

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Thursday, January 26, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. Livingston of Augusta.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

Resolve in favor of Maine Industrial School for Girls. Also, resolve to provide for the expenses of Maine Industrial School for Girls. These resolves came from the House referred in that branch to the committee on education. On motion by Mr. Pike of Washington the same were tabled pending reference.

Read and Assigned.

An act relating to Winthrop and Wayne Light and Power Company.

An act to regulate fishing in Cobbosseecontee stream in Kennebec county.

An act to provide for sewerage in the town of Caribou.

The following communications were received:

To the President of the Senate and Speaker of the House:

I have the honor to herewith transmit a copy of the reports for 1903 and 1904 of the Governor and Council referring to claims for bounties on porcupines to the 72d Legislature.

Very resp'y yours,

(Signed) BYRON BOYD,
Secretary of State.

On motion by Mr. Putnam of Aroostook the same was referred to the committee on appropriations and financial affairs.

To the President of the Senate and Speaker of the House:

I have the honor to herewith transmit the 14th annual report of the board of State Assessors.

Very resp'y yours,

(Signed) BYRON BOYD,
Secretary of State.

On motion by Mr. Staples of Knox the same was referred to the committee on taxation.

The following bills, petitions and resolves were presented and referred.

Judiciary.

By Mr. Heselton of Kennebec. Bill, an act to amend chapter 82 of the private and special laws of 1903, entitled an act to incorporate the Gardiner Water District.

By Mr. Clark of Hancock. Resolve proposing an amendment to article 4 of the Constitution of the State of Maine, establishing a people's veto through an optional referendum, and a direct initiative by petitions and at general elections. On further motion by the same senator the bill was tabled pending reference and a thousand copies of same ordered to be printed.

By Mr. Stetson of Penobscot. Bill, an act to enable the city of Bangor to issue new bonds and retire maturing bonds.

Appropriations and Financial Affairs.

By Mr. Curtis of Cumberland. Petition of F. C. Fortier and numerous other citizens of Portland, for a home for feeble-minded.

Also petition of Mrs. A. D. Hayes and ten others, for same.

By Mr. Morse of Waldo. Petition of Mrs. E. H. Wilson and 32 others in favor of same.

By Mr. Tarire of York. Resolve in favor of Webber Hospital Association.

Pensions.

By Mr. Morse of Waldo. Resolve for State pensions.

Temperance.

By Mr. Plummer of Androscoggin. Remonstrance of Frank O. Purinton and 42 others of Mechanic Falls against resubmission of the Fifth amendment.

Also remonstrance of J. F. Quimby and 89 others of Turner against same.

Taxation.

By Mr. Gardner of Penobscot. Bill, an act in relation to the taxation of mortgages on real estate. On motion by the same senator the bill was tabled for printing pending reference.

Orders.

On motion of Mr. Heselton of Kennebec, it was ordered that the use of the Senate Chamber be granted to the Committee on State Printing every Tuesday afternoon, until otherwise ordered.

Reports of Committees.

Mr. Potter, for the committee on Judiciary, on bill, an act to provide for the treatment of persons suffering from the effects of the habitual use of narcotics, reported same in new draft, under same title, and that it ought to pass. Report accepted.

The same senator for the same committee, on bill, an act to amend section 4 of chapter 162 of the public laws of 1895 in relation to State tax sales, reported that same ought not to pass. Report accepted. Mr. Clark for the committee on Judiciary, on bill, an act to extend the provisions of chapter 143 of the Revised Statutes, relating to dipsomaniacs, inebriates and victims of the drug habit, reported that same ought not to pass. Report accepted.

Mr. Mills for the Committee on Legal Affairs, on bill, an act to authorize the Bangor Investment Company and the Northern Maine Seaport Railroad Company to build wharves and piers in and near Cape Jellison Harbor, reported same ought to pass. Report accepted.

