

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

SENATE.

Friday, February 13, 1903.

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

Prayer by the Rev. Mr. Tandberg of Gardiner.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Gardner of Penobscot, the following order which came from the House, was laid on the table.

Ordered, That the trustees of the University of Maine be instructed to obtain for the benefit of the members of the Legislature the salary and perquisites received by the president, professors and instructors and all other attaches, including clerks, stenographers and typewriters, and all others drawing compensation at the University of Maine, giving each individual separately, and the duties of each. Also the number of students attending the college from out of the State and how many are paying their tuition annually; also how many are pursuing the classical course of study in said college, and report the same as soon as practicable to the Legislature.

At this point, Mr. Gardner of Penobscot, was called to the chair, and presided.

On motion by Mr. Wing of Androscoggin, Bill, An Act to incorporate the Androscoggin Log-driving Company, was laid on the table.

By Mr. Stover of Brunswick, Petition of J. F. Brown and 24 others of Yarmouth for close time on rabbits.

Also: Petition of J. Y. Stanton and 15 others of Lewiston and Auburn for same.

Also: Petition of Clarence E. Sawyer and others for same.

The three foregoing petitions relating to close time on rabbits, came from the House and were referred by the Senate to the committee on inland fisheries and game, in concurrence. Subsequently, on motion by Mr. Manley of Kennebec, the vote to refer to said committee in concurrence, was reconsidered, and that senator moved that said petitions be referred to the com-

mittee on federal relations. Mr. Goodwin of Somerset, thereupon moved to amend, by referring the said petitions to the committee on Insane Hospitals. The amendment was accepted, and the motion as amended prevailed. Subsequently, on motion by Mr. Goodwin of Somerset, the motion whereby said petitions were referred to the committee on Insane Hospitals, was reconsidered.

Mr. Goodwin of Somerset: Mr. President: Early in the session, today, I moved that the petitions in regard to the close time on rabbits be referred to the committee on Insane Hospitals. I have been informed that that committee no longer exists; and I have therefore moved to reconsider. I now move that said petitions be referred to the committee on public charities and State beneficiaries. The motion prevailed, and the said petitions were so referred.

Read and Assigned.

An Act to amend Section 5 of Chapter 42 of the Public Laws of 1899, as amended by Chapter 326, of the Private and Special Laws of 1901, relating to fishing through the ice in Thompson pond.

An Act additional to and amendatory of Chapter 54 of the Private and Special Laws of 1895, creating the Rumford Falls Village Corporation.

Bill, An Act to enable women paying taxes to vote in municipal elections; also new draft, under title of An Act to enable women to vote in municipal elections, came from the House accompanied by a majority report ought to pass and minority report ought not to pass of the committee on legal affairs, the minority report having been accepted by the House. On motion by Mr. Staples of Knox, the reports were laid on the table and assigned for Wednesday of next week, at 10 o'clock.

Resolve relating to extra pay of Maine volunteers in the war with Spain.

An Act to amend Section 41, Chapter 77 of the Revised Statutes, relating to the supreme judicial court.

An Act to incorporate the Mapleton & Presque Isle Railroad Company.

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.

Resolve in favor of Ebenezer O. Gerry. The following bills, petitions etc. were presented and referred.

Legal Affairs.

By Mr. Buck of Hancock: Bill, An Act to extend the charter of the Bluehill Water Company.

By Mr. Pierce of Aroostook, Bill, An Act to incorporate the St. Francis Telephone Company.

Also, Petition of J. J. Wheelock and another to incorporate the St. Francis Telephone Company.

By Mr. Gardner of Penobscot, Resolve to reappropriate \$500 to Lee Normal Academy.

By Mr. Currier of Franklin, An Act to amend Chapter 136, Public Laws, 1887, relating to unclaimed deposits in savings banks.

Railroads, Telegraphs and Expresses.

By Mr. Maddocks of Lincoln: Petition of E. Frank Baker and 26 others of Whitefield for law removing competition in telephone lines.

Banks and Banking.

By Mr. Buck of Hancock: Bill, An Act to extend and amend the charter of the Bluehill Trust and Banking Company.

By Mr. Currier of Franklin: Bill, An Act to amend Section 106, Chapter 47 of the Revised Statutes, relating to the reserve fund of savings banks.

