

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-First Legislature

OF THE

STATE OF MAINE.

1903.

SENATE.

Wednesday, March 25, 1903.

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

Prayer by the Rev. Mr. Livingston of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Bill, An Act to establish Patron's Day. On motion by Mr. Goodwin of Somerset laid on the table.

An Act for the protection of wild hare and rabbit. (On motion by Mr. Buck of Hancock laid on the table).

An Act providing for a bounty on bears in Oxford county. (Referred to Committee on Appropriations and Financial Affairs).

Bill, An Act to prevent the throwing of sawdust and other mill waste into Seven Tree Pond and Crawford Pond and Union Pond in Union and Warren, passed to be engrossed in the Senate came back from the House referred to the next Legislature. On motion by Mr. Staples of Knox, the Senate insisted upon its former action, and the Chair appointed as a committee of conference on the part of the Senate, Messrs. Staples of Knox, Staples of Cumberland and Buck of Hancock.

Bill, An Act in relation to the taxation of mortgages which was amended by the Senate and passed to be engrossed, comes back from the House, the House refusing to accept the report of the committee. On motion by Mr. Knowlton of Penobscot, laid on the table. Subsequently, on motion by Mr. Gardner of Penobscot this bill was taken from the table.

Mr. GARDNER of Penobscot: Mr. President, In my brief absence Mr. Knowlton, in my behalf, tabled this matter. It is very evident, by the action of the House in this matter that a campaign of education will be necessary before that branch is ready for progressive legislation. In view of that fact, I wish to ask the Senate to insist on their former action, and that a committee of conference be appointed, that

this matter may be referred to the next Legislature.

The question being put upon the motion of the Senator from Penobscot, Mr. Gardner, that the Senate insist, the motion prevailed, and the Chair appointed as a committee of conference on the part of the Senate, Messrs. Gardner of Penobscot, Clark of Hancock and Guernsey of Piscataquis.

Passed to be Engrossed.

Resolve in favor of the University of Maine. (House amendment B adopted in concurrence).

Resolve in favor of Maine State Library.

Resolve in favor of Louis Long in Washington county and Big lake.

An Act to amend Chapter 33 of the Public Laws of 1887. (House amendment A adopted in concurrence).

An Act relating to open season for fishing in Wilson lake in the town of Wilton.

An Act to permit the use of purse seines in Damariscotta river. (House amendment A adopted in concurrence).

Resolve providing for clerk hire in the State library.

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, 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.

Resolves in relation to the publication and distribution of the Revised Statutes.

Resolve in favor of Castine State Normal School.

By Mr. Dudley of Aroostook: Resolve in favor of cattle commission of the State of Maine for the prevention of foot and mouth disease among animals. On the same senators motion the bill took its several readings under suspension of the rules, and was passed to be engrossed, without reference or printing.

On motion by Mr. Clark of Hancock, it was, Ordered, That the justices of the supreme judicial court are request-

ed to give to the Senate, by July 1st, next, their opinion on the questions submitted to them on the order passed by the Senate, March 25, 1903, as the commissioners for the promotion of uniformity of legislation in the United States, Charles F. Libby, H. E. Hamlin and Frank M. Higgins, appointed in accordance with Chapter 138 of the Public Laws of 1895, have reported to His Excellency, John F. Hill, Governor of Maine, December, 1902, that the Public Laws of 1895, Chapter 18, Section 1, "deprives insurers of the right of trial by jury on the most important question that ordinarily arises under fire insurance policies, viz: the question of loss or damage suffered by the insured," and further report the constitutionality of such a statute may be well questioned as no voluntary waiver of a constitutional right is so involved as no choice in the form of insurance is presented," which report the Governor and Council submitted to the Legislature of Maine, 1903, by message, which was referred to the judiciary committee, which said committee referred the same back to the committee on mercantile affairs and insurance. During the present session of the Legislature the following act has been introduced into the Legislature:

An Act to establish a law uniform with other states relative to insurance policies.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. No policy of insurance shall be rendered invalid by reason of any statement, representation or warranty made by the insured unless the same shall be material to the risk or made with intent to defraud.

Section 2. No policy of insurance shall contain any condition, provision or agreement which shall, directly or indirectly, deprive the insured or the beneficiary of the right of trial by jury on any question of fact arising under said policy, and all such conditions, provisions or agreements shall be void.

Section 3. This act shall apply to certificates of fraternal and mutual benefit, as well as to all other forms of insurance.

Section 4. All acts and parts of acts inconsistent herewith, are hereby repealed.

Reports of Committees.

Mr. Manley, for the committee on judiciary, on bill, An Act to amend Chapter 422 of the Private and Special Laws of 1901, relating to the Pittston Village Corporation, reported same ought to pass. Report accepted. On motion by the same senator, the bill took its several readings, without printing, and was passed to be engrossed.

