

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

**Seventy-Second Legislature**

OF THE

STATE OF MAINE.

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1905.

**SENATE.**

Friday, February 10, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. McKinnon of Augusta.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Gardner of Penobscot, bill, an act in relation to selling, giving and delivering trading stamps, checks, coupons or similar devices, etc., was tabled.

**House Bills Read and Assigned.**

An act to extend the provisions of chapter 241 of the private and special laws of 1903 entitled an act to supply the town of Lisbon with pure water.

An act to authorize the construction of a bridge and highway across York Harbor.

An act to amend chapter 326 of the private and special laws of 1864, entitled "An act to incorporate the Passadumkeag Boom Company."

Resolve in favor of the hospital of the society of the Sisters of Charity for the city of Lewiston, Maine.

Resolve in favor of Society for Sisters of Charity, Healy Asylum, for Lewiston, Maine.

Resolve in favor of Bar Harbor Hospital located at Bar Harbor, Maine.

An act to extend the charter of the South Portland Trust and Banking Company.

An act to amend and extend the charter of the Millinocket Trust Company.

An act to incorporate the Gardiner Trust Company, of Gardiner, Maine. On motion by Mr. Irving of Aroostook Senate amendment A to this bill was adopted, as follows: Amend section 13 by inserting in the second line between the words "its" and "earnings" the word 'net' so that said section 13 when amended shall read: 'Section 13. Such corporation shall set apart as a surplus fund not less than ten per cent. of its net earnings in each and every year until such fund with the accumulated interest thereon shall amount to

one-fourth of the capital stock of said corporation.

An act to amend section 79 of chapter 48 of the Revised Statutes relating to authority of the Bank Examiner over trust and banking companies.

An act to amend section 80 of chapter 48 of the Revised Statutes relating to the cash reserve in trust and banking companies. This bill came from the House with House amendment A adopted. On motion by Mr. Irving of Aroostook, the bill and amendment were tabled.

An act to incorporate the Bethel Trust Company, of Bethel, Maine. On motion by Mr. Philoon of Androscoggin, Senate amendment A was adopted, as follows: Amend section 13 by inserting in the second line between the words "its" and "earnings" the word 'net' so that said section 13 when amended shall read: 'Section 13. Such corporation shall set apart as a surplus fund not less than ten per cent. of its net earnings in each and every year, until such fund with the accumulated interest thereon shall amount to one-fourth of the capital stock of said corporation. House Amendment A was adopted in concurrence.

An act to incorporate the Clinton Trust Company, of Clinton, Maine. On motion by Mr. Irving of Aroostook, Senate amendment A was adopted, as follows: Amend section 13 by inserting in the second line between the words "its" and "earnings" the word 'net' so that said section 13 when amended shall read: 'Section 13. Such corporation shall set apart as a surplus fund not less than ten per cent. of its net earnings in each and every year until such fund with the accumulated interest thereon shall amount to one-fourth of the capital stock of said corporation.'

Resolve in favor of Central Maine Fair Association.

An act to change the name of Cabbage Island to Independence Island.

An act to divide the town of Tremont and incorporate the town of Southwest Harbor.

An act to amend section 1 of chapter 26 of the private and special laws of 1887, as amended by chapter 487 of

the private and special laws of 1897, relating to taxation on certain plantations.

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

#### Legal Affairs.

By Mr. Morse of Waldo: Bill, an act to amend section 2 of chapter 212 of the private and special laws of 1902, relating to the Searsport Water Company, also to extend the charter of said company.

#### Appropriations and Financial Affairs.

By Mr. Heselton of Kennebec: Bill, an act in favor of F. A. Giddings, secretary of the committee on Maine State Prison.

#### Education.

By Mr. Irving of Aroostook: Resolve in favor of Aroostook Normal school at Presque Isle.

#### Telegraphs and Telephones.

By Mr. Irving of Aroostook: Petition of W. B. Brown of Mars Hill and 42 others asking for regulation of telegraph rates in non-competing points.