By Mr. Staples of Cumberland: Bill, An Act authorizing Samuel D. Warren and another to erect and maintain piers and booms in the Kennebec river.

Shore Fisheries.

By Mr. Buck of Hancock: Bill, An Act to repeal Chapter 495, Private and Special Laws of 1893.

By Mr. Wilson of Washington: Bill, An Act to correct an error, and to repeal an act approved, Feb. 11, 1903, relating to migratory fish.

Public Charities and State Beneficiaries.

By Mr. Clark of Hancock: Petition of Board of Health of town of Eden, in favor of the act providing for State Laboratory and Hygiene.

Temperance.

Petition of Fred A. Alden of Union, and 42 others, in favor of resubmission.

Taxation.

By Mr. Staples of Knox: Bill, An Act to tax railroads according to their cash value.

At this point the President resumed the chair.

Report of Committees.

Mr. Bryant of the committee on appropriations and financial affairs, on Resolve in favor of Matthias Culinan of Belfast, reported same ought to pass.

Pending question, the acceptance of the report.

MR. MORSE of Waldo: Mr. President, I hope this report will not prevail. The resolve came before the committee on pensions, accompanied by the only evidence which has accompanied any resolve for any pension claims that, at the capital here, while a member of Company H, First Militia of Maine, he received a sunstroke, and was prostrated by heat. At some previous Legislature he has received a pension of \$4 a month. He is entirely unable to perform manual labor. He has no people in this country—no friends or relatives; but when he came here, came three brothers—four of them came from Ireland over here just prior to the breaking out of the great Rebellion. The three brothers, older than he, went into the service. Two of them died in the service, the other died about a year and a half after the war closed, as I am informed. This man went into the militia, and came here and received the sunstroke. Capt. Sanborn, who was at that time captain of his company, has filed his affidavit in his claim. Two of his comrades, members of the company to which he belonged, have testified to it. Three reputable physicians in the city of Belfast have also given this man affidavits, showing that by reason of this prostration from the heat, or sunstroke, he is totally disabled for the performance of manual labor. Now, I suggest, gentlemen of the Senate, that this array of evidence, setting forth the condition of this man's disability in the service of the State is entitled to some considera-

tion from this Senate; and when we take into consideration the fact that these patriotic men who came here without any motive except that of good government, went into the service for this country, and gave up their lives for the support of that flag we all love, I suggest, gentlemen, that it behooves us, as patriotic citizens, to not overlook such service. If there has been any crime committed in relation to this matter, it was committed by the former Legislature which saw fit to give this man a pension of \$4 a month. On that \$4 a month this man subsists, today. He pays \$1.50 for a room, in which he stays, lives, exists; and the remainder of that money furnishes him support. People of Belfast, good citizens, have come to me, and said: In the name of common sense, if you can relieve this man so that the city will not have him to support, do so. He is worthy of it. I know this man, met him casually on the street; and, ever since it was known to him that I should probably come here, this winter, every time I go into the city, this man makes his way to me and at one time handed his name to me on a slip of paper, saying: "That is my name. I hope you will be able to assist me when you get over to the Legislature. I am only getting \$4 a month; and I haven't a dollar, and have no means outside of this pension." My sympathy goes out to such a man as this. I hope the time will never come when I shall forget the service rendered by such men as this, and his family for this State and for our country generally; and, gentlemen, I suggest that after having carefully considered this matter before the committee on pensions, we recommend that this pension be increased \$4 a month.

MR. STAPLES of Knox: Are there two reports from the committee?

MR. MORSE of Waldo: The report of the committee on pensions is in favor of it. This has been to the committee on appropriations and financial affairs and they have reported "ought not to pass," and it is on that report that I make my remarks.

MR. STAPLES of Knox: Mr. President, I feel constrained to say a few words in regard to this man that lives

in the city of Belfast. I know nothing about this bill, except its introduction into this body, until this morning. I happen to be acquainted with that man, as Belfast was my former home, and I know the circumstances. I know that it is a worthy object. I am surprised at the finance committee refusing this small pittance to a man who received an injury in the service of the State, an injury that has incapacitated him for life for any service; and when we contemplate for a moment that thousands and thousands of dollars that we are throwing into the air for less worthy objects than this, it seems to me that we cannot as patriotic men, refuse it. If you could go to Belfast and look at that man, and see his condition, fellow senators, you would at once, every one of you, vote, and speak for him. Let us, as patriotic men, not say to the voters of this State that we refuse to aid a man in the condition that Senator Morse describes. I know the condition of that poor man in Belfast. For one, I am in favor of this resolve; and I hope the report will not prevail.

