

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Thursday, February 2, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. Joscelyn of Gardiner.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Staples of Knox, bill, "An act to provide for the appointment of a commissioner of highways and economy in municipal expenditure," which came from the House referred to the committee on ways and bridges, was tabled.

On motion by the same Senator, bill, "An act relating to clams within the limits of the town of Cushing," was tabled.

House Bills Read and Assigned.

On motion by Mr. Tupper of Lincoln, bill, "An act to repeal chapter 443 of the public laws of 1901 relating to the annual town meeting of Boothbay Harbor," with accompanying petition of Joseph C. McKeown and 121 others, praying that chapter 443 of the public laws of 1901 be repealed, and report of the committee on judiciary thereon, was tabled.

An act relative to the Winter Harbor Gas and Light Company.

Resolve in favor of Children's Aid Society of Belfast.

An act to incorporate the Stockton Springs Trust Company of Stockton Springs, Maine.

An act to incorporate the State Trust Company of Augusta, Maine.

An act to incorporate the Houlton Trust Company of Houlton, Maine.

An act relating to fishing in the tributaries of Webb's river above Goodwin Bros. mill dam in Carthage, in the county of Franklin.

Resolve appropriating money for support of traveling libraries.

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

Judiciary.

By Mr. Simpson of York: Petition of selectmen of York for a bridge across York river.

By Mr. Staples of Knox: Bill, an act to amend section 19 of chapter 6 of the Revised Statutes, relating to elections. On motion by the same Senator the bill was tabled to be printed pending reference.

By Mr. Clark of Hancock: Bill, an act to amend section 1 of chapter 49 of the Revised Statutes, by allowing individuals to do fire insurance business. On motion by Mt. Stetson of Penobscot, the bill was tabled for printing, pending reference.

Appropriations and Financial Affairs.

By Mr. Randall of Cumberland: Resolve providing for an epidemic or emergency fund.

Shore Fisheries.

By Mr. Shackford of Washington: Bill, an act to protect cod and other ground fish in waters off the coast of Lincoln and Sagadahoc counties.

Indian Affairs.

By Mr. Pike of Washington: Petition of Noel T. Lola, governor of the Passamaquoddy Indians and nine others, asking for appropriations for repairs of schoolhouse and increasing appropriation for fuel and police.

Temperance.

By Mr. Shackford of Washington: Petition of Rev. Wm. Fletcher and 130 others against resubmission of the 5th amendment.

Interior Waters.

By Mr. Gardner of Penobscot: Bill, an act to incorporate the Matagamon Tow Boat Company.

Orders.

Mr. Mills of Hancock presented the following order and moved its passage: Ordered, that the committee on legal affairs be requested to investigate the matter of the right of the State to provide schooling for children residing upon territory belonging to the United States, and within the geographical limits of the State of Maine; and report by bill, or otherwise.

On motion by Mr. Staples of Knox the foregoing order was amended by inserting the words "the House concurring." The order as amended received a passage.

On motion by Mr. Curtis of Cumberland it was: Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet at nine o'clock tomorrow morning, Friday, February 3, 1905.

Reports of Committees.

Mr. Potter for the committee on judiciary, on bill, "An act to change the name of the Sanford Light and Water Company, and enlarge its powers," reported same ought to pass. Report accepted.

Mr. Simpson for the committee on appropriations and financial affairs, on "Petition of Mrs. L. M. N. Stevens, asking for an appropriation for the W. C. T. U. department of the Home for Homeless Children," reported resolve, entitled "Resolve in favor of W. C. T. U. department of Home for Homeless Children," and that the same ought to pass. Report accepted.

Mr. Irving for the committee on railroads and expresses, on bill, "An act to extend the franchise of the Wiscasset, Waterville and Farmington Railroad Company," reported same ought to pass. Report accepted.

The same Senator for the same committee, on bill, "An act extending the charter of the Lincoln County Street Railway," reported same ought to pass. Report accepted.

