

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

SENATE.

Saturday, March 21, 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.

On motion by Mr. Goodwin of Somerseset, the minority and majority reports of the committee on judiciary in relation to the incorporation of the Messalonskee Electric Company, the same having been returned by the House, the House insisting on its action and asking for a committee of conference, the reports were laid on the table, Tuesday of next week assigned for special consideration.

Read and Assigned.

An Act to furnish certain powers to the trustees of the University of Maine. Read once, and on motion by Mr. Morse of Waldo, laid on the table, and assigned for next Wednesday.

An Act to amend Section 6, Chapter 11 of the Revised Statutes, relating to the raising and expending of common school fund.

An Act authorizing Clarence H. Clark to extend and maintain a wharf in Lubec Narrows. On motion by Mr. Wilson of Washington, laid on the table.

An Act to authorize Jacob C. Pike to extend and maintain a wharf in Lubec Narrows. On motion by Mr. Pike of Washington, laid on the table.

An Act to amend Section 16 of Chapter 51 of the Revised Statutes, relating to railroads.

An Act to authorize the Phillips & Rangeley Railroad to purchase or lease the property of the Madrid Railway Company.

An Act to amend Section 29 of Chapter 116 of the Revised Statutes, relating to fees and costs of magistrates.

An Act to make valid the election of treasurer and collector of taxes at elections held during the month of March, 1893. This bill took its first

reading, and on motion by Mr. Manley of Kennebec, was laid on the table.

An Act to authorize steam railroad corporations to build and operate street railroads and purchase or lease such railroads. On motion by Mr. Staples of Knox, this bill was laid on the table pending second reading.

An Act relating to compensation of examining board.

On motion by Mr. Alden of Kennebec, resolve in favor of Maine Insane Hospital, was received under suspension of the rules, and the same senator moved its reference to the committee on appropriations and financial affairs, and said:

Mr. President and Gentlemen of the Senate: As a life long dairyman and stock feeder I naturally feel that the quality and health of our live stock must largely determine the success of our agriculture. In fact the State recognizes this and has wisely provided a commission whose duty it is to examine into any and all cases of diseased animals, and to destroy at the expense of the State, in part, all such as may be affected with such diseases as are liable to injure the consumer of the product. In the recent wide spread outbreak of the dreaded foot and mouth disease, with which the United States government is grappling with all its power, there is great cause for thankfulness, that, thus far, Maine stock has escaped. The rigid quarantine established by our authorities has, thus far, kept our borders free, the result being that Maine cattle enjoy an enviable reputation, and so soon as the quarantine is off, will be wanted by the milk producers of other states at prices satisfactory to the producers. These conditions, Mr. President and gentlemen of the Senate, are maintained only by maintaining the health of our domestic animals. During the weeks that this Legislature has been in session, rumors have been reaching our ears that the health of the valuable herd at the State Insane Asylum across the river, was in danger that the unfortunates from the homes all over Maine were drinking milk from cows diseased with tuberculosis. Gentlemen, your agricultural committee felt

that this was too serious a matter to be passed over, and, after mature deliberation, after repeated discussions and conferences with friends of our agriculture. We met the superintendent and steward of the asylum only to find that they had been patiently striving to eliminate all traces of diseases by the removal and destruction of cows showing diseased condition under a physical test. This herd was tested with tuberculin, last year, and again, this winter, the work in both cases being performed by competent veterinarians, and quite a large per cent. reached sufficiently large to justify further action. It was the wish of Dr. Sanborn and Mr. Campbell that our committee, made up of farmers, should visit and personally inspect this herd, and this we did. Instead of a lot of run down, sick looking cows, we found a herd to be proud of, in fine condition, giving a large quantity of milk, hearty and apparently rugged in spite of the story told by tuberculin. Only a few were in poor condition. More than this, we found the officers determined to sift the question of condition and diseases and we were asked to cooperate. A second visit was planned, when it was proposed to kill one cow whose condition was poor, but which reacted but slightly, and one bull and one cow in fine condition, but which reacted the highest of any. These animals were in our presence destroyed, and we found the cause of the poor condition of the cow to be a large abscess on her liver, in which was imbedded a two-inch nail. In the case of the bull and other cow, small tubercles were found in each, on the glands or in the lungs, but in every case these tubercles were completely encysted. All authorities agree, Mr. President and gentlemen, that an encysted tubercle is harmless, it is in the active state of suppuration that there is danger to the animal or user of the product. As these two were the extreme cases and the animals remaining gave no outward sign of trouble your committee could not justify further destruction. This, gentlemen, is the story of our doings and in this we have acted without instructions but upon invitation from Dr. Sanborn, and