MR. BURNS of Cumberland: Mr. President, Pending the acceptance of this report, I move it lie on the table.

MR. MORSE of Waldo: I would like to have the senator from Cumberland assign a time when he will take this up.

MR. BURNS of Cumberland: Next Wednesday, if it will be agreeable to the senator from Waldo.

The report was thereupon tabled, and assigned for Wednesday of next week. Subsequently, Mr. Morse of Waldo, moved to reconsider the vote of the Senate, assigning Wednesday next for the consideration of the resolve, but thereafter in consideration of the right by courtesy which allows the same senator to take from the table a paper which has been tabled by him, withdrew his motion. Mr. Burns of Cumberland, thereafter moved to take from the table the said resolve tabled by him, and assigned for Wednesday. The motion prevailed.

MR. BURNS: Mr. President, I will simply state why our committee took the action it did. From information which we had, this soldier was on the field but three hours, in all; and it was

thought by our committee that if this claim was allowed, it was merely opening a chance for many other similar claims for slight accidents so there would be no end of trouble in the future. But I will leave the matter in the hands of the senator from Waldo, and if he wishes to pass it at this time, under suspension of the rules, I have not the slightest objection.

The question being put upon the acceptance of the report of the committee on appropriations and financial affairs, "Ought not to pass," it was voted not to accept the report.

Mr. Morse of Waldo thereupon moved a suspension of the rules and that the resolve take its first reading, without printing, at the present time. The question being put, the Chair declared that 13 had voted in favor of suspension of the rules, and that no one had voted in opposition thereto. Mr. Manley of Kennebec, thereupon raised the point of "No quorum." The Chair declared a quorum to be present; and further declared that two-thirds of those present had not voted in favor of suspension of the rules, and that therefore the motion was lost. Under the rules the resolve was laid on the table for printing.

Mr. Kankin, for the committee on appropriations and financial affairs, on resolve in favor of John Bradbury, reported same ought not to pass.

The pending question, being on the acceptance of the report.

Mr. GOODWIN of Somerset: Mr. President, I have some personal knowledge of that matter. Perhaps I might briefly say a word in regard to it, and in regard to the practice which is evidently being inaugurated by the committee on appropriations and financial affairs of throttling reports which have been reported by some other committee. This resolve was referred to the committee on pensions, of which Bro. Morse was chairman. There was a full and complete hearing in regard to that case. Witnesses were brought before that committee, and they gave their testimony. It appeared that this old man was nearly 90 years of age. He was a soldier of the State in the Aroostook war—marched from Augusta to the northeastern part of the State; and

afterwards came back here—that he had three sons, and two of those sons lost their lives on Southern battlefields, defending the Stars and Stripes—the third living with him in the city of Augusta, has been taken sick, and is no longer able to support him. The old gentleman is 90 years of age without a dollar in the world—without any means of obtaining support; and it did seem that he, as a soldier who had fought beneath the old flag was just as much entitled to a pension as those who had won it in Southern battlefields. The only objection that could be raised would be the objection that this would open the door to a very large class of claims. We examined it carefully, and we found only 30 survivors of that war, so far as we were able to obtain information; and of those 30, not more than five or six would be entitled to pensions. Now, when the committee on pensions had received all this evidence, and considered it carefully, and reported it unanimously, the committee on appropriations, acting under the autocratic powers with which that committee is invested—without any hearing of witnesses—without taking any testimony, come here and report "ought not to pass." I protest against the action of the committee on appropriations and financial affairs.

Mr. BURNS of Cumberland: Mr. President, pending the acceptance of the report, I move that it lie on the table.

Mr. GOODWIN of Somerset: Mr. President, I hope the matter will not be allowed to lie on the table. The matter has been fully considered. Let us dispose of it at this time.

Mr. BURNS of Cumberland: Mr. President, at such time, as is in order, I would like to define the position of the committee. I will state that our committee had no desire to prevent any soldier of the Aroostook war receiving a pension, including all members of the Aroostook war. As has been stated by the senator from Somerset, the number is small, I think, from the information we have—quite a number from the different towns in which the members of the finance committee are living; but, whether that number be more, or less, our committee

thought it wiser to have a general law passed, including them all; and that was the reason for our action, and not from any hostility to the former committee, or to this man.