Mr. Staples for the committee on legal affairs, on petition of A. B. Ames and 50 others of Bucksport, with reference to fire wardens in the town of Bucksport, reported bill, An Act relating to fire wardens in the town of Bucksport, and that the same ought to pass. On the same senator's motion, the bill took its several readings under suspension of the rules, without printing, and was passed to be engrossed.

Mr. Pierce for the committee on legal affairs, on order of the Legislature, relating to the expediency of paying back the license fee which the State has received under the hawkers and peddlers act, reported accompanying resolve, resolve in favor of paying back the unexpired licenses of hawkers and peddlers. Report accepted. Resolve referred to the committee on appropriate Rule 18.

Mr. Wilson for the committee on appropriations and financial affairs, under railroads, telegraphs and expresses, on bill, An Act to incorporate the Farmers Telephone Company, reported same ought to pass. Report accepted. On motion by the same senator, the bill took its several readings under suspension of the rules, without printing, and was passed to be engrossed.

Mr. Staples for the Knox County Delegation, reported bill, An Act for the protection of squirrels and chipmunks in the county of Knox, and that it ought to pass. On motion by the same senator, the bill took its several readings, under suspension of the rules, and was passed to be engrossed.

Mr. Bryant for the committee on appropriations and financial affairs, on bill, An Act to make the bridge of the

proprietors of Wiscasset bridge, a public bridge. On motion by Mr. Maddocks of Lincoln, the bill took its several readings, under suspension of the rules. The same senator offered Senate amendment A, and said:

Mr. President, I should not feel that I was doing my duty unless I made a statement in relation to this bridge at the present time. As many of you know, this bridge connects Lincoln county where the Sheepscot river divides it—in other words, Lincoln county is divided by the river Sheepscot, and this is the only way of crossing the river Sheepscot from its mouth to its present position at Wiscasset, which is nearly 20 miles. There are about half the towns and more than half the inhabitants of Lincoln county on the east side of this bridge. The towns on the west side of this bridge are obliged to go to the east side in many instances for a market. This bridge is the only thoroughfare on which we get our mails in the towns of Edgcomb, Boothbay and Boothbay Harbor. We have four mails per day, two each way, crossing this bridge which was built nearly 50 years ago, when lumber and labor wasn't worth more than half what it is now. The bridge, at that time, cost \$18,000, so I am informed; and it has outlived its usefulness, so far as wear and tear goes. It has been patched up for many years, and is, today, considered by the best judges, very dangerous, some parts of it, today, being triced up with chains, and logs going from one section to another, the chains holding it up, and the entire spiling gone out. People in that section are afraid to cross it. The corporation which owns it, which is one man, nearly, refuses to put the bridge in good repair. The people of Lincoln county look upon it as a calamity if that bridge should go down. It will cost a large amount of money to make it safe; and after duly considering this whole matter, we have asked the State for—and, after the bridge committee have visited the bridge and crossed it and examined it, they have given a unanimous report in favor of—\$10,000, as the State's part to help pay the expenses. It will certainly cost a large amount of money. This, in my opinion,

does not represent one-half of it. The county is to assume, under this bill, the ownership of it and the maintenance of it, and go ahead and repair it; and when it is repaired, the Governor and Council are authorized to draw their warrant for the sum of \$10,000. I am afraid that a less sum will defeat the object which we have struggled hard to obtain. I believe it is just and right for the State to assist in the rebuilding of these bridges where the towns are not able to do it; and if there is any case in the State of Maine that is entitled to sympathy on this account, it is certainly the towns of Wiscasset and Edgcomb. We all know that those towns have no means to raise money. They have no business on which to levy taxes, and they are just struggling for an existence. It is impossible to raise money in those towns to help this bridge, and the State and county must come to the rescue. It would retard the progress of Lincoln county to have this bridge go down—and it certainly must go down, or be left as a dangerous way of crossing that river; and I trust the senators understanding this matter will grant the \$10,000 instead of the \$8000. As I understand it, the \$10,000 has been favorably considered by the appropriation committee; and it was at the last moment cut down to \$8000; and I believe the committee are divided. It was understood that \$10,000 was to be granted until late yesterday. Now, gentlemen, it is an important matter to us in Lincoln county. We ask for no appropriation. This is all we ask of this nature. The other bridges we intend to keep in repair ourselves by the towns. I trust that you will look at this matter in a liberal manner, and grant us the \$10,000, and help us out of a hard place. I am willing to leave this matter to your best judgment. I want to say further that the bridge committee has examined this bridge, and passed upon it, and heard the people of Wiscasset at the bridge meeting, and heard them many times here, and have been unanimous in their report for \$10,000. I want to say in behalf of that bridge committee that I have never been associated with better men—they are care-

ful, candid, business men, not influenced by any talk whatever. I believe all their appropriations have been in the line of right and justice.