Mr. Randall for the same committee, on bill, "An act to extend the charter of the Maine Midland Railroad Company," reported that the same ought to pass. Report accepted.

Mr. Tartre for the same committee, on bill, "An act relating to the Rumford Falls and Rangeley Lake Railroad Company," reported same ought to pass. Report accepted.

The same Senator for the same committee, on bill, "An act to amend section 17 of chapter 53 of the Revised Statutes, relating to street railroads," reported same ought to pass. Report accepted.

Passed to be Engrossed.

An act to amend chapter 407 of the special laws of 1903, relating to fishing in Long Pond, Hancock county.

Resolve in favor of the President and Trustees of Bowdoin College.

An act to prevent the pollution of the waters of Nequasset lake.

An act to authorize the Dover Gas-light Company to acquire the property and franchises of the United Gas and Electric Company.

An act to authorize the United Gas and Electric Company to sell its property and franchises to the Dover Gas-light Company.

An act to authorize the construction of a wharf or wharves in the tide waters of the Penobscot river at Bucksport.

Resolve in favor of the Young Woman's Home in Lewiston.

Orders of the Day.

On motion by Mr. Gardner of Penobscot, Senate Document No. 23, "An act in relation to the taxation of mortgages on real estate," was taken from the table. On further motion by the same Senator the same was referred to the committee on taxation.

On further motion by the same Senator, the vote was reconsidered whereby the Senate voted to refer to the committee on interior waters bill, "An act to incorporate the Mattamagamon Tow Boat Company." On further motion by the same Senator the bill was tabled for printing.

On motion by Mr. Staples of Knox, "Resolve for the purpose of operating the fish hatcheries and feeding stations for fish and for the protection of fish," was taken from the table. On further motion by the same Senator, the resolve took its second reading, under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Simpson of York, bill, "An act to incorporate the Kittery Water and Electric Light Company," was taken from the table. On further motion by the same Senator, the bill was referred in concurrence to the committee on judiciary.

On motion by Mr. Pike of Washington, House bill No. 15, "An act to repeal section 15 of chapter 32 of the Revised Statutes, relating to bounties on porcupines," was taken from the table. The same Senator thereupon moved that the bill be recommitted to the committee on legal affairs.

Mr. PIKE of Washington: Mr. President: Before the vote is taken I would like to state to the Senate that I am in the same position the Senator from Waldo was yesterday. This bill as you all know is one in which Washington county is largely interested and I have received a number of petitions and letters from my constituents protesting against the repeal of this law and as the courtesy of the Senate was extended to the Senator from Waldo yesterday, I ask that the same courtesy be extended to me today on the same grounds that our people have not had a full and fair hearing on this bill. I will admit that I have been opposed to this unique Legislation by courtesy and the turning down of unanimous committee reports without the assent of the committee in question, as it may keep us here until the Fourth of July. And even now from a business point of view I do not see where the State's interests are advanced or the business of the Senate expedited. As this legislation by courtesy is not mentioned in any of the Senate rules and must have been overlooked when they were made up, but as the rule has been established by the Senate, in this instance I shall ask that this courtesy be extended to me. I know that this so-called porcupine law is and has been the source of considerable levity and has cost the State a large amount of money but the friends of the law as taxpayers and citizens of the State should have the same consideration shown them as the friends of any other measure. And in all fairness and courtesy I ask the members of the Senate to support my motion to recommit particularly the seventeen senators that voted to extend the same courtesy to the Senator from Waldo yesterday. It is true I have neglected to importune each senator personally preferring to make the appeal direct from the floor of the Senate, and as a member of this Senate I know of no reason why I am not entitled to your support on this motion. Mr. President, I move when the vote is taken that it be taken by the yeas and nays.

Mr. STETSON of Penobscot: Mr. President: I was one of the 17 Senators

to whom the Senator refers; and as a matter of courtesy I take the same ground as I did yesterday. But I, for one, would be glad to hear the Senator from Washington explain his reasons why this bill should be recommitted. I understand a hearing was had; and in the remarks the Senator has made, I failed to catch any idea of the reason why the bill should be recommitted.

