

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

**Seventy-First Legislature**

OF THE

STATE OF MAINE.

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1903.

## SENATE.

Augusta, Wednesday, Jan. 14, 1903.

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

Prayer by the Rev. Mr. Newbert of Augusta.

Journal read and approved.

Papers from the House disposed of in concurrence.

Resolve in favor of resubmission of fifth amendment of the amended constitution of Maine, in relation to the manufacture and sale of intoxicating liquors.

This resolve came from the House referred by that branch to the committee on the judiciary.

Mr. Manley of Kennebec—Mr. President, I believe it is the duty of both branches of the Legislature to proceed in an orderly manner. Every subject matter should be referred to the proper and appropriate committee. This Legislature has a committee on temperance to which committee this subject should go. That is where it belongs. It has no right, in my judgment, anywhere else; and I therefore move that the Senate non-concur with the House in referring this to the judiciary committee and that it be referred to the committee on temperance.

Mr. Staples of Knox—Mr. President, I hope the motion of the senator from Kennebec will not prevail. While I have great respect for the committee on temperance, this is entirely a constitutional question. It is not a question of temperance at all. The judiciary committee seems to me to be the proper committee. That committee is composed of lawyers who are better judges of constitutional matters than can be the committee on temperance.

The question being put on the motion of the senator from Kennebec that the Senate non-concur with the House in its reference to the committee on judiciary, the motion prevailed.

On the further motion of the same senator the resolve was referred in the Senate to the committee on temperance.

The following communications were received from the secretary of State.

State of Maine.

Office of Secretary of State.

Augusta, Jan. 14, 1903.

To the President of the Senate and Speaker of the House.

I have the honor to herewith transmit the report of the commissioners on uniformity of laws for 1902.

Very resp'y your obd't serv't,

(Signed)

BYRON BOYD,

Secretary of State.

which was referred to the Committee on Judiciary.

State of Maine.

Office of Secretary of State.

Augusta, Jan. 14, 1903.

To the President of the Senate and Speaker of the House.

I have the honor to herewith transmit the annual report of the superintendent of public schools for 1902.

Very resp'y your obd't serv't,

(Signed)

BRYON BOYD.

Secretary of State.

which was referred to the Committee on Education.

State of Maine.

Office of Secretary of State.

Augusta, Jan. 14, 1903.

To the President of the Senate and Speaker of the House.

I have the honor to herewith transmit the annual report of the board of trustees and officers of the Maine Industrial School for Girls for 1902.

Very resp'y your obd't serv't,

(Signed)

BRYON BOYD.

Secretary of State.

which was referred to the Committee on Education.

By Mr. Maddocks of Lincoln.

Resolves protesting against the Hay-Bond Treaty:

Whereas, the fishing industry is one of the most important interests of this State, giving employment, as it does to twenty-five thousand men, having an invested capital of three million dollars, with an annual product value at five million dollars; and

Whereas, our own market takes by far the greater part of the catch of the New England fishing fleet, which alone makes it possible for that fleet to maintain its existence; and

Whereas, there is now pending in the

Senate of the United States, with a view to obtaining the advice and consent of that body to its ratification, a convention between the governments of the United States and Great Britain for the improvement of commercial relations between the United States and His Britannic Majesty's colony of Newfoundland, signed at Washington on the eighth day of November, 1902; and

Whereas, Article II of said convention provides that certain produce of the Newfoundland fisheries shall be admitted into the United States, free of duty; Therefore,

Be it Resolved, by the Senate and House of Representatives of the State of Maine, in Legislature assembled, that the ratification of the aforesaid convention by the government of the United States will work irreparable injury to this great industry, by opening our home market to a competitor which, by reason of cheaper labor and smaller cost of building and maintaining its fleet, can land its product in the Atlantic ports of the United States at one-third less cost than the New England fleet is able to do; that it will render valueless many millions of capital now profitably employed in the fishing industry; that it will deprive many thousand men of employment in a business in which they are skilled; that it will deprive the naval and merchant vessels of the United States of a great training school for sailors; that the concessions granted by said convention to importations from the United States are trifling in comparison, and wholly inadequate to compensate the people of the United States for the practical destruction of a great national industry.

And be it further resolved, that this Legislature, in behalf of the people of this State, tenders its thanks to its Senators and Representatives in Congress for their steadfast and zealous opposition to the ratification of said treaty and that a copy of this joint resolution be transmitted to the Honorable William P. Frye, president pro tempore of the Senate of the United States for presentation to the Senate in such manner as he may determine.