Mr. Campbell, both of whom are very anxious to be absolutely free from any possible danger to the milk supply, at the Insane Hospital. At the same time this is a State institution in which every man is directly interested and thousands personally. We must make comfortable the rooms where somebody's wife, husband, brother or sister is confined, for no man knows the day when his dear ones may require its protection and the treatment afforded. We are in duty bound to see that every thing possible is provided to improve the sanitary conditions or add to the comfort and health of the inmates. Thus the milk supply, which is the chief diet of so large a percent, becomes of supreme importance. At the same time your committee of agriculture is united in opposition to the idea that because 70 per cent. of those cows reacted under the tuberculin test they should be destroyed regardless of their appearance or physical condition. We have carefully considered this whole subject and while admitting the value of tuberculin, we are convinced that no cow should be destroyed, unless evidence of disease can be determined by a physical examination. For the protection of the patients at that institution opportunity should be afforded whereby the herd can be divided, and those most liable to disease placed by themselves where they can be watched and where they cannot in any way come in contact with the rest of the herd. To this end we have drawn the resolve now under consideration which provides to remove, enlarge and renovate one of the stock barns to provide more room for the better classification of the herd of milch cows, such as should be separated from the herd.

Gentlemen, we must either destroy this valuable herd upon the findings of the tuberculin test, and ere we separate provide the large sum necessary for the purchase of a new one, or as I firmly believe right and proper, the only thing to do, provide a barn and tie-up so that this herd can be separated and a critical watch kept over every individual animal.

This is not a question of sentiment, Mr. President, but of stern duty. We owe it to the officers of the Maine In-

sane Hospital into whose hands are placed grave responsibilities. We owe it to the unfortunates confined in those walls, whose friends are daily waiting for some ray of hope of ultimate recovery. We owe it to the State of Maine which has never shrunk from meeting its obligations to its dependent citizens; and more than all we owe it to ourselves, proud of our State and hopeful for its future, to see to it that the weak and unfortunate have thrown about them every safeguard and that the cry of a common humanity be not stifled in the breast of any loyal son of Maine.

Gentlemen of the Senate, it becomes our duty as it is our privilege to give this resolve our endorsement, and in the closing days of this session, strengthen the conservative policy of the State towards its great cattle interests.

I ask that the resolve now have its passage and be referred to the committee of appropriations and financial affairs, and the resolve was so referred.

Passed to be Engrossed.

An Act to amend Section 1 of Chapter 75 of the Revised Statutes, as amended by Chapter 157 of the Public Laws of 1895, and by Chapters 193 and 196 of the Public Laws of 1897, relating to descent of real estate.

An Act to repeal Chapter 65 of the Public Laws of 1875 relating to rights of owners of Petit Menan pond.

An Act to legalize the doings of the selectmen of the town of Waltham.

An Act additional to Chapter 73 of the Revised Statutes relating to titles of property. (House amendment A adopted in concurrence).

An Act to amend Section 5 of Chapter 17 of the Revised Statutes as amended by Chapter 188 of the Public Laws of 1893, relating to nuisances.

An Act relating to assaults upon officers and hindering or obstructing them while in the discharge of their duties.

Resolve in favor of the town of Houlton.

An Act to increase the salary of the county attorney of Piscataquis county.

An Act relating to the salary of the county attorney of Somerset county.

An Act to amend an act incorporating the trustees of Bridgton Academy.

An Act to authorize Bath, West Bath and Brunswick to erect a bridge over New Meadows river between Brunswick and West Bath.

Resolve in favor of Albion Oaks, secretary of the committee on ways and bridges. (Introduced by Mr. Maddocks of Lincoln, under suspension of the rules, and on the same senator's motion, read twice under suspension of the rules, and passed to be engrossed without printing.

