

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Monday, Feb. 13, 1905.

Senate called to order by the President.

Prayer by the Rev. Mr. Dunnack of Augusta.

Journal of the last session read and approved.

Papers from the House disposed of in concurrence.

House Bills Read and Assigned.

Bill, An Act to amend Chapter 11 of the Private and Special Laws of 1903, for the purpose of correcting errors therein, making the sections of said chapter read consecutively and to ratify the acts heretofore done by said district under said Chapter 11. House Amendment A adopted in concurrence.

An Act authorizing the construction of a wharf in the tide waters of Casco bay in the town of Falmouth.

Resolve in favor of the Central Maine General hospital.

Resolve in aid of the temporary home for women and children.

Resolve in favor of the Maine Eye and Ear Infirmary.

An Act to amend and extend the charter of the Kineo Trust Co. of Dover, Maine, with a branch at Milo, Maine.

An Act to authorize F. C. Robinson & Sons to build and maintain piers, booms and buoys in Portage lake in the county of Aroostook.

The following communications were received from the Secretary of State: To the President of the Senate and Speaker of the House:

I have the honor to herewith transmit the annual report of the board of registration of medicine.

Very respectfully yours,

(Signed)

BYRON BOYD,
Secretary of State.

On motion by Mr. Clark of Hancock, the same was referred to the committee on judiciary.

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

I have the honor to transmit herewith the annual report of the bureau of industrial and labor statistics for 1904.

Very respectfully yours,

(Signed)

BYRON BOYD,
Secretary of State.

On motion by Mr. Sturgis of Cumberland, the same was referred to the committee on labor.

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

I have the honor to transmit herewith the report of the Maine Insane hospital for 1904.

Very respectfully yours,

(Signed)

BYRON BOYD,
Secretary of State.

On motion by Mr. Morse of Waldo, the same was referred to the committee on labor.

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

I have the honor to transmit herewith transmit the report of the Maine Insane hospital and the Eastern Maine Insane hospital for 1904.

Very respectfully yours,

(Signed)

BYRON BOYD,
Secretary of State.

On motion of Mr. Morse of Waldo, the same was referred to the committee on Insane hospital.

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

Legal Affairs.

By Mr. Heselton of Kennebec: Bill, An Act to amend Section 60 of Chapter 93 of the Revised Statutes relating to liens on monumental work.

By Mr. Bailey of Somerset: Bill, An Act to incorporate the Jackman Water Co.

By Mr. Sturgis of Cumberland: Petition of George W. Norton and 48 others for special committee to investigate violations of law in Cumberland county.

By Mr. Pierce of Aroostook: Bill, An Act to incorporate the Fort Kent Water Co.

Also, Bill, An Act to amend the charter of the Madawaska Log Driving Co.

By Mr. Morse of Waldo: Bill, An Act to extend the charter of the Hillside Water Co.

By Mr. Philoon of Androscoggin: Petition of Ralph A. Stevens and 232 others for amendment to Section 8, Article 9 of the Constitution of Maine, relating to taxation of lands in unincorporated townships.

Education.

By Mr. Staples of Knox: Resolve

from the town of Cushing, Maine in favor of a change in the law relating to the election of Superintendent of schools.

Railroads.

By Mr. Morse of Waldo: Bill, An Act to extend the charter of the Winterport, Frankfort and Prospect Electric Railway.

Also, Bill, An Act to extend the charter of the Camden & Liberty Railway.

Mercantile Affairs and Insurance.

By Mr. Shaw of Sagadahoc: Petition of H. B. Miller and 40 others of Durham against any change in the Maine Standard Policy.

Also Petition of Martin Webber and 4 others of South China, against same.

Also, Petition of S. C. Jones, and 13 others of Canton against same.

Also, Petition of Charles A. Jackson and 9 others of Monson, same.

Also, Petition of A. W. King of Charlestown and 15 others, same.

