

# 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.**

Tuesday, Jan. 20, 1903.

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

Prayer by the Rev. Mr. Livingston of Augusta.

Journal read and approved.

Papers from the House disposed of in concurrence.

Petition of E. P. Emerson and 30 others for aid to screen Alamoosook lake which came from the House referred to the committee on inland fisheries and game, on motion by Mr. Buck of Hancock, was laid on the table.

A bill to set off the town of Isle au Haut from the county of Hancock, and to annex said town to the county of Knox, with petition accompanying same, which came from the House referred to the committee on counties, was on motion by Mr. Staples of Knox, laid on the table.

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

**Judiciary.**

By Mr. Manley of Kennebec: Bill, An Act to regulate costs in the taking of lands or other property for public uses.

Also: An Act to authorize Kennebeck Light and Heat Company to issue bonds.

**Legal Affairs.**

By Mr. Clark of Hancock: Bill, An Act to amend Chapter 61 of the Private Laws of 1899, entitled "An Act to establish the Bar Harbor Municipal Court."

**Railroads, Telegraphs and Expresses.**

By Mr. Burleigh of Aroostook: An Act to authorize the Bangor and Aroostook Railroad Company to extend yard tracks across a way in Houlton.

Also: An Act to authorize the State Land Agent to convey to the Fish River Railroad Company rights of way over public lots owned by the State.

Also: An Act relating to the width of the location of Fish River Railroad.

**Mercantile Affairs and Insurance.**

By Mr. Morrison of York: An Act to extend charter of Mutual Fire Insurance Co.

**Banks and Banking.**

By Mr. Wilson of Washington: An Act to incorporate the International Trust and Banking Company.

By Mr. Morrison of York: An Act to incorporate the Pepperell Trust Company.

**Interior Waters.**

By Mr. Gardner of Penobscot: An Act to incorporate the East Branch Improvement Company.

**Ways and Bridges.**

By Mr. Maddocks of Lincoln: Bill, an Act to authorize the town of Boothbay Harbor to construct a bridge across the harbor in said town.

Also: Petition of selectmen of Town of Boothbay Harbor for authority to construct a bridge across the harbor in said town.

**Inland Fisheries and Game.**

By Mr. Maddocks of Lincoln: Petition of Isaac C. Stetson and 51 others of Lincoln county for change in law relative to open time on deer in said county.

By Mr. Philbrook of Oxford: Petition asking to close Songo Pond in Albany to ice fishing.

By Mr. Manley of Kennebec: Petition of Hon. J. Manchester Haynes and 15 others, citizens of Augusta, praying for the enactment of a Hunter's License Law.

By Mr. Stetson of Bangor: Petition of F. H. Appleton and 80 others, business men of Bangor, praying for the enactment of a Hunter's License Law.

By Mr. Buck of Hancock: Petition of A. B. Smith and 33 other citizens of Hancock County, praying for the enactment of a Hunter's License Law.

Also: Petition of W. H. Brown and 97 others, citizens of Ellsworth, praying for the enactment of a Hunter's License Law.

By Mr. Clark of Hancock: Petition of Frank T. Young and 123 others, citizens of Eden, praying for the enactment of a Hunter's License Law.

**Towns.**

By Mr. Dudley of Aroostook: An Act to incorporate the town of Castle Hill, in the County of Aroostook.

### Pensions.

By Mr. Morse of Waldo: Resolve in favor of Mary C. Rankin of Liberty.

By Mr. Staples of Knox: Resolve in favor of Benjamin Smith of Appleton, Knox County, Maine.

### Public Charities and State Beneficiaries.

By Mr. Stetson of Penobscot: Resolve in favor of the King's Daughters Union of Bangor.

### Temperance.

By Mr. Morse of Waldo: Remonstrance of Rev. Wm. Berkley and 24 others of Searsmont against resubmission.

By Mr. Burns of Cumberland: Remonstrance of Andrew Hawes and 48 others of Portland against Resubmission of Prohibitory Amendment.

### Year Book.

By Mr. Morse of Waldo: Resolve for the purpose of Maine State Year Book.

Mr. Staples of Knox presented Bill to tax deposits in Savings Banks over five hundred dollars.

On motion by the same senator the bill was tabled for printing, pending reference to a committee.