Mr. STAPLES of Knox: Mr. President, I desire to say a few words in behalf of what has been said by the senator from Lincoln, being well acquainted with the condition of the Wiscasset bridge, which many of you have seen. It is nearly a mile long. The bridge at the present time is in a dangerous condition, dangerous for crossing. If we are going to raise anything, let us make it sufficient—\$10,000, which the senator from Lincoln asks for. Some years ago when \$2500 was appropriated for the repairs of the bridge it was in such a condition that the amount did very little good. Lincoln county has taken care of that bridge. It never has been paying property for the last 20 years. The tax payers of Lincoln county have been appropriating their money with the authorization of the State, to help the bridges in Penobscot, Aroostook and Piscataquis; and I think if they had asked for \$25,000 instead of \$10,000, it would have been an economy to the State to have appropriated that amount for the purpose. I hope the amount asked for will be appropriated. It is a just and economical expenditure of public money.

Mr. BURLEIGH of Aroostook: Mr. President, as a member of the committee on ways and bridges, I wish to say that we visited Wiscasset and examined the bridge, and also met the citizens at the meeting, and inquired into the condition of the town. On examination of the bridge, we found it in a very dangerous condition; and, in order to have it safe for public travel, it must be immediately repaired, or sooner or later, it must be closed. It is a dangerous and expensive place at which to maintain a ferry, and would be almost impracticable. As to the condition of the towns, we found the towns very heavily burdened with taxation and public debt—they have loaned their credit until some of the towns have become nearly bankrupt. We scaled this appropriation as low as we could in justice to the towns and the people of Lincoln county, and I hope the Senate will vote to appropriate the \$10,000 reported by the bridge committee.

The question being put upon the adoption of Senate amendment A, the motion prevailed, and the amendment was adopted. On motion by Mr. Madocks of Lincoln, the bill then took its second reading under suspension of the rules, and was passed to be engrossed.

Mr. Burns, for the committee on appropriations and financial affairs, on resolve in favor of the Maine Insane Hospital, reported ought to pass. Report accepted. On motion by Mr. Manley of Kennebec, the bill took its several readings under suspension of the rules, and without printing, and was passed to be engrossed.

Mr. Rankin, for the same committee, on resolve in favor of clerk of the committee on revision of the statutes, reported ought to pass. Report accepted. On motion by Mr. Goodwin of Somerset, the resolve took its several readings under suspension of the rules, and was passed to be engrossed without printing.

Mr. Bryant, for the committee on appropriations and financial affairs, on bill, an Act to provide for the preservation of the records of the births, marriages and deaths, previous to the year 1902, reported same ought to pass. Report accepted. On motion of Mr. Bryant of Somerset, the bill took its several readings under suspension of the rules, without printing, and was passed to be engrossed.

The committee on appropriations and financial affairs on resolve in favor of Colby College, submitted a majority report ought to pass; and a minority report ought not to pass.

Mr. Wing of Androscoggin moved that the majority report be accepted.

Mr. BURNS of Cumberland: Mr. President, I merely wish to state the position of the minority in making this report. The reasons that caused us to sign this report were on account of the financial condition of the State, in the first place. The appropriations made by this Legislature will exceed those of the past Legislature by some \$800,000, and the second reason is that while the public charities and State educational institutions have been obliged to be cut down in their appropriations on account of the financial condition, a minority of our committee did not believe it was wise legislation to pass re-

solves in favor of private and sectarian colleges. If this passes, we shall look to see all the others here in future years.

The question being put, the majority report, ought to pass, was adopted, 15 voting in the affirmative, and nine in the negative. On motion by Mr. Wing of Androscoggin, the bill took its several readings under suspension of the rules, and was passed to be engrossed without printing.

Mr. Goodwin, for the committee on revision of the statutes, on bill, an Act to consolidate and revise certain laws relating to closing certain lakes and ponds to ice fishing, and to close the tributaries of certain lakes and ponds, and restricting the number of fish that may be taken in one day in certain waters, defining the meaning of fishing in certain waters, and prohibiting the throwing of sawdust and other mill refuse into certain streams, and regulating the method of hunting ducks in certain waters, and regulating the taking of deer in certain counties, reported ought to pass. Report accepted.

The same senator, for the same committee, reported bill, an Act to license foreign executors, administrators and guardians and trustees to receive and dispose of personal property, and that it ought to pass. Report accepted. Both the foregoing bills were tabled to be printed under the joint rules.

