

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

SENATE.

Monday, March 23, 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.

Read and Assigned.

An Act amendatory to An Act passed at this session of the Legislature, relating to superintendent of schools.

On motion by Mr. Gardner of Penobscot, laid on the table.

An Act to amend Section 2 of Chapter 508 of the Private and Special Laws of 1885, as amended by Chapter 134 of the Private and Special Laws of 1887, Chapter 527 of the Private and Special Laws of 1893, and Chapter 425 of the Private and Special Laws of 1901, relating to Norway municipal court.

On motion by Mr. Wing of Androscoggin, this bill was laid on the table.

An Act to incorporate the Peaks Island Water and Light Company. On motion by Mr. Burns of Cumberland, this bill was laid on the table pending the acceptance of the report.

Orders.

On motion by Mr. Goodwin of Somerset, it was, Ordered, that the secretary of the Senate be, and he hereby is requested and authorized to compile from the Senate journal, and any other authentic source, notes of rulings on the rules of the Senate and notes of rulings on the joint rules in form similar to notes of rulings on the rules of the Senate of the commonwealth of Massachusetts; and report the same to the next Legislature; the expense and compensation of said secretary to be paid by the Governor and Council from the appropriation for the contingent expenses of the Legislature.

On motion by Mr. Clark of Hancock, it was, Ordered, that the justices of the supreme judicial court are hereby requested to give to the Senate, according to the provisions of the constitution in this behalf, their opinions on the

following questions: 1. Is so much of the Public Law of Maine for 1895, Section 1, Chapter 18, constitutional, that reads as follows: "In case of loss under this policy, and a failure of the parties to agree as to the amount of loss, it is mutually agreed that the amount of such loss shall be referred to three disinterested men,—the company and the insured each choosing one out of three persons to be named by the other, and the third being selected by the two so chosen. The award in writing by a majority of the referees shall be conclusive and final upon the parties as to the amount of loss or damage; and such reference unless waived by the parties shall be a condition precedent to the right of action in law or equity to recover for such loss, but no person shall be chosen or act as a referee against the objections of either party who has acted in a like capacity within four months. No suit or action against this company for the recovery of any claim by virtue of this policy shall be sustained in any court of law or equity in this State unless commenced within two years from the time the loss occurred."

2. Is Section 1, Chapter 18 of the Public Laws of 1895 constitutional?

Mr. Goodwin of Somerset, presented resolve in favor of clerk for the committee on revision of the Statutes, and the same was referred to the committee on appropriations and financial affairs.

Passed to be Engrossed.

An Act to amend An Act relating to alewife fishing at Darmariscotta Mills.

An Act additional to the Act creating the Rumford Falls municipal court.

An Act amendatory of Section 1 of Chapter 221 of the Public Laws of 1897, relating to waiving the provisions of a will by the widow or widower, and to wills in which no provision is made for the widow or widower, and the interest which the widow or widower shall have in the personal estate of the testator or testatrix in such cases.

An Act relating to bonds to be given by treasurers of towns and plantations.

An Act to amend Chapter 11 of the Public Laws of 1887, as amended by

Chapter 44 of the Public Laws of 1899, authorizing cities and towns to accept legacies, devises and bequests, and to raise money.

An Act to incorporate the Augusta Water district. On motion by Mr. Wing of Androscoggin, Senate amendment A was adopted and the bill as amended was passed to be engrossed.

An Act to amend Sections 2 and 16 of Chapter 48 of the Revised Statutes, relating to corporations.

An Act to amend Chapter 429 of the Private and Special Laws of 1901, entitled "An Act to establish a municipal court in the town of Winthrop."

An Act to incorporate the Fraternity Temple Company.

Resolve in favor of the town of Cutler.

Resolve in favor of the Maine Children's Home Society, Augusta.

Resolve in favor of L. E. Smith of Brunswick, or attendance before agricultural committee, 1901.

Resolve for providing for a fund for completing the records of the clerk of courts of Lincoln county. (Senate amendment A adopted in concurrence.)

Resolve providing for completing the fire-proofing and necessary repairs in the south wing of the State Capitol.

Resolve providing for repairs to be made on the tomb of Gov. Enoch Lincoln.

An Act to amend Chapter 378 of the Public Laws of 1885 regulating the erection of posts and lines for purposes of electricity.

An Act to amend the charter of the Penobscot Lumbering Association.

An Act relating to prize logs on the Penobscot river and its tributaries.

An Act to incorporate the Madunk-eunk Dam and Improvement Company.

An Act to incorporate the Duck Lake Dam Company.

An Act to incorporate the Kibbie Dam Company.

An Act to limit the number of fish that may be taken from Spring lake in Somerset county in one day.

An Act fixing the beginning of the open season for fishing in Little Sebago pond, in the towns of Gray and Windham in Cumberland county.

An Act to repeal so much of Chapter 30 of the Revised Statutes, as amended by Chapter 42, Section 5, of the Public

Laws of 1899, as prohibits fishing in Parlin stream, in Somerset county from the mouth of Bean brook to Long pond.