#### State Lands and State Roads.

By Mr. Stetson of Penobscot: Resolve in favor of H. P. Gardner to reimburse him for amount expended on Sebobeis road.

#### Inland Fisheries and Game.

By Mr. Simpson of York: Bill, an act to prohibit the taking of fish from all ponds in the town of York.

#### Taxation.

On motion by Mr. Staples of Knox, bill, "An act to tax all shares of stock in corporations," was tabled to be printed, pending reference.

#### Salaries.

By Mr. Gardner of Penobscot: Bill, an act to regulate and fix the compensation of deputy sheriffs of Penobscot county.

#### Aroostook County Delegation.

By Mr. Pierce of Aroostook: Petition of Dana L. Thirault and 61 others relating to change of the registry of deeds of the Northern District of Aroostook county.

Also, Petition of Frank W. Mallett and 36 others, for same.

Also, Petition of E. R. Michaud and 41 others, for same.

Also, Petition of M. A. Gagnon and 35 others, for same.

Also, Petition of Omer J. Robbins and 60 others, for same.

Also, Petition of Charles P. Bradbury and 27 others, for same.

Also, Petition of John Dubey and 60 others, for same.

Also, Petition of Neal McLeon and 24 others, for same.

Also, Petition of Joseph Labbe, Jr., and 41 others, for same.

Also, Petition of J. M. Brown and 100 others, for same.

Also, Remonstrance of Remi A. Daigle and 81 others against the proposed change of registry of deeds, Northern District, Aroostook county.

#### Orders.

On motion by Mr. Potter of Cumberland, it was Ordered, the House concurring, that the committee on judiciary be requested to inquire into the expediency of regulating by a general law the location and use of wire transmitting high tension electrical currents; and to report by bill or otherwise.

On motion by Mr. Clark of Hancock, it was Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, February 13, at 4.30 o'clock in the afternoon.

The President subsequently announced that the House had concurred in the passage of the foregoing order.

On motion by Mr. Gardner of Penobscot, it was Ordered, that the use of the Senate Chamber be given to the committee on taxation Tuesday evening, February 21st.

#### Read and Assigned.

Resolve for State pensions.

Resolve in favor of John B. Grubler of Lewiston, Maine.

An act to extend the charter of the Auburn, Mechanic Falls and Norway Street Railway.

An act to amend the charter of the Kennebec Valley Railroad Co.

An act to protect cod and other ground fish in waters off the coast of Lincoln and Sagadahoc counties.

Resolve in favor of the town of Boothbay.

**Reports of Committees.**

Mr. Bartlett for the committee on taxation, on bill, "An act relating to the taxation of railroads according to their actual value," reported that legislation thereon is inexpedient. On motion by Mr. Staples of Knox the report and accompanying papers were tabled.

Mr. Putnam for the committee on appropriations and financial affairs, on "Resolve in favor of the town of Chelsea," reported that the same be referred to the committee on claims. Report accepted.

Mr. Simpson for the committee on appropriations and financial affairs, on "Resolve in favor of Bangor Children's Home," reported that the same ought to pass. Report accepted.

Mr. Tupper for the committee on shore fisheries, on bill, "An act to amend section 44 of chapter 41 of the Revised Statutes relating to the taking of smelts," reported same ought to pass. Report accepted.

Mr. Shaw for the committee on salaries, on "Resolve in favor of George G. Weeks," reported that the same ought to pass. Report accepted.

Mr. Stetson for the committee on salaries, on "Resolve in favor of Fred W. Lee," reported that the same ought to pass. Report accepted.

The same Senator for the same committee, on "Resolve in favor of A. H. Small," reported same ought to pass. Report accepted.

**Passed to be Engrossed.**

Resolve in favor of Frank T. Pen-  
nell.

An act to extend the charter of the Maine Water and Electric Power Com-  
pany.

Resolve in favor of Benjamin Smith  
of Appleton, Knox county.

