

# 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.**

Wednesday, Feb. 11, 1903.

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

Prayer by the Rev. Mr. Peckham of Hallowell.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

At the request of the President, Mr. Manley of Kennebec took the chair, at this point, and presided.

**Read and Assigned.**

An Act to legalize the doings of the Rumford Falls and Rangeley Lakes Railroad Company.

An Act to legalize the doings of the Portland and Rumford Falls Railway.

An Act to increase the corporate powers of the Newport Light and Power Company.

An Act to authorize the town of Monson to remove the bodies of deceased persons.

An Act to extend the powers of the Katahdin Pulp and Paper Company.

An Act entitled an Act to amend Section 57 of Chapter 38 of the Revised Statutes of Maine relating to the weight of a bushel of beans.

Resolve in favor of Children's Aid Society of Maine.

Resolve providing for a special epidemic or emergency fund.

An Act to extend the charter of the Cumberland Trust Company.

An Act to extend the charter of Camden Trust Company.

An Act to amend Section 35 of Chapter 124 of the Revised Statutes as amended by Chapter 125 of the Public Laws of 1891 relating to transportation of animals.

An Act to amend Chapter 52 of the Public Laws of 1895 relating to the salary of register of probate for the county of Penobscot.

Resolve in favor of Benjamin Smith of Appleton in Knox county.

Resolve in favor of Nellie E. Flanders of Liberty.

At this point the President resumed the chair.

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

**Judiciary.**

By Mr. Stetson of Penobscot: Bill, An Act to extend the provisions of Chapter 143 of the Revised Statutes to dipsomaniacs, inebriates and victims of the drug habit.

By Mr. Randall of Cumberland: An Act to amend an Act to incorporate the Portland Widows Wood Society.

By Mr. Wing of Androscoggin: Bill, An Act to relieve the town of Boothbay Harbor from the duty of building, repairing or maintaining roads, streets or ways on the Isle of Springs.

**Legal Affairs.**

By Mr. Clark of Hancock: Bill, An Act to amend the charter of the Bar Harbor Banking and Trust Company.

By Mr. Currier of Franklin: Bill, An Act granting a new charter to Farmington Village Corporation.

**Railroads, Telegraphs and Expresses.**

By Mr. Bryant of Somerset: Petition of Eben L. Cook and 18 others of Palermo to remove restrictions on the construction of parallel telephone lines.

**Interior Waters.**

By Mr. Stetson of Penobscot: Bill, An Act to amend chapter 407 of the private and special laws of 1864 entitled An Act to incorporate the Penobscot Log Driving Company.

**Taxation.**

By Mr. Gardner of Penobscot: Bill, An Act to amend chapter 286 of the public laws of 1901 relating to taxation of interest-bearing deposits in trust and banking companies.

**Reports of Committees.**

Mr. Clark for the committee on legal affairs, on petition of G. L. Joy and 56 others in relation to an act providing for the expense of forest fires, reported bill entitled, An Act to amend Chapter 100 of the Public Laws of 1891, entitled, "An Act to create a Forest Commission and for the better protection of forests." Report accepted. Bill tabled for printing under the joint rules.

Mr. Bryant, for the committee on appropriations and financial affairs on Resolve in relation to extra pay of Maine volunteers in the war with Spain, reported same ought to pass.

Report accepted. Resolve tabled for printing, under the joint rules.

The same senator, for the same committee, on Resolve for State pension, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

Mr. Rankin, for the same committee, on Resolve in favor of the Kings Daughters union of Bangor, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

The same senator for the same committee, on Resolve providing for the preservation of regimental rolls in the Adjutant General's office, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

Mr. Bryant, for the committee on appropriations and financial affairs, on Resolve in favor of Benjamin Smith of Appleton in Knox county, reported same ought to pass. Report accepted. The Resolve took it's first reading and was assigned for its second reading.

Mr. Burns, for the committee on appropriations and financial affairs, on Resolve in favor of Nellie E. Flanders of Liberty, reported same ought to pass. Report accepted. The Resolve took it's first reading, and was assigned for second reading.