An Act to increase and fix the salary of the assistant librarian.

An Act to amend the charter of the Maine Investment and Guarantee Company.

An Act to amend Section 10 of Chapter 60 of the Revised Statutes relating to divorce.

Resolve in favor of the town of Mariaville.

An Act to incorporate the Patten Telegraph and Telephone Company.

Resolve in favor of the Maine Insane Hospital.

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

An Act relating to the salary of the county attorney of the county of Hancock.

Resolve in favor of Eastern Maine Insane Hospital.

Resolve in favor of State committee of Young Men's Christian Association of Maine.

Resolve in aid of navigation on Moosehead lake.

An Act to incorporate the Phillips Trust Company.

An Act to incorporate the Piscataqua River Storage Company.

An Act to incorporate the Washington County General Hospital.

An Act to change the name of the Maine Wesleyan Seminary and Women's College.

Resolve authorizing the land agent to sell certain public lots in Dallas Plantation, Franklin county.

An Act to amend Chapter 381 of the Private Laws of 1901, relating to open time on deer in Cumberland county.

An Act to amend Section 4, Section 11, Section 19, of Chapter 18 of the Public Laws of 1891 as amended by Chapter 154 of the Public Laws of 1895, relating to returns of vital statistics.

An Act to amend Chapter 100 of the Public Laws of 1891, entitled "An Act to create a forest commission, and for the protection of forests."

An Act to amend Section 38 of Chapter 27 of the Revised Statutes as amended by

Chapter 140 of the Public Laws of 1887, and Chapter 132 of the Public Laws of 1891, relating to intoxicating liquors.

An Act to amend Sections 22, 23, 34, 35 of Chapter 18 of the Revised Statutes, relating to the assessment of damages upon abutters on city streets.

An Act to repeal Sections 1 to 47 inclusive and Sections 49 to 82 inclusive, of Chapter 47 of the Revised Statutes, relating to banks of discount.

An Act relating to trespassers.

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

Reports of Committees.

Mr. Maddocks for the committee on ways and bridges, on resolve in favor of Albion Oakes, secretary of committee on ways and bridges, reported ought to pass. Under suspension of the rules, took its several readings and was passed to be engrossed.

Mr. Bryant for the same committee, on resolve in favor of A. A. Burleigh, chairman of the committee on interior waters, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

Mr. Burns for the same committee, on resolve to pay for the printing and binding of the report of John A. Merrill, commissioner for the revision and consolidation of the Public Laws, made to the present Legislature, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

Mr. Bryant for the same committee, on resolve in favor of the town of East Livermore, reported same ought to pass. Report accepted. Resolve tabled for printing under the joint rules.

Mr. Burns for the same committee, on resolve providing for an epidemic or emergency fund, reported same in new draft, under same title, and that it ought to pass. Report accepted. Resolve tabled for printing, under the joint rules.

Mr. Bryant for the same committee, on bill, An Act relating to compensation of examining board, reported same ought to pass. Report accepted. The resolve took its first reading and was assigned for second reading.

The following joint standing committees submitted their final report that they have acted on all matters referred to them:

State lands and State roads, final report.

Pensions, final report.

Sea and shore fisheries, final report.

Mr. Dudley for the committee on communication from President Moore of the National Good Roads Association, and Hon. Martin Dodge, director of public roads inquiries, urging the appointment of delegates to the National Good Roads convention at St. Louis, April 27, 28, 29, 1903, reported accompanying order: Ordered, that the Governor be directed to appoint three delegates to attend the National and International Good Roads convention to be held in the city of St. Louis, Mo., April 27, 28, 29, 1903, and we further direct that the actual expenses of the delegates be paid by the State out of the State road money, so called.

On motion by Mr. Manley of Kennebec, it was: Ordered, that when the Senate adjourn, it be until Monday, March 23, A. D. 1903, at 4:30 o'clock P. M.

Passed to be Enacted.

An Act to amend Section 35 of Chapter 99 of the Revised Statutes, relating to the powers and duties of ball commissioners.