On motion by Mr. Maddocks of Lin-

coln, the foregoing resolve had its several readings under suspension of the rules. Mr. Maddocks said:

Mr. President: The joint resolution now before the Senate relates to a matter that comes home to many people in the State of Maine, and the subject is of sufficient importance to engage the earnest attention of this body.

By way of introduction, I may say that the New England fishing industry comprises 1358 vessels, of five tons gross and upward, a total of 54,182 tons, employs nearly 36,000 men, has an invested capital of \$20,000,000 and yields to the fishermen, annually, more than \$9,000,000.

This State has 595 vessels, engaged in the fishing business, 2500 men are employed in it, and \$3,000,000 capital is invested. Therefore, any legislation, or other governmental action, which threatens to cripple or destroy an industry of this magnitude has a vital personal interest to a large number of our citizens, and should be a matter of moment to their servants in this Legislature.

Heretofore, since the establishment of our government, the home market has been reserved for our own fishermen, except for a period of ten years from 1868 to 1878, within which time the industry was practically ruined. A duty sufficiently high to afford protection to our own fishermen has always been imposed except for that period, on foreign fish, not merely for protection, but because we have always recognized what we may term the indirect, as well as the direct, value of this fishing fleet. It is the great training school for the navy, the merchant marine and the life saving service. There is no other school of equal importance and value for the training of able seamen. The greatest competitor we have to contend with in the cod fishery is Newfoundland. She is nearest to the great cod fishing grounds; she can build and man her vessels much cheaper than we can, and she can lay her fish down in Atlantic ports at least 33 per cent less than we can do it. The provincial fishermen receive a direct bounty from the income of the Halifax award, and Canadian vessels, participating in that bounty

can be temporarily transferred to Newfoundland ownership and reap all the benefits which the Newfoundland fishermen will derive from the American market, if the treaty, against which this resolution is aimed, should become law.

The treaty provides in Article 2 that practically all of the produce of the New Foundland fisheries, except fresh cod, shall be admitted into the United States free of duty. To offset this great concession a long list of articles, but consisting principally of agricultural and mining machinery, is admitted in Newfoundland free of duty, and flour and pork products are admitted at reduced duties. We are also given the right to buy bait on the same terms and conditions as Newfoundland vessels, and of touching and trading without other charges than those imposed by the harbor regulations on their vessels.

But the concessions granted us are more imaginary than real. The population of Newfoundland does not exceed 200,000 souls and the country is in no sense an agricultural one, so that as a market for such of our goods as are admitted free, it is of no importance. It is undoubtedly safe to say that it would not offset the \$400,000 per year duties which foreign fishermen pay the United States. What then do we receive under the treaty? Only this one small thing—the withdrawal of the tax of \$1.50 per ton which Newfoundland imposes on American vessels that seek the island ports at certain seasons of the year for the purpose of buying bait. This year such vessels numbered 32 and probably paid about \$4000 tax to the Island government. Bear in mind that under the treaty of 1818 we have the right forever, to take fish of every kind on that part of the southern coast of Newfoundland between Cape Ray and the Ramean islands, and also in parts of the western and northern coasts of the Island, and, consequently, the right to buy bait in those waters free of tonnage tax.

But Newfoundland, in return for these paltry, trifling concessions gets the whole United States for a free, open market for her fish and oil, and

the Newfoundland catch of cod fish runs as high in some years as 1,000,000 quintals, (112,000,000 pounds). Furthermore, the Newfoundland fishermen are on an equal footing with us in the markets of the West Indies, South America and Mediterranean ports. They already have the privilege of shipping their fish products in bond through our territory to Boston and New York for trans shipment. But it is now proposed to surrender to them the open market of the United States. It should be said in this connection, that the treaty seems to have been framed without consultation with any New England senator or representative acquainted with the fishing business. Had the scope of the treaty been known earlier, it is not believed that the fishing industry would have been singled out for destruction in the house of its friends. It is gratifying to know that the whole Maine delegation are united in opposition to it, and our senators can be depended upon to use all honorable efforts to compass its defeat.

I feel that some explanation is due the Senate for the seeming haste in offering this resolution. The treaty is now before the senate committee on foreign relations, and has been since December 4th. A report is likely to be made upon it any day and any remonstrance to be effective must be submitted at once. For this reason only I ask that the rules be suspended and the resolutions given a passage.