Resolve in favor of the King's  
Daughters' Home, Bangor, Maine.

Resolve in favor of John Chadwick &  
Co. to aid navigation in Mooselucma-  
gantic lake.

Resolve to complete the improve-  
ments of Songo river and to establish  
and maintain buoys in Long and Se-  
bago lakes in Cumberland county.

An act to amend section 24 of chapter  
144 of the Revised Statutes relating to  
insane persons.

An act to amend section 6 of chapter  
65 of the Revised Statutes relating to  
probate courts.

An act to increase the salary of the  
judge of the municipal court for the  
city of Lewiston.

An act to authorize the town of Win-  
throp to erect and maintain a wharf in  
Lake Maranacook in the county of  
Kennebec.

An act to amend the charter of the  
Security Trust Company.

An act authorizing the Orono Water  
Company to take water from Chemo  
lake and Chemo stream in the town of  
Bradley.

Resolve in favor of the Maine State  
Sanitarium Association.

An Act to authorize the Houlton Wa-  
ter Company to generate, sell and dis-  
tribute electricity.

An Act to authorize the Great North-  
ern Paper Company to hold stock in the  
West Franch Driving and Reservoir  
Dam Company.

An Act granting Jesse E. Mitchell and  
John J. Cameron the right to estab-  
lish and maintain a ferry in Sullivan  
and Hancock.

An Act to incorporate the Hamilton  
Trust Company.

An Act to incorporate the charter of  
the Wa'do Street Railroad Company.

An Act to amend the charter of the  
Lime Rock Railroad Company.

**Passed to be Enacted.**

An Act to repeal Section 15 of Chapter  
32 of the Revised Statutes relating to  
bounties on porcupines.

**Orders of the Day.**

On motion by Mr. Mills of Hancock,  
the rules were suspended and that sen-  
ator presented bill, "An Act to extend  
the charter of the Lilly Water Com-  
pany." On motion by the same senator,  
the bill was referred to the committee  
on legal affairs.

On motion by Mr. Bailey of Somerset,  
Senate Document No. 56, "An Act to  
authorize the Mainstream Lumber  
Company to erect a dam across Main-  
stream in the town of Harmony," was  
taken from the table. On further mo-  
tion by the same senator, the bill was  
referred to the committee on interior  
waters.

On motion by the same senator, the rules were suspended and that senator presented bill "An Act to incorporate the Harmony and Wellington Telephone Company. On further motion by the same senator the bill was referred to the committee on telegraphs and telephones.

On motion by Mr. Staples of Knox, Senate Document No. 6, Table Document No. 7 and Senate Document No. 10 being respectively report of committee on Home for Feeble-Minded. Report of committee on appropriations and financial affairs, referred to next Legislature, on bill to provide for care of feeble-minded children; and "An Act to provide for the care and education of feeble-minded children," were taken from the table.

Mr. STAPLES of Knox: Mr. President: I move that these several documents be reassigned for next Tuesday.

I am informed by Senator Morse of Waldo, who is very much interested in this matter, that he cannot be here on Tuesday, and I now move that these several documents be re-assigned for next Wednesday.

Mr. SIMPSON of York: Mr. President: The senator from Knox and myself have but just made an agreement but a few moments ago that this matter should be taken up on Tuesday next and I shall insist upon the performance of that agreement.

Mr. STAPLES: I will say that I did make that agreement. There is no doubt about that; but Senator Morse came to me a moment ago and informed me that he could not be here on Tuesday.

Mr. SIMPSON: Mr. President: I think I spoke to the senator from Knox since the senator from Waldo spoke to him.

Mr. STAPLES: Mr. President: I should be just as ready to take the matter up, Tuesday, as I would be on Wednesday, were it not for the fact that Senator Morse informs me that he cannot be here, Tuesday, and that he is anxious to be heard upon this matter. I do not suppose that any great harm will result if the matter goes over until next Wednesday. If any harm is to befall anybody, I do not know but that I might discuss the matter, today; but it seems to me that the request that

it be re-assigned for next Wednesday to accommodate Senator Morse is not unreasonable; and I would ask this Senate to so re-assign it.