### Orders.

On motion by Mr. Gardner of Penobscot, it was, Ordered, That the use of the Senate Chamber be given to the Taxation Committee for the purpose of a hearing, on Tuesday, P. M., January 27th, 1903.

On motion by the same senator, it was, Ordered, That the Committee on Taxation be allowed a clerk.

Bill, An Act to authorize the Franklin Company to reduce its capital stock, had its first reading.

Mr. MANLEY of Kennebec: Mr. President, Owing to the absence of the senator from Androscoggin, Mr. Wing, in his behalf, I desire to have the rules suspended, and this bill put upon its passage at the present time. In 1854 the Franklin Company was incorporated at Lewiston by a special charter of this Legislature. If they had been incorporated under the general law they could have reduced their capital stock at any time they saw fit. They

now desire to reduce their capital stock. A hearing on this bill was had before the Judiciary, and the same provision is placed in the bill which is found in the general law. They are given no rights or privileges except what they would have had had they organized under the general law. This company is to have a meeting of its directors in Boston on Thursday, and they desire very much to have this bill enacted before they meet. Notice was given to their stockholders last September. There is no objection on the part of the owners to this act, and it is such an act, as I have said, that, were they incorporated under the general law, would render action of the Legislature unnecessary. Being chartered this action of the Legislature becomes necessary. I therefore move that the rules be suspended, and that the bill take its several readings and pass to be engrossed at the present time.

Mr. STAPLES of Knox: I would like to ask the senator from Kennebec what the object is in passing it so soon?

Mr. MANLEY of Kennebec: Because of a directors meeting in Boston on Thursday. They have \$500,000 they have derived from the sale of their lands which they want to distribute to their stockholders. They do not mean to keep it any longer. That is the only object.

The question being put on the motion of the senator from Kennebec, the motion prevailed. The bill took its several readings, and passed to be engrossed.

### Reports of Committees.

Mr. Burleigh for the Committee on Inland Fisheries and Game, on Bill, An Act for the better protection of Moose, reported that the same ought not to pass. The report was accepted.

### Passed to be Engrossed.

An Act to amend Chapter 143 of the Revised Statutes relating to Insane Persons.

An Act to authorize the Franklin Company to reduce its capital stock.

On motion by Mr. Staples of Knox, Senate Document No. 3, An Act to establish a law uniform with other states

relative to Insurance Policies, was taken from the table

Mr. STAPLES of Knox: Mr. President, I had this bill laid upon the table to be printed pending reference. I now move that the bill be sent to the Committee on Judiciary, and perhaps a statement from me at this time would be in order. It has been said by some that this should go before the Committee on Mercantile Affairs and Insurance. The question involved is a constitutional question, and it should therefore be referred to the Committee on Judiciary. Those who were here two years ago will perhaps remember that we had a Committee on Uniformity of Legislation and that it has made its report at this session which has been referred to the Committee on Judiciary. One of the recommendations in that report is just the same as in this bill that I introduced for uniformity of insurance policies. For that reason I desire to have it referred to the Committee on Judiciary. It does seem to me it is not a question of insurance. It is a legal question, a constitutional question, and a body of lawyers, seem to me to be the proper tribunal to settle that question the Committee on Uniformity of Laws suggested that, in their opinion, that law was unconstitutional, and if that be so, and that question is to be passed upon, I can see no reason why it should not go to the Committee on Judiciary. I apprehend, from what I learn, that there will be some opposition to it. There is another reason why it should go to the Committee on Judiciary. When the Insurance Commissioner of this State of Maine, under a salary, comes into this body and undertakes to importune members of this Senate that this bill should go to his committee, calls it his committee, then I think there is a double reason why it should not go to his committee, although I say right here that I have most profound respect for the Committee on Insurance and not for one moment do I impute to them any motive but what would be honorable and right. But, I say this being a constitutional question, a question whether the right of trial by jury is to be denied or not by that bill, that it should go to the Committee

on Judiciary, and I hope there will be no objection to it, and I therefore move that it be referred to the Committee on Judiciary.

