

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

SENATE.

Thursday, Feb. 26, 1903.

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

Prayer by the Rev. Mr. Newbert of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

During the introduction and action upon House papers Senator Wing of Androscoggin, having been called to the Chair by the President, presided, the President thereafter resuming the chair.

Certain petitions and remonstrances in relation to resubmission of the prohibitory amendment came from the House, referred by that branch to the committee on Temperance. On motion by Mr. Dudley of Aroostook, the Senate non-concurred with such reference, and on further motion of the same Senator, said petitions and remonstrances were placed on file.

On motion by Mr. Staples of Knox, bill, An Act to provide for representation of the State of Maine at the Louisiana Purchase Exposition at St. Louis, Mo., and asking for an appropriation therefor, was tabled, pending the acceptance of the report, and Tuesday next assigned for its consideration.

On motion by Mr. Dudley of Aroostook, Bill, An Act to amend the charter of the Bascodegan Dam Company was laid on the table.

Read and Assigned.

An Act in relation to the trustees of Westbrook Seminary.

An Act in relation to the Police Court of the city of Rockland.

An Act to amend Chapter 154 of the private and special laws of 1895 relating to the charter of the Wiscasset Water Company.

An Act to set apart an annual Old Home Week.

An Act to amend Chapter 204 of the private and special laws of 1883 entitled An Act to establish a municipal Court in the town of Westbrook.

An Act to extend the charter of the Sebacook Manufacturing and Power Company. (House amendment A. adopted in concurrence).

An Act relative to the Clinton Electric Light and Power Company.

Resolve in favor of the city of Rockland.

Resolve in relation to completion of the fifth Revision of the General or Public Laws; and appointing a commissioner therefor.

An Act to incorporate the South West Harbor Banking and Trust Company.

An Act relating to the Camden Trotting Park Association.

An Act to amend Chapter 229 of the private and special laws of 1883 as amended by Chapter 333 of the private and special laws of 1885, entitled An Act to incorporate the Passadumkeag Log Driving Company.

An Act to authorize the erection of piers and booms in the Mattawamkeag river at Jenkin's Cove.

An Act to incorporate the St. John River Toll Bridge Company.

An Act authorizing the Great Northern Paper Company to locate, erect and maintain piers and booms in Kennebec River.

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.

An Act to amend Chapter 130 of the private and special laws of 1866, entitled An Act to incorporate the Sebec Dam Company, as amended by Section 6 of Chapter 26 of the private and special laws of 1899.

An Act to amend the charter of the Bar Harbor Banking and Trust Company.

An Act to grant certain powers to Hancock county trustees of public reservations.

An Act relating to the election of a road commissioner in the town of Boothbay Harbor.

The House having non-concurred with the Senate in passing to be engrossed, Resolve in favor of John Bradbury, and

Resolve in favor of Ebenezer O. Gerry, and having recommitted said resolves to the Committee on Pensions; on motion by Mr. Goodwin of Somerset. Resolve in favor of John Bradbury was laid on the table; and on motion by Mr. Staples of Knox, Resolve in favor of Ebenezer O. Gerry was also laid on the table. Subsequently, these two resolves were taken from the table on motion by Mr. Goodwin of Somerset.

Mr. GOODWIN of Somerset: Mr. President, I understand that, in the House, yesterday, a vote was passed to recommit these two measures to the Committee on Pensions, with instructions to bring in a bill pensioning all needy veterans of the Aroostook war. By some means that does not appear before the Senate, although I am informed that such was the action in the House; and there must be some error in regard to it, but it was made at the suggestion of the Committee on Appropriations and Financial Affairs; and I would ask, if I may be permitted, the chairman of that committee if that was his understanding of the matter?

Mr. BURNS of Cumberland: It was, yes.

Mr. GOODWIN: Now with that understanding on the part of the Senate I move that the Senate recede, and concur with the House in recommitting the resolves to the Committee on Pensions. The motion prevailed.

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

Railroads, Telegraphs and Expresses.

By Mr. Burns of Cumberland: Petition of E. M. Wilson and 27 others for the passage of a law for the better connection between telephone lines, and better facilities for the transmission with lines of connecting companies.

Shore Fisheries.

By Mr. Wilson of Washington: Bill, An Act to amend Section 1 of Chapter 172 of the Private and Special Laws of 1899.

Public Charities and State Beneficiaries.

By Mr. Plummer of Androscoggin: Petition of Board of Health of East

Livermore for the enactment of a bill providing for a State laboratory and hygiene.

Reports of Committees.

Mr. Wing for the Committee on Judiciary, on Bill, An Act to supply towns and cities with pure water, reported that same ought not to pass. On motion by Mr. Staples of Knox, the report was laid on the table.