The question being put on the motion to table the resolve, the motion was lost, five voting in the affirmative, and 15 in the negative.

The pending question, upon the acceptance of the report, "ought not to pass" being put, the Senate voted not to accept the report.

Mr. GOODWIN of Somerset: That, of course, brings up the resolve reported by the committee on pensions; and the question now is whether it shall take its first reading at the present time, or not.

The PRESIDENT: The resolve does not appear to have been printed, as yet. It can either lie on the table to be printed, or take its first reading at the present time under suspension of the rules, without printing.

Mr. GOODWIN of Somerset: I move that the rules be suspended and that the resolve take its readings at the present time, without printing.

Mr. BURNS of Cumberland: Mr. President, Is it not necessary to have unanimous consent to have this action taken?

The PRESIDENT: A two-thirds vote is necessary to the suspension of the rules.

The question being put upon the motion to suspend the rules, the motion prevailed, sixteen voting in favor thereof, and three in opposition thereto.

On motion of Mr. Goodwin of Somerset, the resolve took its first reading, and was assigned for its second reading.

Mr. Burns for the committee on appropriations and financial affairs, on Resolve in favor of Eben O. Gerry, reported that same ought not to pass. The pending question being upon the acceptance of the report.

MR. GUERNSEY of Piscataquis: Mr. President, In relation to this resolve in favor of Eben O. Gerry, I wish to say that he was also a soldier in the Aroostook War, whose service is not unlike that stated by the senator from Somerset in relation to the resolve which has just been acted upon. It

is unnecessary, I think, for me to make any extended remarks other than to explain that this old gentleman, eighty-five years of age, served this country in that war in actual service; and, today, is in a destitute condition; and is worthy of any aid the State may grant him. This resolve having been acted on by the committee on pensions, it seems to me ought not to be rejected on a report of the committee on appropriations and financial affairs; and I hope the report of that committee will not prevail.

THE PRESIDENT: For the benefit of the Senate, I will state that the matter was referred to the committee on pensions, and that it reported a resolve, and that it ought to pass. The question is now upon the acceptance of the report of the committee on appropriations and financial affairs who have had the same matter under consideration, and that the same ought not to pass.

The question being put, the Senate voted not to accept the report of the committee on appropriations and financial affairs.

On motion of Mr. Wing of Androscoggin, it was voted that the Resolve reported by the committee on pensions, be substituted for the report.

The Resolve thereupon took its first reading, and was assigned for its second reading.

Mr. Dudley, for the committee on State lands and State roads, on bill, An Act providing for State roads and improvement thereof, reported same ought not to pass. Report accepted.

Mr. Rankin, for the committee on appropriations and financial affairs, on Resolve in favor of Mary C. Rankin, reported same ought to pass. Report accepted. Resolve read once, and assigned for second reading.

Mr. Bryant, for the committee on appropriations and financial affairs, on Resolve in favor of Allegash road, 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 Maine State Year Book, 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 State Reform School, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

The same senator from the same committee, on Resolve for the purpose of operating a fish hatchery and feeding station and for the protection of fish, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

Mr. Guernsey, for the committee on judiciary, on Bill, An Act to authorize the county of Piscataquis to negotiate a loan for temporary purposes, reported same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Mr. Goodwin, for the committee on revision of the statutes, on Report of John A. Merrill, commissioner, reported bill, An Act to repeal Sections 34, 35, 36, 37 and 38 of Chapter 26 of the Revised Statutes, relating to inquests in cases of suspected incendiarism, and that same ought to pass. Report accepted. Bill tabled for printing under the joint rules.

Passed to be Engrossed.

An Act to grant additional powers to the Vickery Realty Company.

Resolve for State pension.

Resolve providing for the preservation of regimental rolls in the Adjutant General's office.

Resolve in favor of King's Daughters' Union of Bangor.

An Act to incorporate the Rangeley Water Company.

An Act to amend Chapter 25 of the Private and Special Laws of 1899 relating to the taking of eels in Bagaduce river, bay and tributaries.

An Act to amend Section 10 of Chapter 19 of the Revised Statutes relating to the law of the road.