Also, Petition of George M. Currier and 54 others of Oakland, same.

Also, Petition of George H. Green and 43 others of Harrison, same.

Also, Petition of Elias S. Stewart and 50 others of Harrington, and Cherryfield, same.

Also, Petition of M. E. Leland and 32 others of Sangerville, same.

Also, Petition of M. E. Lynett and 9 others of East Eddington, same.

Also, Petition of Hiram Stevens of Carroll and 10 others, same.

Also Petition of H. F. Weymouth and 18 others of New Portland, same.

Banks and Banking.

By Mr. Clark of Hancock: Petition of S. D. Gray and 12 others of Brooksville for passage of an Act to amend charter of the Waldo Trust Co.

Also, Petition of George W. Warren and 37 others for passage of an Act to amend the charter of the Waldo Trust Co.

Also, Bill, An Act to incorporate the Mount Desert Trust Co.

By Mr. Shaw of Sagadahoc: Bill, An Act prohibiting the use of titles ordinarily applied to banks and trust companies by other than duly authorized banking corporations.

By Mr. Brown of Kennebec: Bill, An

Act to amend the charter of the Augusta Trust Co.

Also, Petition of Leighton Bros, and 64 others in favor of an amendment to the charter of the Augusta Trust Co.

By Mr. Morse of Waldo: Bill, An Act to incorporate the Searsport Trust Co.

Agriculture.

By Mr. Simpson of York: Petition of L. Reeves and 27 others who ask for assistance in destroying the brown-tail moth.

Interior Waters.

By Mr. Owen of Piscataquis: Remonstrance of Boston Excelsior Co. and 59 others against granting John H. Perriego and P. M. Bartley exclusive right to use boats on Sebec river.

Inland Fisheries and Game.

By Mr. Pierce of Aroostook: Petition of Jacob Hedman and 28 others asking for a law preventing the throwing of sawdust and other mill waste into Fish river and its tributaries in Aroostook county.

By Mr. Curtis of Cumberland: Bill, An Act relative to the artificial cultivation of fish by riparian proprietors.

By Mr. Sturgis of Cumberland: Resolve in favor of Long Pond Fish and Game Association.

Also, Bill, An Act to incorporate the Long Pond Fish and Game Association.

Shore Fisheries.

By Mr. Staples of Knox: Remonstrance of Bert A. Murphy and 86 others of Friendship against any change in the seining laws.

Also, Remonstrance of Riley Davis and 21 others of Cushing, same.

Also, Remonstrance of Rodney Davis and 21 others against same.

By Mr. Potter of Cumberland: Petition of I. H. Snow and others in relation to purse and drag seines.

Claims.

By Mr. Pierce of Aroostook: Resolve in favor of Joseph Archambault.

Aroostook County Delegation.

By Mr. Pierce of Aroostook: Bill, An Act to amend Section 7 of Chapter 11 of the Revised Statutes relating to the transfer of the office of the Registry of Deeds for the Northern District of Aroostook county from Madawaska to

Fort Kent and to provide a suitable building in which to keep such office.

Orders.

On motion by Mr. Shaw of Sagadahoc, it was ordered: The House concurring (that a joint select committee of three on the part of the Senate, with such as the House may join, be appointed to consider the matter of advertising Legislative hearings, and to report by bill or otherwise.

The President subsequently appointed as a committee on the part of the Senate under the foregoing order, Messrs. Shaw of Sagadahoc, Putnam of Aroostook, and Tupper of Lincoln.

Mr. POTTER of Cumberland: Mr. President, I have an Order, which I wish to read: "Ordered, the House concurring, that a special joint committee of two on the part of the Senate, with such as the House may join, be appointed to ascertain and report to the next Legislature what, in the judgment of the committee, are the just obligations of the State to the University of Maine. The committee is authorized to sit after the adjournment of the present Legislative session, summon witnesses and to employ a stenographer."