Mr. Wing for the Committee on Judiciary, on Bill, An Act conferring additional powers upon proprietors of Union Wharf, incorporated by special act of the Legislature, approved Feb. 9, A. D. 1856, reported same in new draft, under same title and that it ought to pass. Report accepted. Bill table for printing under the joint rules. Subsequently, on motion by Mr. Wing of Androscoggin the vote whereby the report was tabled for printing was reconsidered; and on further motion by the same Senator the bill took its several readings, under suspension of the rules, and was passed to be engrossed.

Mr. Wing for the Committee on Judiciary, on Bill, An Act to amend the charter of the city of Auburn, and to provide for street sewer and permanent improvement department, reported same in new draft and that it ought to pass. Bill tabled for printing, under the joint rules.

Mr. Pierce for the Committee on Legal Affairs, on Bill, An Act to amend Chapter 227 of the Private and Special Laws of 1880, entitled, "An Act to supply the people of Houlton with pure water, as amended by Chapter 497 of the laws of 1889, reported same ought to pass. Bill tabled for printing under the joint rules.

Mr. Staples for the Committee on Legal Affairs, on Bill, An Act granting a new charter to Farmington Village Corporation, reported same in new draft under same title, and that it ought to pass. Bill tabled for printing under the joint rules.

Mr. Gardner for the Committee on Federal Relations, on Bill, An Act to cede jurisdiction of the State of Maine to the United States of America over so much land as has been or may be hereafter acquired for public purposes of the United States, reported same

ought to pass. Report accepted. The bill having been printed, took its first reading, and was assigned for second reading.

Mr. Gardner for the Committee on Federal Relations, on Bill, An Act consenting to the purchase by the United States of land lying in Hancock county, in the State of Maine, and ceding jurisdiction over same, reported same ought to pass. On motion by Mr. Guernsey of Piscataquis, the report having been read, the bill was recommended.

Mr. Morse, for the committee on pensions, on resolve to provide for examination of claims for State pensions, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

Mr. Pierce for the committee on public buildings and grounds on resolve in favor of the committee on revision of the statutes, reported same ought to pass. Report accepted.

Mr. Guernsey for the Piscataquis county delegation, on bill, An Act to provide blanks and stationery for the Dover Municipal Court, reported same ought to pass. Report accepted. Tabled for printing under the joint rules.

Passed to be Engrossed.

An Act to legalize the acts and doings of the town of Williamsburg.

An Act to repeal the provisions of Section 3 of Chapter 544 of the Special Laws of 1889, relating to the Bangor Street Railway.

An Act to extend the charter of the Ellsworth Street Railway Company.

An Act extending the charter and changing the name of the Van Buren Trust and Banking Company.

An Act to amend Section 129 of Chapter 47 of the Revised Statutes relating to officers and corporators of savings banks.

An Act to amend Chapter 215 of the Resolves of the State of Maine of 1897, relating to tuition of students in agriculture at University of Maine.

An Act in relation to the Hancock County Railway Company.

Resolve in favor of the town of Sanford.

An Act to amend Chapter 301 of the Private and Special Laws of 1850, entitled "An Act to incorporate the Port-

land Widows' Wood Society, as amended by Chapter 145 of the Private and Special Laws of 1879.

An Act to authorize the county commissioners of Somerset county to borrow a sum of money with which to build an extension to the Court House at Skowhegan in said county.

An Act to prevent pollution of the waters of Sebago Lake.

An Act conferring additional powers upon proprietors of Union Wharf, incorporated by special act of the Legislature, approved February 9, A. D. 1856.

Passed to be Enacted.

An Act to repeal Section 34, 35, 36, 37 and 38 of Chapter 26 of the Revised Statutes relating to costs in cases of suspected incendiarism.

An Act to amend Section 10 of Chapter 366 of the Private and Special Laws of 1897 entitled "An Act to incorporate the Livermore Falls Water Company."

An Act to authorize the Penobscot use, transmit and sell electricity.

An Act to enlarge the powers of street railroads in taking land.

An Act to extend the charter of the Mutual Fire Insurance Company.

An Act authorizing and empowering Joseph C. Patchell of Reed Plantation in the county of Aroostook to erect and maintain piers and booms in the Mattawamkeag river.

An Act to extend the charter of the Bangor and Brewer steam ferry company.

An Act to incorporate the Ft. Kent Trust Company.

An Act relating to the taking of lobsters within three miles of the islands of Matinicus and Criehaven during the months of August and September in each year.

An Act to incorporate the Gardiner Water District.