Mr. Wing, for the committee on judiciary, on petition of Hiram K. Choate and 13 others in Kennebec county, in favor of increasing the pay of jurors, with bill accompanying, and praying that the fees of jurors be increased, reported that petitioners have leave to withdraw. Report accepted.

The committee on judiciary, of bill, an Act in relation to criminal offences committed on railroads, reported ought not to pass. Report accepted.

Mr. Pierce, for the committee on legal affairs, on bill, an Act to incorporate the St. Francis Telephone Company, reported ought not to pass. Report accepted.

Mr. Burns, from the committee on appropriations and financial affairs, on bill, an Act to provide for giving instruction in music in the common schools of the State, reported that the

matter be referred to the next Legislature. Report accepted.

The same senator, for the same committee, on bill, an Act to provide for the appointment of a commissioner to investigate the cause of floods and overflows of rivers and water courses, and to make recommendations for the prevention of floods, reported same ought not to pass, as a majority report; and also submitted a minority report of same in new draft, under same title and that it ought to pass.

Mr. GOODWIN of Somerset: Mr. President, I do not want to take the time of the Senate to discuss this matter fully, but it is one of the important measures of the session, and has been fully discussed before the committee on interior waters, which reported unanimously in favor of this commission, who fixed the amount necessary to do the work properly at \$7500. This commission is simply to investigate the best method of taking the control of the great water powers for the interests of the State. It is a law that has been passed in other states, and if adopted here will undoubtedly be of great value to the State.

I was not called before the committee on appropriations and financial affairs—they did not have the reasons that I did for the bill's being passed. I do not understand that the chairman of the committee of interior waters was called before the committee on appropriations and financial affairs. They have simply turned the measure down in one report, and in the other have reduced the appropriation to \$5000. To make the commission effective, you have got to have the \$7500 expended in the next two years. I therefore move the substitution of the bill reported by the committee on interior waters, for the reports of the committees.

Mr. GARDNER of Penobscot: Mr. President, I will trespass upon the time of the Senate for only a moment to explain the reception which this bill had at the hands of the committee on interior waters. No measure which came before that committee received the hearty, unanimous approval accorded to this bill. We felt that \$7500 was a very small sum for the purpose.

I hope the Senate will adopt the minority report with the additional amendment of \$7500 instead of \$5000.

Mr. BURNS of Cumberland: Mr. President, I will say that the reasons of the committee on appropriations and financial affairs for opposing the bill were that it seemed probable that it would be a large expense in future years, as it is not easy to abolish a commission once it has been created.

The question being put upon the motion of Mr. Goodwin to substitute the original bill for the reports of the committee on appropriations and financial affairs, the motion prevailed; and on motion by the same senator, the bill took its several readings, under suspension of the rules, and was passed to be engrossed, the original bill being, bill, an Act to provide for the appointment of a commission to investigate the causes of floods and overflows of rivers and watercourses, and storage water, and to make recommendations for preventing floods and for storing water, and to make an appropriation therefor.

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

- Legal affairs.
- Railroads, telegraphs and expresses.
- Federal relations.
- Indian affairs.
- Labor.
- Towns.
- Library.
- Agriculture.
- Military affairs.
- Salaries.

On motion by Mr. Goodwin of Somerset, bill, An Act relative to elections of treasurer and collector of taxes, which came from the House passed to be engrossed without reference to a committee, and without printing, took its several readings under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Staples of Knox, resolve in favor of the town of Anson, received, read and passed to be engrossed in the House under suspension of the rules, took its several readings under suspension of the rule, and was passed to be engrossed.

Under suspension of the rules, Mr. Burleigh of Aroostook, presented resolve that the present valuation of Reed plantation of Aroostook county be reduced \$13,720, and that the value of Drew plantation in said county be increased a like amount; and on further motion by the same senator, the resolve took its two several readings under suspension of the rules, without reference and without printing, and was passed to be engrossed.

Passed to Be Engrossed.

An Act relating to actions for libel or slander.

An Act to abolish the issuing of separate executions for cost for disclosure commissioners.

An Act relating to powers and duties of administrators de bonis non.

Passed to be Enacted.

An Act additional to Chapter 73 of the Revised Statutes relating to titles to property.

An Act to incorporate the Washington County General Hospital.

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

An Act relating to suits in equity to quit title.

An Act to amend Section 5 of Chapter 137 of the Revised Statutes, as amended by Section 1 of Chapter 295 of the Public Laws of 1893, relating to insane criminals.

An Act to incorporate the Village Cemetery Association of Searsport, Waldo county, Maine.

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 amend Chapter 101 of the Public Laws of 1887, relating to paupers.

An Act to amend Chapter 65 of the Private and Special Laws of 1875, relating to Petit Menan Point.