Mr. Rankin, for the committee on Labor, on Bill, An Act to repeal the laws of 1887, Chap. 69, p. 52 as amended by laws of 1889 Chap. 297 p. 262 and laws of 1891 Chap. 133 p. 148 relating to bureau of industrial and labor statistics, reported same ought not to pass. Report accepted.

Mr. Staples for the committee on Inland Fisheries and Game, on Resolve in favor of establishing a modern fish hatchery and feeding station at Sebago Lake, reported same ought to pass. Report accepted. Bill referred to the committee on appropriations and financial affairs under the joint rule.

Mr. Currier, for the committee on claims, on Resolve in favor of Bernard Pol of Bangor to re-imburse him for taxes paid through error, reported same ought to pass. Report accepted. Resolve referred to the committees on appropriations and financial affairs, under the joint rule.

The following message was received from the House:

Mr. Cotton, Clerk of the House: I am charged with a message from the House to notify this body that the following appointments of committee to fill vacancies caused by the retirement of Messrs. Morey, Garcelon and Coyne of Lewiston and the resignation of Mr. Allan of Portland, have been made:

For the committee on public charities and state beneficiaries, in place of Mr. Garcelon, Mr. Little of Lewiston; for the committee on state prison in place of Mr. Coyne, Mr. Haskell of Lewiston, for the committee on library, in place of Mr. Garcelon, Mr. Haskell of Lewiston; for the committee on temperance, in place of Mr. Allan, Mr. Kelly of Lewiston; and the committee on legal affairs have been reappointed as follows: Messrs. McFaul of Machias, Barker of Bangor, Camobell of Cherryfield, Oakes of Auburn, Manson of Pittsfield, Newcomb of Eastport and Kelly of Lewiston.

#### Passed to be Engrossed.

An Act to extend the charter of the Eastport Bridge.

An Act to amend Section 4 of Chapter 91 of the Revised Statutes, relating to notice of foreclosure on a mortgage of personal property.

Resolve in aid of the temporary home for women and children at Portland.

An Act to incorporate the city of Camden.

An Act to incorporate the Squirrel Island Village Corporation.

An Act to incorporate the Pepperell Trust Company.

An Act to incorporate the International Trust and Banking Company.

An Act to amend Chapter 145 of the Private and Special Laws of 1895 entitled An Act to incorporate the Winn Water and Power Company.

An Act to amend Chapter 258 of the Public Laws of 1893, as amended by Chapter 130 of the Public Laws of 1895 relating to the taxation of savings banks. This bill came from the House with Amendment "A" amend by inserting at the end of the bill, the following words: "This Act shall take effect when approved. The amendment was adopted by the Sen-

ate, and the bill as amended was passed to be engrossed.

An Act to establish a street and sewer commission for the city of Bath. On motion by Mr. Hyde of Sagadahoc, the vote whereby this bill was passed to be engrossed, was reconsidered; and on the further motion of the same senator, the bill was amended by adding Senate Amendment "A" "Amend by adding" Section 13. This act shall take effect when approved. The bill as amended was passed to be engrossed.

#### Passed to be Enacted.

An Act to amend Section 24 of Chapter 102 Public Laws of 1891 as amended by Chapter 267 Public Laws of 1893 relating to providing for the printing and distributing ballots at the public expense and regulating voting for State and city elections.

An Act to amend Section 15 of Chapter 15 of the Revised Statutes relating to burying grounds.

An Act to amend Section 17 of Chapter 40 of the Revised Statutes as amended by Chapter 261 of the Public Laws of 1885, and by Chapter 61 of the Public Laws of 1891, relating to migratory fish.

An Act to fix the salary of the Judge of Probate for Hancock County.

An Act to authorize the town of Boothbay Harbor to construct a bridge across the harbor in said town.

An Act to amend the charter of the Maine General Hospital.

An Act to ratify the mortgage of the Fish River Railroad.

An Act to ratify the lease of the Fish River Railroad and to authorize the sale of said railroad to the Bangor and Aroostook Railroad Company.