Finally Passed.

Resolve in favor of the State Reform School.

Orders of the Day.

On motion by Mr. Guernsey of Piscataquis, the majority and minority reports of the Committee on Judiciary, on Bill, An Act relating to the election of a road commissioner in the town of Boothbay Harbor were taken from the table.

Mr. GUERNSEY of Piscataquis: Mr. President, Senate Document No. 24 provides for the election of a road commissioner for the town of Boothbay Harbor for a term of not less than one, nor more than five years, according to the vote of the town. It seems there are special conditions there in regard to the building of their roads, and a desire has been expressed by the people of the town that they may be allowed to elect their commissioner for a longer period than one year, but not exceeding five. I move that the majority report of the Committee on Judiciary be not accepted.

Mr. MADDOCKS of Lincoln: Mr. President, The town of Boothbay Harbor is situated as many other towns are. We have a great amount of road and a small amount of good material to repair them with. We have no gravel banks, and we are obliged to build our roads with sand and mud; and, from the beginning we have been obliged to waste a great deal of money in carting sand and mud on these rock foundations only to be washed off and fill up our beautiful harbor.

Within my remembrance of thirty years' residence there, Boothbay Harbor has filled up, at certain points for two feet, mostly from the accumulation of this mud and sand that we have hauled on at an expense of perhaps a dollar a load. While we have many improvements for a small town, good water works and electric lights and good public buildings, and while we try to be progressive, our roads are against it. We find it is impossible to make good roads with sand and mud. Within a few years we have bought the necessary machinery for building good roads, but the trouble that confronts us today is this: under the present statute we can elect a road commissioner only for one year. We find it very difficult to find such a man as we want who will undertake our road business for one year only, for the reason that he says he cannot formulate any line of action—cannot give good results, is sure to be ashamed of what he does, and he says he will not have anything to do with it; and the result is that we have to put with a cheap man, and lay out our money

and waste it. Now, this bill, No. 24, is asked for for the principle reason that to overcome this difficulty, we want the right to elect a road surveyor for one or more years, as the town may vote. It does not affect the right of any other town or any other person; but it simply puts it into the hands of this town to do as they see fit; and we cannot see any inconsistency in asking for this right. We are asking for no appropriation. We are asking for no favors of the Legislature—only this legal right to lay out our money in such a way as we may deem best for our own interests; and, in view of that condition of affairs we had an article inserted in our town warrant at our last annual meeting which we held in January—it being the only town in the State that does hold its annual meeting in January—and the article read in this way: "To see if the town will authorize the selectmen to petition to the Legislature for authority to elect a road commissioner for a term of years;" and I will say that that motion was carried unanimously, as I understand it. I will read the petition which the selectmen have placed in my hands on this subject.

"To the Honorable Senate and House of Representatives in Legislature assembled:

We, the undersigned, selectmen of Boothbay Harbor, respectfully represent that, at our last annual meeting, held Jan. 12, 1903, by a unanimous vote we were authorized and instructed to petition the Legislature for the enactment of such laws as will allow the town of Boothbay Harbor to elect a road commissioner for a term of years, not exceeding five. Therefore, acting under said vote and in behalf of said town, we respectfully ask that such laws be enacted."

Dated Jan. 14, 1903.

(Signed by)

CYRUS R. TUPPER,
GEORGE W. GREENLEAF,
FREEMAN BOYNTON,

Selectmen of the town of Boothbay Harbor.

You will see this is not asked for by any individual, but by the concurrent action of the town, the selectmen; and I cannot see that there is any great op-

position to it in our town, although there may be opposition to any bill. It is not an exceptional case to have opposition to anything; but I would ask the senators to consider this matter, those of you who live in towns, from a practical standpoint. I do not understand that we disturb any law. I do not understand that we change anything in any other town, and I do believe that when this matter is understood by the senators, they can appreciate the necessity for it, and they will vote according to their convictions based upon actual experience and from a business standpoint. I know it takes considerable courage for me, not versed in pleading causes, to stand up here and oppose a report which is nearly unanimous of the judiciary committee. I believe if the judiciary committee understood this question as I do, they would hesitate to deprive us or deny us this small favor which we ask.