An Act to amend an act entitled "An Act regulating the admission to practice of attorneys, solicitors and counselors, and to provide for a board of examiners and to repeal conflicting acts, approved March 17, 1890."

An Act to extend the charter of the Bluehill and Bucksport Electric Railroad Company.

An Act to extend the charter of the Maine Water and Electric Power Company.

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

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 to amend the charter of the city of Lewiston and to provide for a street, sewer and permanent improvement department.

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

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 relative to the Aroostook Valley Railroad Company.

An Act to authorize the Aroostook Valley Railroad Company to purchase or lease the property and franchises of the Presque Isle Electric Light Company.

An Act to incorporate the Cherryfield and Milbridge Street Railway.

An Act to change the corporate name of the Maine Wesleyan Seminary and Female College.

An Act to incorporate the Patten Trust Company.

An Act in relation to the Bath Military, Naval and Orphan Asylum.

An Act to authorize Samuel D. Warren and others to erect and maintain piers and booms in the Kennebec river.

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

An Act to prohibit all ice fishing in First or Billings pond in Bluehill, county of Hancock.

An Act to amend Section 43 of Chapter 284 of the Public Acts of 1901, relating to migratory fish in Mill river.

An Act creating a close time on the tributaries of Indian, South and Twitchell ponds and on Indian pond in Greenwood and the tributaries to Bryant pond in Woodstock in the county of Oxford.

An Act to prevent ice fishing in No. Nine lake, situated in Township 9, Range 3, in the county of Aroostook.

An Act opening certain tributaries to Sebec lake to fishing under the general law.

An Act to prohibit the throwing of sawdust or other mill refuse into Ellis stream, so called, in Waldo, Brooks and Belfast, in Waldo county.

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

An Act for the protection of deer in the counties of Kennebec, Waldo and Lincoln.

Finally Passed.

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 Governor Enoch Lincoln.

Resolve in favor of the town of Houlton.

Resolve in favor of the committee on Maine State prison.

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

Orders of the Day.

On motion by Mr. Buck of Hancock, bill, An Act for the protection of wild hare or rabbit was taken from the

table, and on further motion by the same senator. Senate Amendment A was adopted, that the bill should not apply to Hancock county, and on his further motion the bill took its second reading under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Pierce of Aroostook, reports of committee on taxation, majority "ought not to pass," minority, "ought to pass" on bill relating to school funds derived from savings bank tax was taken from the table; and on the further motion of the same senator, the minority report "ought to pass" was accepted; on further motion by the same senator the bill took its several readings under suspension of the rules, and was passed to be engrossed.

Resolve in favor of G. G. Morrison, chairman of the committee on salaries and committee on military affairs, received under suspension of the rules, on motion by Mr. Morrison of York, took its two several readings, under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Burleigh of Aroostook, resolve in favor of Drew plantation was taken from the table, and on the further motion of the same senator, the bill took its several readings under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Randall of Cumberland, report of committee on judiciary, on bill to incorporate Peaks Island Water and Light Company was taken from the table, and on the further motion of the same senator, the report "ought to pass" was accepted. On his further motion, the bill took its several readings, under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Wing of Androscoggin, the Senate here took a recess until 3 o'clock, P. M.

Afternoon Session.

Senate bill No. 239, resolve in favor of electric light plant for the Maine State prison, came from the House amended by House Amendment A. On motion by Mr. Goodwin of Somerset, the bill and amendment were laid on the table.

On motion by Mr. Bryant of Somerset, bill, resolve providing for the col-

lection of information in regard to large bridges, was taken from the table. Senate amendment A was adopted, and on the same senator's motion, the bill as amended took its second reading under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Wing of Androscoggin, House Document No. 421, bill, relating to Norway municipal court, was taken from the table; and on motion by Mr. Wing of Androscoggin, laid on the table.

On motion by Mr. Wing of Androscoggin, House bill 429, bill, to amend law relating to corporations was taken from the table, and 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. Manley of Kennebec, bill, An Act for the protection of shore birds, was taken from the table. The bill took its first reading. On motion by the same senator, Senate Amendment A was adopted, and the bill took its second reading under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Goodwin of Somerset, House Document No. 188, bill in relation to meridian lines and a standard of length was taken from the table, and House Amendment A adopted in concurrence. On his further motion, the bill as amended passed to be engrossed.