Mr. SIMPSON: The senator from Knox gave as the reason why he did not wish to discuss it this morning, sickness. I asked him if he would not name some early day, next week, and an agreement was made for Tuesday next, and I insist upon its being assigned for that day.

Mr. STAPLES: I re-affirm my desire to have it re-assigned for next Wednesday. I am not in good physical condition, today, to discuss this matter, and I so informed the senator from York. If he insists and the Senate should not do me the courtesy of re-assigning it for next Wednesday, I apprehend I can get together enough physical ability to discuss it, today. I do not think the Senate will ask me to do so.

The PRESIDENT: Does the Senator from Waldo request a re-assignment of the matter for next Wednesday?

Mr. MORSE of Waldo: Mr. President: The Committee on Insane Hospital go to Bangor on Tuesday next to visit the hospital, and it will be impossible for me to be present on that day. The Senator from Knox informed me this morning that he was not feeling very well. For these reasons I hope the Senate will grant him the courtesy of re-assigning the matter for Wednesday next.

Mr. SIMPSON: Mr. President, I would like to inquire if Monday afternoon would be convenient for the senator from Knox.

Mr. STAPLES: It would not, Mr. President.

Mr. RANDALL of Cumberland: Mr. President: I am also a member of the Committee on Insane Hospitals, and desire to go to Bangor on Tuesday, and I hope its discussion will be assigned for next Wednesday in accordance with the motion of the Senator from Knox.

The PRESIDENT: Monday would not be convenient for the senator from Cumberland?

Mr. RANDALL: I should not be here on that day.

Mr. PIKE of Washington: Mr. President: For the benefit of the Senate I

wish to say that these three bills were placed on the table by the senator from Knox several days ago, and were assigned to be considered today. It seems to me this is the proper time for their consideration. The Senator from Knox states that he is not in sufficient physical condition to discuss the matter and I see no reason why action should not be taken today.

Mr. STAPLES: Mr. President: I should like to inquire of the senator from Washington what great hurry there is to have this matter discussed today or next Tuesday, and why next Wednesday is not just as well, being a day that will accommodate all interest-

ed. I do not know why there should be any railroading of this bill. I think everybody should have a fair chance; and as there are eight thousand people behind this bill, anxious to have it urged and explained, I do not think there is anything unreasonable, Mr. President, in my request that it be re-assigned for next Wednesday; and I insist upon my motion.

Mr. IRVING of Aroostook: Mr. President: I will say that this bill was reported back to this Senate last Tuesday at the request of the Senator from Knox, and also, indirectly at the request of the senator from Cumberland and the Senator from Waldo; and it was assigned for today. Now they are all present, and we should like very much to discuss it and its merits this morning. If the senator from Knox is ill and requests a re-assignment for next Tuesday and not later than that, we may not object. The three senators are here at this moment; and might be here next Monday; but we insist upon our rights as members of the committee on Appropriations and Financial Affairs and it seems to me it is carrying senatorial courtesy too far to ask repeated continuances of this matter, after having assigned it for this morning. If it is not considered this morning, it should be assigned not later than Tuesday next.

Mr. STAPLES: Mr. President, I do not know but that the whole burden of this State rests upon the shoulders of the committee on appropriations and

Financial Affairs. They seem to assume that whatever that committee does must not be questioned. When we meet here at 4.30 on Monday afternoon and do the business that will naturally arise there will be no time to discuss this matter. Senator Randall of Cumberland county and Senator Morse from Waldo county cannot be present on Tuesday, otherwise I would agree upon that day for assignment of the matter. I do not know, and can conceive of any possible reason why this may not go over until next Wednesday, at which time I hope to be able to discuss it. I do not want to discuss it now. I have not been feeling well for three or four days.