An Act to repeal so much of Chapter 30 of the Revised Statutes, as amended by Section 5 of Chapter 42 of the Public Laws of 1899, and as amended by Chapter 379 of the Private and Special Laws of 1901, as prohibits fishing through the ice in Big Carry pond, or West Carry pond, so called, in Somerset county.

An Act to repeal so much of Chapter 30 of the Revised Statutes, as amended by Section 5 of Chapter 42 of the Public Laws of 1899, and as amended by Chapter 329 of the Private and Special Laws of 1901, as prohibits ice fishing in Black, Whittier and Perry ponds, in the towns of Vienna and Chesterville, in Kennebec and Franklin counties.

An Act to repeal so much of Chapter 30 of the Revised Statutes, as amended by Section 5 of Chapter 42 of the Public Laws of 1899, and as amended by Chapter 230 of the Private and Special Laws of 1901, as prohibits fishing through the ice in Large Greenwood pond in Elliottsville and Willimantic, in Piscataquis county.

An Act to prohibit the sale of any kind of fish, except eels, taken from certain ponds in Kennebec and Somerset counties.

An Act to prohibit fishing in Morrill pond in the county of Somerset.

An Act to prevent the destruction of smelts or tomcods, so called, in Steuben bay.

An Act to amend Section 1 of Chapter 516 of the Private and Special Laws of 1887, entitled "An Act additional relating to the appointment of a recorder for the Bath municipal court."

An Act relating to compensation of county commissioners of Hancock county.

Resolve abating a part of the State tax of the town of Bowdoinham for the years 1903 and 1904.

An Act to prohibit the taking of clams in the shores or flats within the town of Scarborough.

An Act to exempt religious institutions from the collateral inheritance tax.

An Act to regulate the taking of black bass in Upper Kezar pond in Oxford county. Also to prohibit the taking of smelts in any tributary of said pond.

An Act to establish the salary of the judge of probate in the county of Washington.

An Act relating to the salary of the register of probate of Sagadahoc county.

An Act to regulate the police force of the city of Portland.

An Act to fix the qualification for participation in party caucuses of the city of Augusta. This bill was introduced by Mr. Manley of Kennebec, and on motion of that senator, took its several readings under suspension of the rules, without reference to a committee and without printing, and was passed to be engrossed.

An Act to amend Section 107, Chapter 11 of the Revised Statutes, relating to normal schools. This bill was introduced by Mr. Pierce of Aroostook, and on motion by that senator, took its several readings under suspension of the rules, without printing, and was passed to be engrossed.

Resolve in favor of clerk, stenographer, and messenger of the judiciary committee. This resolve was introduced by Mr. Manley of Kennebec, and, under suspension of the rules, took its several readings and was passed to be engrossed, without reference to a committee.

Resolve in favor of stenographers to president, and recording officers of the Senate and House. This resolve was introduced by Mr. Buck of Hancock, and on motion by that senator received its several readings under suspension of the rules, without reference and without printing, and was passed to be engrossed.

An Act to supply the city of Bangor with pure drinking water.

An Act to permit the use of purse seines in Damariscotta river.

An Act to repeal Section 23 of Chapter 39 of the Revised Statutes, relating to paper.

An Act for the protection of lobsters with eggs attached.

An Act to amend Section 44 of Chapter 2 of the Revised Statutes, relating to publication of the Public Laws.

An Act to define the appointment and duties of superintendents of schools.

An Act to prevent the throwing of sawdust and other mill waste into all tributaries of Seven Tree pond and Crawford pond in Union and Warren.

Resolve to pay for the printing and binding of the report of John A. Morrill, commissioner for the revision and consolidation of the Public Laws.

Resolve in favor of the re-establishment, where necessary, of the boundaries of the lots reserved for public uses in the several plantations and unincorporated places.

Resolve in favor of A. A. Burleigh, chairman of the committee on interior waters.

Resolve providing for an epidemic or emergency fund.

Resolve in favor of the town of East Livermore.

An Act relating to the compensation of examining boards. (Senate amendment A adopted and, as amended, the bill was passed to be engrossed.)

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

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

An Act to amend Section 6 of Chapter 11 of the Revised Statutes of Maine, relating to the raising and expending of any school funds.

An Act to amend the charter of the city of Lewiston and to provide for a street, sewer and permanent improvement department. (Senate amendment A adopted.)

Reports of Committees.

Mr. Staples, for the committee on inland fisheries and game, on bill, An Act to correct clerical errors and make plain the meaning of and amend Chapter 30 of the Revised Statutes, as amended by Chapter 42 of the Public Laws of 1899, as amended by Chapter 222 and Chapter 73 of the Public Laws of 1901 and Chapter 326 of the Private and Special Laws of 1901, and acts reported from the commissioners on inland fisheries and game relating to inland fish and game, reported same in new draft, under same title, and that it ought to pass. Report accepted. Bill tabled for printing, under the joint rules.

Mr. Wing, for the committee on judiciary, on bill, An Act to supply towns and cities with pure water, reported same be referred to the next Legislature. Report accepted.

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

Education, final report.

Mercantile affairs and insurance.