On motion of Mr. Clark of Hancock, House bill No. 509, An Act relating to political caucuses, was taken from the table. Mr. Wilson of Washington, offered Senate amendment A, and moved its adoption. Mr. Staples of Knox, moved that the bill be indefinitely postponed. The motion to amend being put to a rising vote, there were given 10 votes in favor of the adoption of the amendment, and 16 votes were opposed; and the motion to amend was declared lost. On the motion to indefinitely postpone, a yea and nay vote was called for and orderer, and the same being taken resulted as follows: Those voting yea were Messrs. Buck, Burleigh, Clark, Dudley, Pike, Rankin, Staples of Knox, Titcomb, Wilson-9; those voting nay were Messrs. Alden, Bryant, Burns, Currier, Gardner, Goodwin, Knowlton, Maddocks, Manley, Morrison,

Morse, Phillbrook, Pierce, Plummer, Randall, Staples of Cumberland, Stetson, Wing-18; and the motion to indefinitely postpone was declared lost. On motion by Mr. Gardner of Penobscot, Senate amendment B, amending so as to except towns of less than 2000 inhabitants, was adopted; and the bill, as amended, was passed to be engrossed.

On motion by Mr. Randall of Cumberland, bill for annexation of South Portland to Portland was taken from the table, the pending question being the passage of the bill to be engrossed. On motion by the same senator, Senate amendment A was adopted, and the bill, as amended, was passed to be engrossed.

On motion by Mr. Wing of Androscoggin, House 421, bill 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 the Private and Special Laws of 1901, relating to Norway municipal court was taken from the table, and on further motion by the same senator, Senate amendment A was adopted, and the bill as amended, was passed to be engrossed under suspension of the rules.

On motion by Mr. Wing of Androscoggin, reports, majority (ought not to pass) and minority (ought to pass) committee on inland fisheries and game on resolve for screening lakes were taken from the table. On motion by Mr. Burleigh of Aroostook, the minority report was substituted for the majority report and accepted; and, on further motion by the same senator, the bill took its several readings under suspension of the rules, without reference and without printing, and was passed to be engrossed.

On motion by Mr. Staples of Knox, bill, to amend Section 12, Chapter 3, Revised Statutes, as amended by Public Laws of 1885, was taken from the table. On further motion by the same senator, the bill was indefinitely postponed in concurrence.

On motion by Mr. Goodwin of Somerset, bill, in relation to establishment of Patriots day, was taken from the table.

Mr. RANDALL of Cumberland: Mr. President, It seems to me that this bill should not pass. We have holidays a plenty, at the present time. I think "Patriot's day" a misnomer and see no reason why we should not continue Fast day. As I understand it, the bill does not do away with Fast day, which can be appointed just as it has been in the past. I have heard it said that Fast day is not observed in the manner that it used to be, and that people do not go to church, etc., and that therefore it should be done away with. But it is the same with us on Sundays—our electric roads and steamboats are in operation, and people play golf, etc. I would move that the bill be indefinitely postponed and that the old Fast day of our fathers be continued; and I move that the bill be indefinitely postponed. The motion prevailed.

On motion by Mr. Goodwin of Somerset, Senate bill No. 239, bill relating to lighting plant for the State prison, was taken from the table, and on his further motion, the vote whereby the bill was passed to be engrossed, was reconsidered. The pending question being upon the adoption in concurrence of House Amendment A. On motion of Mr. Goodwin of Somerset, the Senate non-concurred with the House in the adoption of House Amendment A. Mr. Wing of Androscoggin, thereupon moved that the Senate insist and call for a committee of conference. The motion prevailed; and the Chair appointed as a committee of conference on the part of the Senate, Messrs. Wing of Androscoggin, Buck of Hancock, and Morse of Waldo.

Report, committee on towns, on bill to amend law dividing town of Sullivan and incorporating the town of Sorrento, came up by assignment. Mr. Buck of Hancock, moved that the report be accepted. A rising vote was taken resulting: In favor, 13; opposed, 4; and the motion prevailed and the report was accepted. On further motion by the same senator, the bill took its several readings under suspension of the rules and was passed to be engrossed.

On motion by Mr. Morse of Waldo, bill conferring certain powers upon the trustees of the University of Maine, was taken from the table, then pending question being upon its committal to the committee on bills in second reading. On further motion by the same senator the bill was amended by the adoption of Senate amend-

ment A, and on motion by Mr. Stetson of Penobscot, the rules were suspended and the bill as amended took its second reading and was passed to be engrossed.

Bill, to authorize steam railroad corporations to build, operate, purchase and lease street railroads, came up by special assignment. On motion by Mr. Stetson of Penobscot, Senate amendment A was adopted. A motion that the bill be indefinitely postponed, made by Mr. Staples of Knox, was lost; and the bill, as amended, was passed to be engrossed.

Bill, to repeal Section 28, Chapter 6, Revised Statutes, in relation to taxation of corporations, came up by special assignment. The pending question being upon the acceptance of the report of committee on taxation, majority "ought not to pass," minority "ought to pass." Mr. Goodwin of Somerset, moved the acceptance of the minority report.