An Act to amend Section 24 of Chapter 6 of the Revised Statutes relating to county roads and bridges in unincorporated townships.

An Act to grant additional powers to the Waterville and Oakland Street Railway.

An Act to amend the charter of the Rockland, Thomaston and Camden Street Railway.

An Act to incorporate the Swans Island Telephone and Telegraph Company.

An Act to incorporate the Pittsfield Trust and Banking Company.

An Act to grant additional powers to the Portland and Brunswick Street Railway.

An Act to authorize the Norway and Paris Street Railway to purchase or lease the property and franchises of the Oxford Light Company.

An Act to amend the charter of the Augusta, Winthrop and Gardiner Railway.

An Act to extend the franchises held by the Wiscasset, Waterville and Farmington Railroad Company.

An Act to amend and extend the charter of the Waldo Street Railway.

An Act to amend the charter of the Home for Aged Men in Portland.

An Act to amend Section 30 of Chapter 459 of the Private and Special Laws of 1893, incorporating the city of Eastport.

An Act establishing the salary of the County Treasurer of the county of York.

An Act authorizing and empowering the Springer Lumber Company to erect and maintain piers and booms in Mattawamkeag river.

An Act amendatory of Chapter 279 of the Private and Special Laws of 1901, entitled An Act to incorporate the Mattagammon Manufacturing Company.

An Act to amend Chapter 64 of the Private and Special Laws of 1899, as amended by Chapter 472 of the Private and Special Laws of 1901, relating to the Wilson Stream Dam Company.

An Act to extend the charter of the Mattanawcook Manufacturing Company.

Passed to Be Enacted.

An Act to extend the charter of the Eastport Bridge.

An Act to incorporate the city of Camden.

An Act conferring additional powers upon the Lincoln County Street Railway.

An Act authorizing the Biddeford & Saco Water Company to issue bonds and for other purposes.

An Act to regulate the placing of permanent moorings in harbors. Subsequently, on motion by Mr. Clark of Hancock, the vote, whereby this Act was passed to be enacted, was reconsidered; and on the further motion of

the same senator, the bill was laid on the table.

Orders of the Day.

Mr. STAPLES of Cumberland: Mr. President, yesterday, the Senate voted to refer nine petitions in favor of a fish hatchery at Sebago lake to the committee on inland fisheries and game. As that committee has reported on this matter, I now move that the vote effecting such reference, be reconsidered. The motion prevailed. On further motion by the same senator, the said petitions were ordered placed on file.

Mr. GOODWIN of Somerset: Mr. President, I wish to take up Senate Document No. 53, An Act authorizing the Estes Lumber Company to locate piers and booms in the Kennebec river opposite lands of said company in Solon and Embden. I therefore move the same be taken from the table.

The motion prevailed. On further motion by the same senator, said bill was referred to the committee on legal affairs.

On motion by Mr. Bryant of Somerset, it was voted to take from the table, Bill, An Act to increase and fix the salary of the assistant librarian.

Mr. BRYANT of Somerset: Mr. President, I did not table that because I felt any antagonism to the bill. I did not table it because we wished to throttle it in the committee on appropriations and financial affairs as my colleague has intimated we desired to do in reference to another matter. I did not table it because I do not have faith in the ability and integrity of the committee that reported it; but it seemed to me it was a matter that ought to go to the committee on appropriations and financial affairs; and if it does not go to them, I fail to see how they can report it in their appropriation bills; and it seems to me for that reason, if I were the assistant librarian myself, I should want it to go to that committee, and be reported in the appropriation bill so the Governor and Council would have a reason to draw a warrant for my salary. I therefore move that the vote whereby this bill was passed to be engrossed, be reconsidered.

Mr. GOODWIN of Somerset: Mr. President, I wish to say a word of explanation in regard to that, in order

that there may be no misunderstanding. The act should have gone to the committee on appropriations and financial affairs, but I think it was inadvertently passed by the clerk or the President, without considering the character of the appropriation. I think it should go to the committee on appropriations and financial affairs.

The question being put on the motion of Mr. Bryant, to reconsider the vote whereby the bill was passed to be engrossed, the motion prevailed. On the further motion of the same senator, the bill was referred to the committee on appropriations and financial affairs.

On motion by Mr. Guernsey of Piscataquis, the Senate adjourned to meet on Tuesday, February 17, 1903, at 10.30 o'clock in the forenoon.