I wish to say briefly to the Senate some of the facts that justify the passage of this order. In 1862 Congress passed the Morrill Act looking to the creation of agricultural colleges by several states. In 1863 the State of Maine assented to the provisions of the Morrill Act, and, in 1865, it created the State College of Agriculture and Mechanical Arts: and, in 1897, changed its name to the University of Maine. By the passage of these acts the State of Maine assumed certain important obligations which are still in force.

The University of Maine started as a College of Agriculture and Mechanic Arts. It developed later into a college of technology and science and still later into a university with the curriculum, equipment and faculty of an American university. I think its original faculty numbered less than a dozen. In 1897, the number of the faculty and other officers had increased to 39. In 1898 to 49, and at the present

time to 62. The institution is now competing with the other colleges of the State in their own field, in a field first occupied by them. The university is doing a large and important work, and deserves well of the State. On the other hand, it has received much from the State and much from the general government. I want to summarize some of the figures very briefly. The University of Maine receives \$40,000 a year, including \$15,000 which is paid to the experiment station. In addition to that, it receives five, or six or seven thousand dollars as an income from a fund received from the proceeds of the sale of lands given by the general government. No other college in Maine receives a dollar from the general government. The University of Maine receives from the State \$20,000 annually. In addition to that it receives occasionally large additional special appropriations. In addition to that, as I discovered the other day—a fact which may be known to other members of the Senate, but was not to me—in addition to \$20,000 received by general appropriation and the additional special appropriations which the university receives, it is receiving an amount equivalent to the cost of its printing, whatever that may be.

During 38 years, beginning with the year 1867, the University of Maine has received over \$550,000 from the State, not including whatever may have been paid on account of printing for the past 20 years. During that time no other Maine college has received a dollar from the State of Maine, except that two years ago Colby, under special and peculiar circumstances, received an appropriation which, I think, was \$15,000. The appropriations which are now being made biennially for the university of \$20,000 a year will expire in 1906. In 1907 the university will probably come to the 73d Legislature, asking for three or four hundred thousand dollars for the next 10 years. At that time the information contemplated in the order which I have just read will be valuable and appropriate. It seems to me that the information asked for by the Order may

properly be given. It inquires what are the just obligations of the State to the University of Maine—just to the university—just to the other colleges—just to the State and its tax payers. If a fair and candid examination is had, it seems to me the State will be rendered a service. If the investigation were a partisan one, either for or against the university, it would, of course, be without value, and without influence either with the people or the Legislature. Mr. President, I move that the order have a passage.

Mr. CLARK of Hancock: Mr. President: I would like to ask the senator from Cumberland to amend that order by adding that "such commission shall act without pay." It is true that commission would act without pay if appointed by this Legislature, because we have no constitutional right to appoint any commission which would draw pay from the next, or from this Legislature; and to cover up that difficulty and make it obvious, when this matter comes up in two years, it seems only fair and right that the order should show that they are to act without pay.

On motion by Senator Clark, the foregoing order was amended by adding the words "This commission shall serve without pay."

Mr. POTTER: That, of course, Mr. President, I suppose is understood. I have no objection to the amendment.

The order as amended thereupon received a passage.

The President stated that he would announce the committee on the part of the Senate under the foregoing order later.

Read and Assigned.

An Act to incorporate the Foreside Water Company.

Resolve in favor of the Eastern Maine General Hospital, Bangor.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes relating to the taking of smelts.

Resolve in favor of the Bangor Children's Home.

Resolve in favor of A. H. Small, Portland, Maine.

Resolve in favor of Fred W. Lee, Augusta, Maine.

Resolve in favor of George G. Weeks, of Fairfield. On motion by Mr. Clark of Hancock, this Resolve was tabled pending first reading.

Reports of Committees.

Mr. Heselton for the Kennebec county delegation, on Bill, An Act in relation to the original plans of towns in Kennebec county, reported the same in new draft under same title and that it ought to pass. Report accepted.