An Act to ratify and confirm the consolidated mortgage made by the Bangor and Aroostook Railroad Company.

An Act to incorporate the Auburn and Turner Railroad Company.

An Act to enlarge the powers of the Berwick, Eliot and York Street Railway.

An Act to grant additional powers to the Portsmouth, Kittery and York Street Railway.

An Act relating to the Bar Harbor Electric Light Company.

An Act to authorize the Kennebec Light and Heat Company to issue bonds.

On motion of Mr. Bryant of Somerset, Bill, An Act to increase and fix the salary of the Assistant Librarian, was laid on the table.

#### Orders of the Day.

Bill, An Act for taxation of stock held in corporations. This bill came up by special assignment, having been tabled on motion by the senator from Knox, Mr. Staples.

Mr. STAPLES of Knox: Mr. President, I have discussed that bill before the committee on taxation; and they saw fit to report "ought to pass." I do not propose at this time to discuss the matter again. I only wish to put myself upon record in this body as being in favor of taxing the capital stock of corporations. I will take it from the table, if it is now upon the table, and leave it to the Senate to do with as they please.

Mr. GARDNER of Penobscot: Mr. President, As the Senator from Knox simply says that he wishes to go on record, it may be fitting that I briefly explain to the Senate why the committee on taxation did not agree with the senator in regard to this matter; and reported "ought not to pass." And it can be explained in a few words. The bill that he introduced for taxing the stock held in corporations is at present by the Public Laws of Maine, scientifically, emphatically and fully covered; and we could see no reason why this bill should have any passage or why there should be any action taken on it; and I assumed, and the committee assumed, that in the pressure of his business, the senator had overlooked the fact that everything he possibly asked for in his bill is now covered by the law; and I have the Public Laws here; but I do not think it necessary for me to cite to the Senate that portion of the laws of the State relative to taxation which says that all stock held in corporations, with a few exceptions, covering everything in his bill, shall be taxed. There are a few exemptions.

Mr. STAPLES of Knox: What are the exceptions?

Mr. GARDNER of Penobscot: It may be burdensome to me, not being a lawyer; but, for instance, Section 29, page 32, in cases where the property itself is taxed and pays a municipal tax, in fairness and justice, necessarily the stock which represents simple ownership is exempt from taxation. I think the Senator will admit it would be unfair to tax the property for municipal purposes and tax the stock again for the same purpose. I do not want to go into this matter, because it is out of my line; but I merely assume that the senator from Knox figured on the same basis, and that possibly many of our citizens did, he seemed to take it for granted that the larger part of the ills of the body politic are due to the action of this Legislature; and without looking into the matter fully, introduced a bill covering matters already covered by the laws, as the committee understand it.

Mr. STAPLES of Knox: Mr. President, I beg to differ with the Senator from Penobscot. It is true that the plants, the real estate representing corporations is taxed. It is also true that the stock that is held by the corporation is not taxed. I re-iterate now, as I did before the committee, that if a man has \$50,000 in stock in a corporation in this State, he may flaunt it in the face and eyes of the assessors, and you cannot tax him.

Take, for instance, any corporation in this State, go to your assessors' books, and what do you find? You find simply the real estate and whatever personal property they may have on hand is taxed on the first day of April; and if a man leaves anywhere \$50,000 of stock, it is not taxed. You cannot show an instance in the State of Maine; and therefore I beg to differ. I do not care to thrash this matter out here again unless the senator from Penobscot wants it. If he wishes to go into that matter, and the Senate permits it, I will be willing to talk upon the matter again.

Mr. GARDNER of Penobscot: I do not care to go into this matter. I assume it is a matter of general knowledge by the members of this Senate that the public law does cover these matters.

Mr. STAPLES of Knox: Mr. President, I wish to say right here, that I deny that the public laws cover that question; and the people know that it does not cover these matters, and I leave it to the people.

The question being put upon the acceptance of the report of the committee, the report was accepted in concurrence.

On motion by Mr. Bryant of Somerset, the Senate adjourned to meet on Thursday, February 12, 1903, at ten o'clock, A. M.