Mr. MANLEY of Kennebec: Mr. President, this matter was all thrashed out before the judiciary committee. The senator from Lincoln appeared and prominent citizens from his own town appeared in opposition. The bill that he presented to the Legislature and to the judiciary committee provides that the tenure of office of the road commissioner shall be not less than one, nor more than five years to be authorized at the next annual meeting, and thereafter. Now, the judiciary committee considered this question fully and fairly. We heard the senator from Lincoln, and every member of the committee was in opposition to granting this authority, every single member of the committee. Afterwards, the senator from Piscataquis said that he would report a minority report to allow the senator from Lincoln to explain it; and if we pass this law we have got to change the general statute, or pass a law similar to it for every town in the State. Now, they can elect their road commissioner, and if you pass this law, they will elect him for five years, and the next year they will turn round and turn him out and put in another one for five years; and you are going through the constant worry and fuss of electing, and re-electing and turning out, every year. Now, if you get a good road

commissioner in Boothbay Harbor, you can keep him in after re-electing him if he is a good one. If he is a poor one you don't want to re-elect him, and you don't want to be tied down to any five years terms. Prominent citizens of that town appeared before our committee and protested against it, and they say that the call in the warrant was entirely different from this proposition, and they do not propose to submit to the vote of the people, they propose to have this law passed that you shall elect a road commissioner down there for five years, and if you do not elect him, the selectmen shall have authority to appoint one for five years. I said we were opposed to any change of the law relating to the election of any town officer that they should be kept precisely as they were; and I think the majority of the committee who heard this question all one afternoon, that their view should be respected.

Mr. MADDOCKS of Lincoln: Mr. President, I respect the views and I respect the honorable judiciary committee, but the Senator from Kennebec says we will have to do it all round. If it is a good thing we ought to do it all round. If the other towns see that we are getting an advantage by this law, they will certainly come here and ask for it I find that the cities are not at all backward. There is precedent for this in the cities. I think, in the city of Portland, two years ago, the tenure of office has been fixed, and matters have been amended and all this thing has taken place. It is no trouble to do it, there is no conflict in regard to it for the town, or as between towns; and I cannot see any reason why we shall not have authority as the Gentleman from Kennebec states. He states we only want authority to elect for five years. We can elect for five years, or one, two, three or four—that lies with us, or we need not use this law at all. It is simply a matter left to our own judgment and discretion.

Mr. WING of Androscoggin: Mr. President, I do not wish to inflict anything upon the Senate. They already have the benefit of the unanimous opinion of the committee on the judi-

ciary in this matter, if it is good for anything. If a man is elected in Boothbay Harbor or in any other town as a public servant, and discharges that duty well, and satisfies the people, they can re-elect him the next year, if they want him, and it seemed to the committee on the judiciary that it was vicious legislation and they were unanimously opposed to it. As the chairman of the committee has stated, Mr. Guernsey, a member of the committee, consented to report a minority report in order that the Senator from Lincoln might have an opportunity to present his matter to the Senate. He has done so; and I wish to call the attention of the Senate to the fact that they have the benefit—if it is any benefit of the unanimous opinion of the committee on judiciary of this Legislature.

The question being put upon the motion of the Senator from Piscataquis that the majority report be not accepted, the motion prevailed, 15 voting against the acceptance of the majority report, and six voting in favor of its acceptance.

On motion by Mr. Staples of Knox, the Senate adjourned to meet on Friday, February 27, 1903, at ten o'clock A. M.

HOUSE.

Thursday, Feb. 26, 1903.

Prayer by Rev. Mr. Hope of Augusta.

Papers from the Senate disposed of in concurrence.

The following order came from the Senate:

Ordered: That a commission, consisting of five members of the present Legislature, be appointed by the Governor to investigate the amount of salaries paid to the several State and county officials, whose salaries at the present time are determined by the Legislature.

Said commission is hereby given authority to summon witnesses, so as to obtain all necessary information, and are to report to the next Legislature, by bill or otherwise, a fair and reasonable compensation to be paid said officials with provisions that all fees pertaining to the several offices, be paid to the State or county treasurers as may be decided in each case.

Said commission to be paid a reasonable compensation for services and expenses, as may be decided by the next Legislature.

On motion of Mr. Weeks of Fairfield, the order was tabled and assigned for Tuesday of next week.

Senate Bills on First Reading.

(Mr. Smith of Presque Isle in the chair).

An Act relating to the duties of Secretary of State.

An Act to repeal Sections 21, 22, 46, 66 and 70 of Chapter 2 of the Revised Statutes, relating to the duties of Treasurer of State and Secretary of State.

An Act to repeal Section 67 of Chapter 2 of the Revised Statutes and to amend Section 87 of Chapter 6 of the Revised Statutes relating to the duties of the Treasurer of State.

An Act to amend Section 12 of Chapter 3 of the Revised Statutes as amended by Chapter 335 of the Public Laws of 1885 and to repeal conflicting statutes relating to the election of collectors of taxes.

An Act to repeal Sections 39, 40, 41 of Chapter 3 of the Revised Statutes