Passed to Be Engrossed.

Resolve for State pensions.

Resolve in favor of John D. Grubier.

An Act to extend the charter of the Auburn, Mechanic Falls & Norway Street Railway.

An Act to amend the charter of the Kennebec Valley Railroad.

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

Resolve in favor of the town of Boothbay.

An Act to extend the charter of the South Portland Trust & Banking Company.

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

An Act to incorporate the Gardiner Trust Company.

An Act to amend Section 79 of Chapter 45 of the Revised Statutes relating to the authority of the bank examiner over trust and banking companies.

An Act to change the name of Cabbage island to Independence island.

An Act to amend Chapter 326 of the Private and Special Laws of 1864 entitled An Act to incorporate the Fassadumkeag Boom Company.

Resolve in favor of the Central Maine Fair Association.

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

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

Resolve in favor of the Bar Harbor hospital located at Bar Harbor, Maine.

An Act to incorporate the Bethel Trust Company.

An Act to incorporate the Clinton Trust Company.

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 highway and bridge across York river.

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 the taxation of certain plantations.

An Act to divide the town of Tremont and incorporate the town of Southwest Harbor. On motion of Mr. Clark of Hancock, this bill was tabled pending its second reading.

Passed to be Enacted.

An Act to amend Chapter 407 of the Private and Special Laws of 1903, relating to fishing in Long pond, Hancock county.

An Act to incorporate the Island Falls Water Company.

Finally Passed.

Resolve in favor of the president and trustees of Bowdoin College.

Resolve for the purpose of operating fish hatchery and feeding stations for fish and for the protection of fish.

Orders of the Day.

On motion by Mr. Pierce of Aroostook, it was Ordered: That a message be sent to the engrossing department requesting that department to return to the Senate House Document No. 32.

The terms of the order having been complied with and the document returned, on motion by the same senator the vote whereby House document was passed to be engrossed was reconsidered. On further motion by the same senator, Senate amendment A to House document No. 32 "Amend Section 1 by striking out the words 'one hundred and' in the second line thereof" was adopted.

Mr. PIERCE: Mr. President, the amendment is a correction of an error in relation to printing. I now move that as amended the bill pass to be engrossed.

The motion prevailed.

On motion by Mr. Staples of Knox, Senate Document 41, Bill, "An Act to amend Section 19 of Chapter 6 of the Revised Statutes of Maine relating to elections," was taken from the table. On further motion by the same senator the bill was referred to the committee on legal affairs.

On further motion by the same senator, Senate Document 74, "An Act to tax the shares of stock in corporations," was taken from the table. On further motion by the same senator the bill was referred to the committee on taxation.

On motion by Mr. Shaw of Sagadahoc, the vote accepting the report of the committee on judiciary, "ought to pass" on Bill, "An Act to extend the charter of the Caratunk Power Company," was reconsidered. On further motion by the same senator the report was tabled.

On motion by Mr. Putnam of Aroostook, Senate Document No. 65, Bill "An Act to extend the close time on caribou and to amend Chapter 32 of the Revised Statutes relating to inland fisheries and game," was taken from the table.

Mr. FURBISH of Franklin: Mr. President, I would ask unanimous consent to withdraw that bill for the reason that the bill was introduced over my name without my consent or knowledge, and there are certain portions of it that I am opposed to.

Leave to withdraw the bill was given by unanimous consent.

The PRESIDENT: The Chair will state to the Senate that this bill went to the committee on inland fisheries and game, and was tabled for printing. Printed copies have been returned to the Senate and are now in the custody of the secretary of the Senate. Does the senator from Franklin wish to give the secretary instructions to destroy the printed copies, or to hold them?

On motion by Mr. Furbish of Franklin, the secretary was instructed to destroy the printed copies of the bill.

On motion by Mr. Philoon of Androscoggin, the Senate adjourned to meet on Tuesday, Feb. 14, 1905, at 10 o'clock in the forenoon.