Mr. Pierce, for the committee on legal affairs, on bill, an act to provide for sewerage in the town of Caribou, reported that same ought to pass. Report accepted.

Mr. Irving, for the committee on railroads and expresses, on bill, an act to authorize the Northern Maine Seaport Railroad Company to locate and build it's road across an inlet of Cape Jellison Harbor, reported same ought to pass. Report accepted.

The same senator, for the same committee, on bill an act to authorize the Bangor and Aroostook Railroad Company to guarantee the first-mortgage bonds of the Northern Maine Seaport Railroad Company, reported same ought to pass. Report accepted.

Mr. Curtis, for the committee on towns, on petition of Daniel Brann and 32 others of Brighton Plantation for annexation of that part of Brighton plantation in which they reside to the plantation of Mayfield, reported that the petitioners have leave to withdraw. Report accepted.

Passed to be Engrossed.

An act to amend section 19 of chap-

ter 114 of the Revised Statutes relating to disclosure commissioners.

Orders of the Day.

On motion by Mr. Sturgis of Cumberland, Senate Document No. 17 an act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, was taken from the table; and on further motion by the same senator, the same was referred to the Committee on Temperance.

On motion by Mr. Simpson of York, Resolve in favor of aid in building a highway across the Kennebec River between the towns of Bingham and Concord, was taken from the table; and on further motion by the same senator, the Senate concurred with the House in referring said Resolve, to the Committee on Ways and Bridges.

On motion by the same Senator, the several petitions relating to the foregoing resolve were also taken from the table; and, on his further motion, the same were referred to the Committee on Ways and Bridges.

On motion by Mr. Morse of Waldo, Senate Document No. 12, Resolutions relative to the improvement of the postal system were taken from the table; and on further motion by the same senator, said resolutions were adopted.

On motion by the same senator, Senate Document No. 15, an act in relation to desertion from the military service of the United States and from the militia of this State, was taken from the table; and on further motion by the same senator said act was referred to the committee on Military Affairs.

On motion by Mr. Pierce of Aroostook, Order relating to furnishing to each member of the Senate and House of Representatives a copy of the Revised Statutes, was taken from the table; and on further motion by the same senator, the order was passed by the Senate in concurrence.

On motion by Mr. Pike of Washington, the vote whereby bill, an act to repeal sections 14 to 26 inclusive of chapter 29 of the Revised Statutes relating to the office of State Liquor Commissioner, was referred to the committee on Temperance was reconsidered.

The same Senator thereupon moved that the bill be referred to the committee on Judiciary.

Mr. STAPLES, of Knox: Mr. President, I put in that bill, myself; and it seems to me it is a very proper bill to go to the Committee on Temperance. I do not know what object the Committee on Temperance has in referring it to the committee on Judiciary. It is a matter, as it seems to me entirely within the province of the committee on Temperance, whether the office of the Liquor Commissioner of this State and his agency shall be abolished, or not. I do not know, and cannot see why it should be sent to the committee on Judiciary; but I can see that it is entirely within the province of the Temperance Committee. I am opposed to it's being referred to the committee on Judiciary.

Mr. CLARK of Hancock: Mr. President, I would like to ask the Senator one question, if he will permit me.

Mr. STAPLES: Certainly.

Mr. CLARK: I would like to ask if he has not advocated on this floor the proposition that when the abolishing of an office is in question it should be referred to one of the legal committees?

Mr. STAPLES: I was going to advocate that, but the Senator from Hancock objected. I understood that was the rule. I have no objection to the committee on Judiciary; but, as a matter of courtesy, I believe that every Senator in this body should be his own judge, unless the matter is in conflict with some known rule of the Senate; and when he sees fit to send a bill to one committee or another, his wishes should be respected. I certainly will respect every senator's opinion; and I think that if a senator desires to have a bill sent to a certain committee, he has a right to, as a matter of courtesy, unless it is in gross conflict with some rule of the Senate.