An Act to regulate the taking of bail in criminal prosecution.

An Act relating to the powers of the Portland and Rumford Falls Railway.

An Act to authorize Frederick J. Merrill of Damariscotta, to construct a tide wheel in the tide waters of Damariscotta river.

An Act to incorporate the Rangeley Trust Company of Rangeley, Maine.

An Act to amend the charter of the Lubec Water Company.

Finally Passed.

Resolves in favor of the Central Maine General Hospital.

Resolve in favor of the Eastern Maine General Hospital.

Resolve in favor of the Augusta City Hospital.

Resolve in favor of the Maine Eye and Ear Infirmary.

Resolve in favor of the hospital of the Society of the Sisters of Charity of Lewiston, Maine.

Resolve for repairs of highway in Upton, Magalloway Plantation, and Township C, in the county of Oxford.

Orders of the Day.

On motion by Mr. Staples of Knox, Senate document 185, An Act to amend Section 6 of Chapter 267 of the Public Laws of 1883, entitled "An Act to provide for the printing and distributing ballots at the public expense and to regulate voting for State and city elections," was taken from the table. On the further motion of the same senator, Senate amendment A was adopted, and the bill as amended took its second reading and was passed to be engrossed.

On motion by the same senator, Senate document 106, resolve making an appropriation for the ownership and maintenance of State and county bridges, was taken from the table, and on his further motion the resolve was indefinitely postponed.

On motion by the same senator, Senate document 160 was taken from the table, and on the further motion of the same senator was placed on file.

On motion by Mr. Clark of Hancock, Senate document No. 223, An Act to correct clerical errors and make plain the meaning of and amend Chapter 39 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1899, and as amended by Chapters 222 and 278 of the Public Laws of 1901, and Chapter 326 of the Private and Special Laws of 1901, and acts reported from the committee on inland fisheries and game relating to inland fisheries and game, was taken from the table, and on his further motion was re-committed to the committee on inland fisheries and game in concurrence.

On motion by Mr. Clark of Hancock, the vote whereby the order that the post-

master of the Senate receive the same sum for expenses as is received by the postmaster of the House, was passed, was reconsidered, and on further motion of the same senator the order was referred to the committee on appropriations and financial affairs.

On motion by Mr. Staples of Knox, the bill relating to the taxation of railroad companies in accordance with their cash value, was taken from the table, and on the further motion of the same senator was specially assigned for next Tuesday.

On motion by Mr. Gardner of Penobscot, the Senate adjourned to meet on Monday, March 23, 1903, at 4.30 o'clock P. M.

HOUSE.

Saturday, March 21, 1903.

Prayer by Rev. Mr. Degen of Augusta.

Papers from the Senate disposed of in concurrence.

Resolve in favor of the Committee on Maine State Prison, came from the Senate passed to be engrossed under a suspension of the rules.

On motion of Mr. Dudley of Augusta, the rules were suspended, the resolve received its two readings and was passed to be engrossed in concurrence.

Bill, An Act relative to elections of treasurer and collector of taxes of the town of Sidney, came from the Senate indefinitely postponed.

On motion of Mr. Blake of Sidney, this bill was indefinitely postponed in concurrence.

Bill, An Act to amend Section 43 of Chapter 284 of the Public Acts of 1901, came from the Senate amended by Senate amendment A.

On motion of Mr. Oakes of Milford, the vote was reconsidered whereby this bill was passed to be engrossed, Senate amendment A was adopted and the bill was then passed to be engrossed as amended in concurrence.

The report of the Judiciary Committee came from the Senate, reporting ought not to pass, on Bill, An Act to amend Chapter 46 of the Revised Statutes of 1883, relating to the duties of treasurers of corporations. In the House the report was accepted.

On motion of Mr. Howe of Canton, the vote was reconsidered whereby this report was accepted, and on further motion by the same gentleman the bill was laid on the table pending the acceptance of the report.

Senate Bills on First Reading.

An Act to change the time of holding sessions of the county commissioners in Aroostook county.

Resolve in favor of Maine State Prison.

An Act to authorize the Portage Lake Mill Company to build and maintain piers and booms and to operate a steamboat in Portage lake.