The resolve was passed to be engrossed. Subsequently the resolve was reported by the committee on engrossed bills; and, having had its two several readings in the House passed to be engrossed and finally passed in the House, was finally passed in the Senate, signed by the president and transmitted to the governor for his approval.

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

#### Judiciary.

By Mr. Wing of Androscoggin: An act to amend chapter 143 of the Revised Statutes relating to Insane Persons.

Also: Bill, an act to authorize the Franklin Company to reduce its capital stock.

Also: Petition of Franklin Company for authority to reduce capital stock, and copy of vote of its stockholders therefor.

Also: An act to authorize the Auburn Savings Bank of Auburn, Maine, to construct and maintain Safety Deposit Boxes.

Also: Petition of Auburn Savings Bank for authority to construct and maintain Safety Deposit Boxes.

By Mr. Manley of Kennebec: Bill, an act to further regulate the rights of minority stockholders.

Also: Bill, an act to grant additional powers to the Vickery Realty Company.

By Mr. Randall of Cumberland: An act to amend the charter of Maine General Hospital.

By Mr. Morrison of York: An act to authorize Biddeford and Saco Water Company to issue bonds, and for other purposes.

#### Legal Affairs.

By Mr. Stetson of Penobscot: An act to authorize the Orono Pulp and Paper Company to generate, use and sell electricity.

#### Railroads, Telegraphs and Expresses.

By Mr. Stetson of Penobscot: An act to ratify the lease and authorize the sale of the Fish River Railroad to the Bangor and Aroostook Railroad Company.

Also: An act to ratify the consolidate mortgage made by the Bangor and Aroostook Railroad Company.

Also: An act to ratify the mortgage of the Fish River Railroad.

By Mr. Maddocks of Lincoln: Bill, an act to confer additional powers upon the Lincoln County Street Railway.

By Mr. Wing of Androscoggin: Bill, an act to incorporate the Auburn and Turner Railroad Company.

#### Public Charities and State Beneficiaries.

By Mr. Wing of Androscoggin: Resolve in favor of the Young Women's Home of Lewiston.

By Mr. Randall of Cumberland: Petition Maine Division of the International Sunshine Society.

By Mr. Morrison of York: Petition of B. F. Hamilton and 56 others of Saco

and Biddeford praying for aid for Maine Home for Friendless Boys.

By Mr. Stetson of Penobscot: Resolve in favor of Eastern Maine General Hospital with statement of facts.

By Mr. Hyde of Sagadahoc: Resolve providing for a special Epidemic or Emergency Fund.

By Mr. Manley of Kennebec: Resolve in favor of City Hospital of Augusta.

By Mr. Wing of Androscoggin: Petition of William P. Frye and 25 others of Lewiston and Auburn praying for aid to Maine Home for Friendless Boys.

#### Interior Waters.

By Mr. Wing of Androscoggin: An act to incorporate the West Branch Driving and Reservoir Dam Company.

#### Public Buildings and Grounds.

By Mr. Maddocks of Lincoln: Petition of Col. John M. Glidden and 38 others of Newcastle for an appropriation to excavate and improve the State Reservation at Fort William Henry, Pemaquid.

By Mr. Maddocks of Lincoln: Petition of W. O. Cobb and 73 others of Boothbay Harbor for an appropriation to excavate and improve the State Reservation at Fort William Henry, Pemaquid.

Also: Petition of H. H. Chamberlain and 4 others of Bristol for an appropriation to excavate and improve the State Reservation at Fort William Henry, Pemaquid.

Also: Petition of C. C. Robbins and 38 others of Bristol for an appropriation to excavate and improve the State Reservation at Fort William Henry, Pemaquid.

Also: Petition of H. E. Hall and 31 others of Damariscotta for an appropriation to excavate and improve the State Reservation at Fort William Henry, Pemaquid.

Also: Petition of C. B. Meserve and 26 others of Bristol for an appropriation to excavate and improve the State Reservation at Fort William Henry, Pemaquid.

#### Temperance.

By Mr. Stetson of Penobscot: Petition of Mrs. A. L. Clifford, and 111 others against the resubmission of the Prohibition Law.

By Mr. Randall of Cumberland: Protest against Resubmission.

By Mr. Staples of Knox: Resolve to abrogate amendment 5 of the constitution of Maine relating to intoxicating liquors.

#### Taxation.

By Mr. Staples of Knox: An act providing for the taxation of Railroad companies.