As to the abolishing of the office of the State Liquor Commissioner, we have a great many matters in this body today that have been referred to the Committee on Temperance. Every single thing from the beginning of this session to the present time relating to intoxicating liquors has been sent to the Committee on Temperance. Senator Sturgis, this morning, sent a matter in regard to creating a

Commission on Temperance, not to the committee on Judiciary. It isn't a legal question they have to decide. It is a question whether it is in the interest of the temperance people of this State to have a State Liquor Commissioner, or State Liquor agencies, when a voice goes up here by petition after petition that we want less rum. Who is to be the judge whether the State Liquor Commissioner is selling more liquor than he ought to in the State agencies, or not, and in conformity to the State sentiment, better than the Temperance Committee. I think it is within the province of that committee, and no other; and I ask that this Senate as a matter of courtesy to me, who introduced that bill, allow it to remain with the Temperance committee, and not do me the discourtesy of sending it to the committee on Judiciary.

Mr. PIKE of Washington: Mr. President, I wish to assure the Senator from Knox that no discourtesy is intended. This bill has to do with the abolishment of one of the departments of this State; and I do not see wherein it comes under the jurisdiction of the Temperance Committee. It certainly should go to some one of the legal committees; and it is out of the province of the Temperance committee to have under consideration the abolishing of one of the departments of State. I think it should properly go to the Committee on Judiciary. I further assure the Senator from Knox that the Committee on Temperance has no desire to shirk any responsibility in the matter, and that that committee is willing to shoulder any proper duty, and while it would seem to me, as Chairman of the Temperance Committee, that this should properly go to the committee on Judiciary, or the Committee on Legal Affairs, still, if it is sent to the Committee on Temperance, I assure the senator that that committee will do it's duty in reference to it.

The question being put, the Yeas and Nays were called for by Mr. Staples of Knox; and the vote being had, resulted as follows:

Those voting Yea, were Messrs. Bailey, Bartlett Brown, Clark, Furbish, Gardner, Heselton, Knowlton, Mills, Morse, Owen, Pike, Shackford, Simpson, Stetson, Tartre (16).

Those voting Nay were Messrs. Curtis, Irving, Philoon, Pierce, Plummer, Potter, Putnam, Shaw, Staples, Tupper (10).

So the motion prevailed, and the bill was referred to the committee on Judiciary.

On motion by Mr. Knowlton of Penobscot, the Senate adjourned to meet on Friday, January 27th, 1906, at ten o'clock in the forenoon.

HOUSE.

Thursday, January 26, 1906.

Prayer by Rev. Mr. Tanberg of Gardiner.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

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 private and special laws of 1889 and as amended by chapter 148 of the private and special laws of 1903.

Resolve in favor of the purchase of the Maine State Year Book and Legislative Manual for the years 1905 and 1906.

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

Judiciary.

By Mr. Thurlough of Fort Fairfield: Petition of A. D. Sawyer and 37 other citizens of Fort Fairfield in favor of the passage of an act to prevent throwing refuse and garbage into Aroostook river within the limits of Fort Fairfield village corporation.

By Mr. Tracy of Winter Harbor: Petition W. L. Martin and 53 others in favor of petition of Curtis E. Moon for charter for ferry between Hancock and Sullivan.

By Mr. Thurlough of Fort Fairfield: Bill, an act to prevent throwing refuse and garbage into Aroostook river within the limits of Fort Fairfield village corporation.

By Mr. Staples of Eliot: Bill, an act to incorporate the Kittery Water and Electric Light Company.

Legal Affairs.

By Mr. Tupper of Bangor: Petition of C. R. Rand and 25 others to prohibit playing baseball and football near dwellings.

By Mr. Howes of Palmyra: Bill, an act granting additional powers to the Sebasticook Power Company.

By Mr. O'Brien of Lewiston: Bill, an act to repeal section 51 of chapter 40 of