Mr. GOODWIN of Somerset: Mr. President, the bill is very short, and simply repeals Section 28. This section was passed in 1842. It is an obsolete section today. The matter was first called to my attention in the committee on revision of the statutes, in the report of Mr. Morrill of P. 9 of said report. When this law was passed there were three corporations in the State of Maine, the shares in which were made personal by their charters—the Bath Steam Mill Co., the Great Works Improvement Co., and the Vassalboro Steam Mill Co., all now defunct. When passed, the section was meant to apply to those manufacturing companies which were made personal by their charters. Now comes the evil part of Section 28, contained in the last clause—that is, that no manufacturing corporation in any city or town—real estate, machinery and stock in process shall be assessed to that corporation in the city or town where the corporation is established; and then it provides that in assessing the stockholders for their shares in such corporation—their proportional part of the value of such machinery, goods and real estate shall be deducted from the value of such shares. That is, the law provides that the stock in such companies shall be taxed in excess of the value of the plant. If you have a manufacturing establishment capitalized at \$10,000 and the plant and stock in process of manufacture and machinery are worth \$100,000 and the stock in open market is worth \$200,000, the law expressly provides that the excess of the stock shall be taxed to the stockholders wherever they may reside in the State of Maine. That is the law as it exists today. But this Section 28, which is obsolete, and which was intended to apply at the time of its passage simply to those three corporations which I have named, whose charters made them personal in their nature—under this last clause of Section 28 the shares of the capital stock of such corporations shall not be taxed to their owners in excess of the value of the plant, machinery and stock in process—that escapes taxation in the State of Maine today. Now, as a simple legal proposition, Section 28 having been passed to apply simply to those three corporations, that law should be repealed. We do

not ask for anything different from existing law, but we do ask that stockholders in corporations should not be allowed to take advantage of an obsolete law and thereby escape taxation on the excess value of their stock. We have another law bearing upon this question which I wish to cite to you, requiring that the treasurer of a manufacturing corporation shall ascertain the residence of stockholders, and no dividend shall be paid to any stockholder whose residence for the time being is not entered upon the books thereof, and the cashiers of banks, and treasurers holding property liable to be taxed shall by the 8th day of April annually return under oath to the assessors of each town in which any of its stockholders reside, the names of such stockholders and the amount of stock owned by them on the first day of such April. Under this section of the obsolete statute which I have just read to you, the treasurers of manufacturing corporations, in many instances now do not send to the towns where their stockholders reside a list of the stockholders in their respective corporations, because they say that under this section shares of the capital stock shall not be taxed to their owners; therefore they say the manufacturing shares are not to be taxed, and therefore they do not send what the law plainly requires them to send—a list of the stockholders in such corporation to the assessors of the town where the stockholders in that corporation reside. This matter is of great importance. It has a considerable bearing upon the amount of taxable property in the State, and will undoubtedly bring to the tax assessors very clearly information as to who are stockholders in manufacturing corporations, residing in their towns, and give to the assessors of that town an opportunity to tax the stock in that town, on its excess of value over the value of the corporation and its plant. From the census of 1900, it appears that the total amount subject to taxation in Maine is \$122,918,826. The same census report shows that all that has been paid of it is \$793,796. It shows that \$39,000,000 only out of \$122,000,000 is taxed. Eighty-three millions of dollars in manufacturing plants is today escaping taxation. I do not mean to say that the repeal of Section 28 will bring this \$83,000,000 within the reach of taxation, because municipalities can make any contract they see fit as to taxing corporations within their limits, but it will have a tendency to increase the taxable property in the State. Now one thing will have to be done. Either we shall have to repeal Section 28, or we shall have to repeal all the law which is the law today. This measure is championed by the State Grange today. The simple fact is there is an obsolete law upon our statute books—Section 28—and we ask to have it repealed in order that it may not be used as a cover to prevent the excess value of the stock, over and above the valuation of the plant, from being taxed in municipalities where the stockholders reside.

Mr. GARDNER of Penobscot: Mr. President, I feel somewhat lost, the senator from Somerset having taken strictly tech-