Mr. Staples of Knox presented the following:

Resolve, requesting the members of Congress from this State to secure the passage of an Act placing coal upon the free list, and moved that it take it's first reading at the present time.

On motion by Mr. Goodwin of Somerset the foregoing resolve was laid upon the table.

The following orders received a passage:

By Mr. Staples of Knox: Ordered, the House concurring, that a list of the committees of this Legislature, together with the order of proceedings, and rules of each branch, and the joint rules, be printed in pamphlet form, three hundred copies for the use of the Senate and six hundred copies for the use of the House.

By Mr. Morrison of York: Ordered, That the State Printer be directed to furnish each member of the Senate with a daily file of proceedings, same as last session.

#### Bills, Petitions, etc., Referred From the Last Legislature.

In compliance with the order, the following business of the Seventieth Legislature, referred to the Seventy-first Legislature, was taken from the files and with the accompanying reports were referred to appropriate committees.

#### Judiciary.

Bill, "A general act relating to negotiable instruments."

Bill, "An act to regulate the practice of embalming and the transportation of the bodies of persons who have died of infectious diseases."

Bill "An act to amend section forty of chapter sixty-four of the Revised Statutes, relating to executors and administrators."

Bill "An act to amend chapter

eighty-seven of the Revised Statutes, as amended by chapter two hundred and eighteen of the Public Laws of eighteen hundred and ninety-three, chapter one hundred and thirty-three of the Public Laws of eighteen hundred and ninety-five, and chapter one hundred and twenty of the Public Laws of eighteen hundred and ninety-nine, relating to the limitation of actions against executors and administrators."

Bill "An act amendatory to chapter 507 of the private and special laws of 1889, entitled 'An act to establish the Dover municipal court,' as amended by chapter 196 of the private and special laws of 1899."

Bill, "An act relating to the public health."

"Resolve in relation to the early York deeds."

#### Legal Affairs.

Bill "An act to abolish the Bureau of Industrial and Labor Statistics."

Bill "An act additional to chapter fifty-three of Revised Statutes, relating to telegraphs."

Bill "An act to repeal section fifty of chapter eighty of the Revised Statutes, relating to the serving of civil precepts."

Bill "An act to amend section 196 of chapter 6 of the Revised Statutes as now amended, relating to the sale of real estate for the non-payment of taxes."

Bill "An act to amend section 196 of the 6th chapter of the Revised Statutes, as now amended, relating to the sale of real estate for the non-payment of taxes."

Bill "An act to amend Section 196 of the 6th chapter of the Revised Statutes, as amended by section 6 of the seventieth chapter of the Public Laws of 1895, relating to the redemption of lands sold for non-payment of taxes."

Bill "An act to amend section 198 of chapter 6 of the Revised Statutes as now amended, relating to the redemption of Real Estate sold for non-payment of taxes."

Bill "An act to establish the Waldo Municipal Court."

Ordered, That the Committee on Legal Affairs enquire into the expediency of enacting a law whereby all paupers

now supported by towns shall be supported by counties, and report by bill or otherwise.

#### Education.

Report of Commission appointed by the Governor to inquire into the report upon the advisability of establishing additional state normal schools.

"Resolve in favor of the Central Maine State Normal School."

Bill "An act to establish an additional normal school." (at Houlton.)

Bill "An act to establish an additional normal school." (at Presque Isle.)

"Resolve in favor of the establishment of a normal school in Newport."

"Resolve in favor of the establishment of a normal school in the city of Calais."

"Resolve in favor of the establishment of a normal school in Machias, to be known as 'Washington County Normal School.'"

Bill "An act relative to the employment of superintendents of schools by cities and towns."

#### Railroads, Telegraphs and Expresses.

Bill "An act in relation to railroads, crossing railroads and highways and town ways."

#### Agriculture.

Ordered, that the Committee on Agriculture be requested to inquire into the feasibility of having the State, under the direction of the Governor and Council, supply the farmers of the state with fertilizers at cost price from the manufacturers and report by bill or otherwise.

Ordered, that the Committee on Agriculture be directed to inquire into the expediency of passing the law for the suppression of foul brood among bees in Maine, and report by bill or otherwise.

Petition of Samuel Hill and 1077 others asking for a dairy commissioner.

#### Military Affairs.

"Resolve in favor of the State Committee of the Young Men's Christian Associations of Maine."

"Resolve in favor of the city of Augusta."

"Resolve to reimburse the town of Brunswick for money expended in aid of needy families of soldiers who served

in the late Spanish War, from the town of Brunswick."

