I expected my friend from Lincoln would offer an amendment to that effect. I am willing to have the bill amended so that there can be no possible doubt about it.

Mr. BURNS of Cumberland: I would like to inquire whether the course of study differs materially from that of other academies in the State, whether it is more of a normal character than other academies?

Mr. PLUMMER: I think greater stress is placed upon the teaching by normal methods than in the ordinary academy. I think they make that a specialty; and they have teachers better qualified to give that special sort of instruction.

Mr. JONES of Penobscot: This school is located in the northern part of the county, 60 miles from either Bangor, Calais or Houlton, and 100 miles or more from any college to which the pupils in that section might go for better education. Lee is 11 miles from the railroad. It is supplied with scholars all the way from Old Town, from Lincoln and Passadumkeag, from about 20 towns in all, I think. The school at Springfield is not an academy, or a normal school. The town will participate \$500 under the general law, and also appropriates \$250 a year for High school funds, which allows it to participate in the High school funds of the State; it is taught more as a High school than an academy—the scholars range from 10 to 12 and 15 years, while at Lee the average is about 20 years. It is a school especially for fitting teachers. Three-quarters of the teachers of northern Penobscot are graduates of this school. The town of Lee is not able to participate in the support of the school for the reasons stated. If they did appropriate \$200 or \$250 they would have to take care of the scholars of the town of Lee, and the grade would be lowered, and this would not give them funds enough to carry on the work they are now doing. If this bill is indefinitely postponed I know that the school would be closed, and it would work great hardship to the people of northern Penobscot. I hope, senators,

you will allow the matter to go through as reported by the committee.

Mr. McFADDEN of Lincoln: I will say that at least two members of the committee on education have expressed themselves to me as opposed to this bill.

Mr. Plummer of Penobscot, thereupon offered the following amendment: Amendment A, to add at the end of the bill the following words: Provided further, that said Normal Academy shall not be entitled to any aid from the State in addition to that carried by this resolve.

Mr. WEEKS of Somerset: I would suggest further that they shall not receive any further aid than that required by this resolve because at the end of the two years they will undoubtedly be back again.

Mr. NOBLE of Franklin: Mr. President, I do not wish to vote against this measure to the detriment of the school, neither do I wish any vote the Senate may take here today, or any measure it may pass in favor of that school, to open the door whereby other academies in this State when they come to the point where they are not receiving aid under the general academy bill may come in and ask for special appropriations of this kind. I would like more time to look this matter over and therefore I move that the whole matter be tabled until tomorrow, and be assigned for tomorrow morning.

The question being put upon the motion of Mr. Noble to table and assign for tomorrow, the motion prevailed.

Bill an act to supply the town of Waldoboro with pure water. This bill came from the House reported by the committee on legal affairs, ought to pass; and the report was concurred in by the Senate.

Mr. McFADDEN of Lincoln: I wish to move to reconsider the vote whereby we concurred with the House in the acceptance of the report on this bill. I do this in order that the matter may go back to the House and may be ventilated there by the member from the town of Waldoboro. He informs me that the matter got by the House and the report was accepted without his knowledge; and his town has instructed him, as a town, in its



municipal capacity, to press this bill. If I understand it right, it is from my county, and I have not examined it particularly—that is, for the town to own the waterworks. I may be in error about that, but the town, as a town, is quite anxious that the bill as presented to the legal affairs committee should become a law—but what the representative is particularly anxious about—and any of us would feel the same, I apprehend—is that it passed without his having knowledge of it. Now, out of courtesy and regard to him, I make this motion, that it go back to the House, and that he may have an opportunity to be heard upon it.

Mr. NOBLE of Franklin: I am very sorry that the gentleman from Waldoboro has lost his opportunity of making a speech on this matter in the House—however, I do not think that is sufficient to influence us to send the matter back. The matter was heard fully by the committee on legal affairs. The municipal officers of the town were before the committee, and their testimony, as I remember it, was that there was no prospect of the town of Waldoboro putting in water—not only no prospect—but no possibility of the town doing that, as the town was already up to its debt limit. On the other hand, the gentlemen who have the charter in the past, and have a recommendation, at least for their charter to be renewed, say frankly that water will be put in under that charter within a year. Now, if the town wants pure water, there is a way to get it. There is no possibility or prospect of getting it if this new charter is granted to the town—and the town, as I understand, does not want it. The selectmen so testified. This report comes unanimously from the committee, and there is no reason for sending it back to the House.

Mr. STEARNS of Oxford: It seems to me the senator from Franklin ought to allow the gentleman from Waldoboro to be heard. I see no reason why we should not reconsider the vote.

Mr. NOBLE: If there had been a minority report I could see a reason for sending it back to the House.

Mr. McFADDEN: I understand the committee was not unanimous, although no minority report was made. I understand there was a minority, how great I cannot say, that did not agree with the finding of the committee—and that, if necessary, a minority report may be made now.

The question being put upon the motion that the vote whereby the report was accepted in concurrence should be reconsidered, the motion prevailed; and on motion of the same senator, it was voted that the bill be returned to the House.

On motion of Mr. Bryant of Somerset, the following resolves were taken from the table:

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

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

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

On further motion of the same senator, the foregoing resolves were finally passed.

On motion by Mr. Weeks of Somerset, resolve in aid of the Augusta City Hospital was taken from the table, and on the further motion of the same senator, the resolve took its first reading, and was assigned.

The PRESIDENT: The Chair will ask leave to take up Senate document 115 relative to the report of the committee on agriculture with the bill connected therewith. The report of the committee has been accepted. The bill now comes up for its first reading.

The bill an act to create the state department of agriculture was read and assigned.

The report of the committee on judiciary, leave to withdraw on petitions in relation to Sunday excursion rates, tabled pending acceptance of the report of the committee, came up by special assignment.

On motion by Mr. White of Androscoggin, the same was re-assigned for tomorrow morning.

On motion of Mr. Whitehouse of Sagadahoc, the Senate adjourned?