Mr. STETSON of Penobscot: Mr. President, I hope the motion will not prevail. We have made appointments on several committees in this honorable body, and we have appointed representative men we trust, on various committees. It has been customary, I am quite sure, to refer to committees, matters of importance which are pending for action before these various committees. It is easy enough, Mr. President, to raise a question of legal instruction or investigation in regard to any bill which may be pending before this honorable body. It seems to me that the bill involves a question that will bear investigation by the Committee on Mercantile Affairs and Insurance; and they are competent, if they see fit in their wisdom and judgment, to seek legal advice or ask reference, after mature consideration, to the Committee on Judiciary. It seems to me that common courtesy entitles the Committee on Mercantile Affairs and Insurance to have the right to carefully investigate this pending bill. The governor, in his message, as you may recollect, has carefully called our attention to what may be perhaps unwise legislation in the past in regard to the effect of insurance companies operating in this State. The result has been that many important insurance companies have left the State, and men who are insuring property have difficulty perhaps in placing the amount of risk they desire in representative companies. It is an important matter; and I, for one, as a member of that committee, feel that we are entitled to investigate the bill; and if we shall desire legal advice, we should have the privilege of asking it; and I hope the motion will not prevail.

Mr. STAPLES of Knox: Mr. President: In reply to the senator from Penobscot on the matter of courtesy I wish to say that a bill of this kind, a report is already before the Judiciary Committee, and if there is any courtesy to be shown anywhere, it should be shown to the committee on the Judiciary. If the matter is divided, and

the committee on the Judiciary have one bill and the Insurance Committee another bill, one may report one way, and one another. If, in the first place the report of the committee on uniformity of legislation had not sent the matter to the Judiciary, then, perhaps, there might have been some question of courtesy about it. I admit it is an important matter. When trial by jury is taken away from the people, it is an important matter and a constitutional matter, which the Committee on Insurance, with their best and most profound learning is not supposed to be so well capable of dealing with as the Committee on Judiciary; and I trust that every member will look at the matter in that way. One matter, recollect, is before the Judiciary Committee today, and they are expected to make a report upon the very question that I present in this bill. For that reason, I trust that the matter will go to the Judiciary Committee, and not to two committees.

Mr. STETSON of Penobscot: Mr. President, may I be permitted the indulgence of the Senate for a moment. The senator from Knox says that a bill is pending before the Committee on the Judiciary. It is a report of the commissioners which is pending before that committee, which report, among other features contains the feature referred to in this bill. It is not a bill of this particular nature, but a bill covering many important points. Therefore, no bill particularly of this nature in a single instance by itself is pending before that committee.

Mr. STAPLES of Knox: Mr. President. If the senator from Penobscot will take pains to read the report of the committee on uniformity of legislation he will find that is only one of three that is presented to this Legislature to be remedied.

Mr. BURNS of Cumberland: Mr. President, I have no doubt that if this bill is referred to the Committee on Mercantile Affairs and Insurance, that a hearing will be advertised, and the gentleman from Knox, as well as others, will have an opportunity to appear before that committee to give us any information and offer any objections they may desire, and I hope the

motion of the gentleman from Knox will not prevail.

Mr. MANLEY of Kennebec: Mr. President, I desire to correct the senator from Knox in one statement he has made. There is no bill before the Judiciary Committee upon this subject whatever. The Committee on Uniformity of law made a report which has been referred to the Committee on Judiciary, and that committee have taken no action on that report, and they, in all probability, will refer to the committee on Mercantile Affairs and Insurance whatever relates to them; and I think this bill belongs to the Committee on Mercantile Affairs and Insurance.

Mr. STAPLES of Knox: Mr. President, I wish to be fair about this matter. The senator from Kennebec rises to correct me. I said that it had been referred to the Committee on Judiciary. I do not know whether they have acted upon it, or not.

The question being put on the motion of the senator from Knox, the motion was lost.

On motion by Mr. Stetson of Penobscot, the Bill, An Act to establish a law uniform with other states relative to Insurance Policies, was referred to the Committee on Mercantile Affairs and Insurance.

On motion by Mr. Staples of Knox, Bill, An Act relating to supplying towns and cities with pure water was taken from the table, and, on the further motion of the same senator, the same was referred to the Committee on Judiciary.

On motion by Mr. Dudley of Aroostook, the Senate adjourned to meet on Wednesday, January 21st, at 10 o'clock A. M.