Mr. MORSE: Mr. President: This is a matter in which there is considerable interest manifested outside of the Senate members. This home for the feeble-minded children of the State is a matter that has pretty wide discussion. I was not aware that it was to come up this morning until I came into the Senate chamber. While I have been engaged on this committee for two years, and have been trying to find out the needs and wants of this particular matter, I would like to have opportunity to go over the subject carefully, so that I might be able to give some senator who may not have taken so much interest in it as I have, some new ideas in relation to it. While we may not be able to arrive at any conclusion which would be beneficial to their wants at this time, still it is ground that it would be well for us to look over, and which must be more thoroughly examined when the time comes. As the senator from Knox says, I do not see any occasion for "rushing" this matter. A day will not make much difference. I would be glad to have it assigned for Tuesday if I had not already made arrangements to go to Bangor to visit the Insane Hospital there. I hope, with this explanation, the Senate may be ready to act in this matter.

Mr. PIKE: Mr. President, The Senator from Waldo says that he has been a member of the committee which has been investigating this matter for two years; and it strikes me, and I think ought to strike the Senate that two years time is sufficient to become posted on this matter. Why should we not

be able to take the matter up today.

Mr. MORSE: Mr. President: I should not feel very badly if this matter were to be discussed this morning. I have not a paper here to refer to, but I trust I may have something in my mind that I might say in relation to the bill. I had a letter this morning from an association in Portland that is much interested in the matter, making inquiries about it. I assure you there is some interest in the matter. Already 20 states of the Union have institutions of this kind, and Maine will not much longer trail behind. I think, Mr. President, and gentlemen of the Senate, that it will be well to let this matter rest just as the senator from Knox has moved. He is ill, this morning. He is not in usual health, and I do not want to force him to argument today, or until he is vigorous and well; and then no man questions his ability.

Mr. SIMPSON: Mr. President: Out of courtesy to the senator from Waldo and the senator from Cumberland, I will withdraw my objection.

Mr. STAPLES: Would you not better include also, out of courtesy to the Senator from Knox?

The President: That is always included.

The question being upon the acceptance of the unanimous report of the committee on Appropriations and Financial Affairs; on motion by Mr. Putnam of Aroostook, the several documents were tabled and Wednesday of next week assigned for their consideration.

The President announced that the concurrent order of the Senate, passed yesterday, to investigate the affairs of the State Liquor Commissioner, had been returned by the House, having been passed by that body in concurrence.

The PRESIDENT: The Chair will, at this time state to the Senate that, in private, he has tendered to the Senator from Knox the Chairmanship of that Committee, and that senator has stated his inability to accept the same on account of public duties. Is the Chair correct?

Mr. Staples: That is right, Mr. President.

The President thereupon appointed on said Committee, Messrs. Curtis of Cumberland, Plummer of Androscoggin, and Allen of York, on the part of the Senate.

The PRESIDENT: The Chair wishes to state to the Senate that Senator Plummer of Androscoggin who was appointed by the Chair, yesterday, as one of the Committee to attend the funeral services this afternoon of Hon. Joseph H. Manley, is unavoidably detained from attending, and unable to perform his duties upon that committee, and therefore wishes the Senate to excuse him.

The Senate thereupon voted that Mr. Plummer be excused from said committee.

The President thereupon appointed on said committee in place of Senator Plummer, Senator Staples of Knox.

Mr. STAPLES: Mr. President: I thank you for the courtesy of the appointment, but I am obliged to go to Bangor, this afternoon, and shall be unable to attend the funeral of our friend, ex-Senator Manley. If I am in order, I would suggest in my stead the name of Senator Philoon of Androscoggin.

Senator Staples was thereupon excused by vote of the Senate from serving upon said committee; and senator Philoon of Androscoggin was appointed a member of said committee. The President announced the committee on the part of the House.

On motion by Mr. Sturgis of Cumberland, the Senate adjourned to meet on Monday, February 13, 1905 at 4.30 o'clock in the afternoon.