"Resolve to reimburse Deering for supplies furnished family of volunteers in late war."

"Resolve to reimburse the town of Dresden for support of families of soldiers in the Spanish War."

"Resolve in favor of the City of Gardiner to reimburse it for the amount of money expended in aid of Private Chas. L. Rice, Battery C 1st Maine Heavy Artillery, and Wm. Chevenall, private Co. E. 1st Me. Infantry."

"Resolve in favor of the city of Lewiston."

"Resolve in favor of the town of Lisbon."

"Resolve in favor of the city of Old Town."

"Resolve in favor of the town of Otisfield."

"Resolve in favor of the city of Portland for reimbursement for amount spent for soldiers' families during the war with Spain."

"Resolve in favor of the city of Rockland."

"Resolve in favor of the city of Rockland, Me."

"Resolve in favor of the city of Westbrook to reimburse it for the amount of money expended in aid of the needy families of soldiers who served as volunteers in the army of the United States in the late war with Spain."

#### Interior Waters.

Bill "An act to amend chapter 130 of the private laws of 1866, entitled 'An Act to Incorporate the Sebec Dam Company,' as amended by section 6 of chapter 26 of private and special laws of 1899."

#### State Lands and State Roads.

"Resolve in favor of Allegash road."

#### Ways and Bridges.

Petition of J. F. Quimby and 87 others of Turner, and of others, in favor of the State maintaining large bridges.

"Resolve in favor of an appropriation to aid in building a bridge between Chester and Lincoln," and petition of E. O. Savage and others in favor of same."



Petition of Maxine P. Gagnon and 34 others of Freichville, for an appropriation to repair roads and bridges in said town.

Petition of G. B. Kenniston and 79 others, or William M. Patterson and 118 others, of Ephraim Burnham and 39 others, to abolish or reduce the tolls charged for crossing the Wiscasset bridge.

"Resolve in favor of aid in building a highway bridge across the Kennebec river between the towns of Bingham and Concord."

"Resolve in favor of aid in building a highway bridge across the Aroostook river at Washburn."

"Resolve in favor of the town of Trescott."

"Resolve for repair of highway in Upton, Lincoln Plantation, and Township C, in the county of Oxford."

"Resolve in favor of repairing and maintaining county roads and bridges in the town of Mariaville in the county of Hancock."

#### Inland Fisheries and Game.

"Resolve in favor of an appropriation for the purpose of scientific inquiry and research respecting the propagation of fish."

Bill "An act for the better protection of moose."

#### Shore Fisheries.

Bill "An act relating to the taking of alewives in Bagaduce river and stream."

Bill "An act to amend chapter two hundred and eighty-five of the Public Laws of eighteen hundred and ninety-seven, relating to Sea and Shore Fisheries."

#### owns.

Petition of H. T. Williams and others, that a law be enacted compelling residents moving from town to town to notify town clerk of same.

#### Claims.

"Resolve in favor of the town of East Livermore."

"Resolve in favor of the town of Island Falls."

#### State Prison.

Report of the Committee on State Prison on that portion of the Gov-

ernor's Message of 1901, relating to reformatory prison for women.

#### Library.

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

#### Temperance.

Ordered, the House concurring, that the Committee on Temperance be directed to inquire what material, moral or religious interest of the people of this State is subserved by maintaining the office of State Liquor Commissioner, and report by bill abolishing said office or otherwise.

Bill "An act to permit registered apothecaries to sell pure liquors for lawful purposes."

#### Labor.

Bill "An act to repeal the laws of 1887 chapter 69, page 52 as amended by laws of 1889, chapter 297, page 262 and laws of 1891, chapter 133, page 148, relating to bureau of Industrial and Labor Statistics."

#### Taxation.

Bill "An act relating to the taxation of mortgaged real estate."

Bill "An act additional to chapter 6 of the Revised Statutes of 1883 providing for a tax on direct inheritances."

The President: The Chair gives notice to the Senate that, under the amended rules which have been adopted by the Senate, all matters and resolves appropriating money must, in the first instance, be referred to some committee other than the committee on appropriations and financial affairs. Under the rules no matter can be referred to the Committee on Appropriations and Financial Affairs until it has been referred to an appropriate committee, considered by them and reported back to the Senate and then referred to the Committee on Appropriations and Financial Affairs.

On motion by Mr. Alden of Kennebec the Senate adjourned to meet tomorrow at ten o'clock.