Mr. FIKE: For the same reason, and on the same ground that the Senator from Waldo asked to have a bill re-committed to the committee.

You may have noticed petitions coming in here for the repeal of this law. I have received numerous letters from my constituents in Washington county, claiming they have not had a full and fair hearing.

Mr. GARDNER of Penobscot: Mr. President: I wish to again enter my protest against the delaying of the work of this Senate in recommitting matters to committees that have had a full and fair hearing. I wish to say that, as to the matter of courtesy that I am not so much impressed with the matter of courtesy as are some of the Senators here. I say that it is our business, unless there is some urgent reason to the contrary, to support the committees in their reports, and I hope the motion to recommit this matter, which, as I understand, has had a full and fair hearing, will not prevail, to the end that we may attend to the business which our constituents send us here to do; and do it in a business like way; and I say this with all respect to the Senator from Washington.

Mr. STAPLES of Knox: Mr. President: I believe it is as our duty to give everybody a fair show before committees as it is courtesy. I believe the first desire every Senator has is to give every man in the State who comes here a full and complete hearing. That is our first duty. I understand by letters that I have received, being on that committee by which this bill was reported, saying that they desire a further hearing; and for that reason, and for reasons given by the Senator from Washington, I am in favor of recommitting. I think that the people of Washington county should have a further hearing and an opportunity to

put in more evidence, as they had not an opportunity at the first hearing; and for that reason, I cheerfully support the proposition of the Senator from Washington.

Mr. PIERCE of Aroostook: Mr. President: I have the honor of being Chairman of the Committee on Legal Affairs, to which this matter was referred. Two weeks notice was given in the State papers, the papers in Washington county, particularly the Narraguagus Times and the Machias Union. A hearing was had extending through the greater part of one afternoon, under the charge of the Hon. Fred Campbell, the father of the bill originally placing a bounty on porcupines. Protests were raised before the committee against continuing the bounty longer, and asking for the repeal of the law. A few urged that the bounty be still continued; but, in the judgment of the committee the evidence seemed to be that the bounty was an unnecessary burden on the State, and that it should be repealed; and by unanimous vote of the committee it was reported. I have some pride in the workings of our committee, and feel that matters having had due consideration and deliberation and a fair hearing should have some weight in the Senate, especially. But, under the circumstances, and the turn of affairs within a few days, I do not feel like asking that a courtesy be shown to the committee over the courtesy shown to the people who are interested directly in the matter; but still I do feel, Mr. President and members of the Senate, that we should not trifle with these things, and that the motion of the Senator from Washington should not prevail.

Mr. GARDNER of Penobscot: Mr. President: With the permission of the Senator from Knox, I would like to ask a question of him. He seems to be the most strenuous exponent of courtesy and fairness to the people of the State; but in my judgment, at times, it conflicts with business. I would like to ask him, in courtesy, if he wishes the precedent established that any citizen, at any time, after what is supposed to be a fair hearing, shall have the privilege of delaying matters in order that he

may be heard, at any time during the session?

Mr. STAPLES: I do.

Mr. GARDNER: Any single citizen?

Mr. STAPLES: Anybody. I would establish a precedent to give anybody a new trial, when they can present proper evidence.

The question being put upon the motion of the Senator from Washington, to recommit the bill, the Yeas and Nays were called for and ordered; and the vote being had, resulted as follows: Those voting Yea, were Messrs. Ayer, Brown, Clark, Curtis, Goodwin, Pike, Putnam, Randail, Shackford, Staples (16). Those voting Nay were Messrs.: Allen, Bailey, Gardner, Owen, Pierce, Potter, Simpson, Stetson, Tupper, (9).

So the motion prevailed, and the bill was recommitted.

On motion by Mr. Pike of Washington, the Senate adjourned to meet on Friday, Feb. 3, 1905, at 9 o'clock in the forenoon.