Commerce, final report.

Inland fisheries and game, final report.

Passed to be Enacted.

An Act in aid of the soldiers of the Aroostook war.

An Act to amend Section 89 of the Public Laws of 1899, and amendatory of Chapter 116 of the Public Laws of 1895, as amended by Chapter 286 of the Public Laws of 1897 and Chapter 206 of the Public Laws of 1901, entitled "An Act to provide for the schooling of children in unorganized townships."

An Act to amend Chapter 378 of the Public Laws of 1895, relating to electric posts and wires.

An Act to provide in part for the expenditures of government for the year 1904.

An Act to supply the town of Lisbon with pure water.

An Act to incorporate the Wilton Trust Company.

An Act to incorporate the Lubec Trust and Banking Company.

An Act to incorporate the Somerset Trust Company.

An Act authorizing the town of Anson to purchase with the town of Madison, in the county of Somerset, the Norridgewock Falls bridge.

An Act to incorporate Mount Abram Cemetery Company.

An Act relating to claims against the estates of deceased persons.

An Act to permit ice fishing in Pease pond on Saturdays of each week during certain months.

An Act authorizing the sale of the Norridgewock Falls bridge.

An Act to authorize the Augusta Trust Company to increase its capital stock.

An Act amendatory to Chapter 369 of the Private and Special Laws of 1889, entitled

"An Act regulating the appointment of members of the police force of the city of Bangor.

An Act to protect the waters of Lake Auburn.

An Act fixing the salary of the judge of probate of Sagadahoc county.

An Act relating to the jurisdiction of the municipal court of the city of Auburn.

An Act to repeal so much of Section 5 of Chapter 42 of the Public Laws of 1893 as prohibits fishing in the inlet stream of Squaw Pan lake from Thibodeau's Landing to the source of said stream.

An Act to incorporate the Castine Gas Company, Castine, Hancock county.

An Act regulating the exchange or sale of mortgaged personal property.

An Act to amend the charter of the Dead River Log Driving Company.

An Act to extend the time for the acceptance of the charter of the city of Dexter.

An Act to amend Section 1 of Chapter 284 of the Public Laws of 1893, in relation to ways.

Orders of the Day.

On motion by Mr. Currier of Franklin, House document No. 317, An Act regulating fishing in the streams of Salem and Strong in Franklin county, was taken from the table.

On the same senator's motion, Senate amendment A was adopted, and the bill as amended was passed to be engrossed.

On motion by Mr. Wing of Androscoggin, House document No. 306, An Act authorizing the Lewiston Trust and Safe Deposit Company to establish a branch at Freeport, was taken from the table, and on further motion by the same senator the bill took its second reading and was passed to be engrossed.

On motion by Mr. Wilson of Washington, House document No. 410, An Act to authorize Clarence H. Clark to extend and maintain a wharf in Lubec Narrows, was taken from the table; and on further motion by the same senator, the bill took its second reading under suspension of the rules, and was passed to be engrossed.

On motion by the same senator, House bill 411, was taken from the table, bill, An Act authorizing Jacob C. Pike to extend and maintain a wharf in Lubec Narrows. On the same senator's motion, Senate amendment A was adopted and, as amended, the bill took its second reading and was passed to be engrossed.

On motion by Mr. Goodwin of Somerset, Senate document No. 249, An Act to make valid the election of collector of taxes, was taken from the table, and on further motion by the same senator, was passed to be engrossed.

On motion by Mr. Staples of Knox, Senate document No. 253, An Act authorizing steam railroads to purchase and lease electric railroads, was taken from the table, and on further motion by the same senator was specially assigned for Wednesday of this week.

On motion by Mr. Aiden of Kennebec, the Senate adjourned to meet on Tuesday, March 24, 1903, at 10 o'clock A. M.

HOUSE.

Monday, March 23, 1903.

Prayer by Rev. Mr. Bradeen of Gardiner.

Papers from the Senate disposed of in concurrence.

Resolve in favor of the Maine Insane Hospital, was referred to the committee on appropriations and financial affairs under a suspension of the rules in concurrence with the Senate.

Resolve in favor of Albion Oakes, secretary of the committee on ways and bridges, was read twice and passed to be engrossed under a suspension of the rules in concurrence with the Senate.

Report of the committee on ways and bridges, reporting ought to pass, on resolve making an appropriation for the ownership and maintenance of State and county bridges, came from the Senate, the resolve indefinitely postponed pending the acceptance of the report.

On motion of Mr. Clarke of Nobleboro, the resolve was indefinitely postponed in concurrence with the Senate.

Senate Bills on First Reading.

An Act to amend Section 6 of Chapter 267 of the Public Laws of 1893, entitled, An Act to provide for the printing and distribution of ballots at the public expense, and to regulate voting at State and city elections, came from the Senate amended by Senate amendment A.

The amendment was adopted, and on motion of Mr. Libby of Newfield, the rules were suspended, the bill received its third reading and was passed to be engrossed in concurrence.

The following bills and resolves received their several readings and were passed to be engrossed in concurrence with the Senate under suspension of the rules:

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 divorces.