nical ground for discussing this as an obsolete law; and I am going to leave the discussion of that matter—whether it be or not—to gentlemen much more able than I myself to discuss whether this Section 28 is or is not obsolete. The committee on taxation gave this matter quite an extensive hearing, and the result of that hearing was that in the judgment of a majority of that committee this section is not obsolete; and I hope there are some members of this Senate much better able than I to discuss this technical point, who will do so; and if not, later I will give the reasons why that committee decided it was not obsolete. It seems to me a peculiar circumstance if this law is obsolete that the action of the assessors all over this State has been based on the assumption that this was a living law. I am going to leave the discussion of whether it is an obsolete law to one side for the present, and agree primarily with the senator from Somerset that if this section is repealed—which it seems to me shows conclusively that the section is not obsolete—he holds, and so do I, if it is repealed there are other laws on the statute books which will tax the excess of stock of manufacturing companies over and above the realty and property. On that point, I wish to take issue with him and to say that in the judgment of the committee the principle involved, as the policy of the State, practically holds that the excess of stock in manufacturing companies over and above the real property should not be taxed, and that is the ground we stand on relative to the manufacturing corporations. That is the policy of this State—to foster manufacturing enterprises; and also that when you tax stock in corporations where the property which they possess is taxed under the present law, that you tax something that is intangible and variable—something that should not be taxed; and for the purpose of illustration I will state a few reasons which led the committee to their conclusions. The first is, whether a manufacturing business incorporated for convenience should be treated differently from a partnership doing the same business. I hold that the purpose of the corporation in a manufacturing enterprise is for this purpose. It is for a combination of capital, concentrating and ability; and if that is the effect, the business may be conducted better under incorporation; and I see no reason why such a corporation should be treated differently from a partnership; and an investor may assume that stock in that corporation represents more than the tangible property owned by the corporation—that by shrewd and astute management and economy it may accrue to his benefit to such an extent that he is willing to pay a bonus to have his money invested in that business. I claim that the amount of intangible value of the real property over and above what it is assessed for, what it is valued at comes largely in the hope of the investor as to what he will receive for it; and I do not think it is wholesome to invoke the principle that he should be taxed on the hope of his investment. There was one reason

why the committee decided it was not a wise policy for this State to tax over and above the actual value of the stock which A, B or C might assume that he was willing to pay for that stock.

I hope that this law will not be repealed, and I hope that the policy of this State to encourage and foster and look after manufacturing enterprises will be continued.

Mr. WING of Androscoggin: Mr. President, I did not think of making any remarks at all upon this question, but I wish to say a word in behalf of this statute. It seems to me that the statute is very much alive. It passed through a revision of the statutes twice. It has been examined by as astute a lawyer as the late Hon. Joseph Baker, and again by Judge Goddard, and this obsolete law was amended in 1879 by this Legislature, which injected into it a mining company. Now, if this law were dead, it seems to me sacrilegious that the Legislature as late as 1879 should have interfered with it and amended it. The law as it is at present is all I believe that is necessary and all that is required. The senator has well said that there shall be no discrimination against a business conducted as a corporation. What class of property has no higher valuation in proportion to its true value than the manufacturing property of this State? It is a fine field, this taxation field—it is an easy thing to plan how some other fellow should pay more tax, but when you come to the justice of the thing there is no justice in the proposed proposition. It is not wise legislation to take any new step to destroy and tear down our industries in any such way. I certainly hope the Senate will not consider it.

The question being put upon the motion of Mr. Goodwin that the minority report ought to pass be accepted, a yea and nay vote was called for and ordered and resulted as follows: Those voting yea were Messrs. Alden, Bryant, Clark, Dudley, Goodwin, Morse, Pierce, Pike, Rankin and Staples of Knox—10; those voting nay were Messrs. Burleigh, Burns, Currier, Gardner, Guernsey, Knowlton, Maddocks, Manley, Morrison, Philbrook, Plummer, Randall, Staples of Cumberland, Stetson, Titcomb and Wing—16; so the motion was lost. The majority report, "ought not to pass," was accepted.

Report of committee on appropriations and financial affairs, "ought not to pass," on resolve in favor of Bangor Children's Home, came up by special assignment. On motion by Mr. Stetson of Penobscot, the resolve was submitted for the report; and on the further motion of the same senator the resolve took its several readings and was passed to be engrossed.

Report of committee on appropriations and financial affairs, "ought not to pass," on resolve in favor of Eastern Maine General Hospital, came up by special assignment.

On motion of Mr. Stetson of Penobscot, the resolve was substituted for the report, and on his further motion the resolve took its several readings under suspension of the rules and was tabled pending its passage to be engrossed.

Mr. Bryant for the committee on appropriations and financial affairs, on resolve in favor of the town of New Sharon, reported same ought to pass. Report accepted. On motion by Mr. Goodwin of Somerset, the resolve took its several readings under suspension of the rules and was passed to be engrossed.

Mr. Wing for the committee on library, to which was referred report of librarian of Maine State library, asked leave to place same on file. Report accepted.

On motion by Mr. Stetson of Penobscot, resolve in favor of Eastern Maine General Hospital was taken from the table and passed to be engrossed.

Mr. Titcomb of York, under suspension of the rules presented bill, An Act relative to the treasurer and collector of taxes for the town of Acton. On the same senator's motion the bill took its several readings under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Stetson of Penobscot, the Senate adjourned to meet on Thursday, March 26, 1903, at 10 o'clock A. M.