

# 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.**

Wednesday, February 22, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. Mosher of Augusta.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

**House Bills Read and Assigned.**

An act to amend chapter 86 of the private and special laws of 1903, entitled "An act to authorize the Orono Pulp and Paper Company to generate, sell and use electricity."

An act to extend the charter of the Mattanawcook Manufacturing Company.

An act to extend the time in which the Van Buren Sewerage Company is authorized to commence business.

On motion by Mr. Clark of Hancock, bill, "An act to amend chapter 108 of the Revised Statutes, in relation to the selection of service of jurors," with accompanying report of the committee on legal affairs that the same ought to pass, was tabled.

An act additional to chapter 49 of the Revised Statutes, defining fraternal beneficiary associations doing business in 1889.

An act relating to the Pine Grove Cemetery of Falmouth, Maine.

An act to incorporate the Stockton Springs Water Company.

Resolve in favor of Maine Children's Home Society.

Resolve in favor of Peter F. Neptune, Representative of Passamaquoddy tribe of Indians.

An act to authorize the European and North American Railway, and the Maine Central Railroad Company, its lessee, to change the location of its railroad bridge across the Kenduskeag stream, in Bangor.

An act to extend the charter of the Eastport Street Railway Company.

An act to extend the charter of the Wilton Trust Company.

An act to continue in force the charter of the Van Buren Trust Company.

An act to extend the charter of the Cumberland Trust Company.

An act to provide for the protection of trees and shrubs from the introduction of ravages of dangerous insects and diseases.

Resolve providing for preventing contagious diseases among cattle and horses.

Resolve in favor of Maine State Poultry and Pet Stock Association.

An act to authorize James Crawford and his associates to erect and maintain piers and booms in the St. John river in the town of Grand Isle.

Resolve authorizing the land agent to sell certain public lots in Wallagrass and Eagle Lake plantations.

An act to regulate fishing in Shadow pond so called in Squaw Mountain township, county of Piscataquis.

An act to amend section 44 of chapter 41 of the Revised Statutes relating to close time on smelts.

Resolve making an appropriation for the Passamaquoddy tribe of Indians.

Resolve making an appropriation for the Passamaquoddy tribe of Indians.

An act to authorize the county commissioners of Aroostook county to create a sinking fund for the purpose of paying the bonded debt of said county.

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

**Judiciary.**

By Mr. Stetson of Penobscot: Petition of E. T. Littlefield and 21 others of Bangor, for initiative and referendum.

Also, Petition of Fred E. Murch and 42 others of Orono, for same.

By Mr. Shaw of Sagadahoc: Bill, an act to amend chapter 135 of the public laws of 1895 relating to the Bath municipal court.

**Legal Affairs.**

By Mr. Heselton of Kennebec: Bill, an act to amend section 31 of the chapter 93 of the Revised Statutes relating to liens.

**Appropriations and Financial Affairs.**

By Mr. Bartlett of Oxford: Resolve to provide a suitable passenger elevator in the State House, Augusta, Maine.

**Inland Fisheries and Game.**

By Mr. Bailey of Somerset: Petition

of Henry Lovejoy and 11 others of Moscow and vicinity against the repeal of the law protecting moose and deer in organized towns and plantations.

By Mr. Pierce of Aroostook: Remonstrance of George V. Cornliffe and 68 others against any law to restrain the Fort Kent Mill Company from throwing mill waste into Fish river.

#### Read and Assigned.

An act to amend section 13, chapter 128 of the Revised Statutes relating to malicious mischief.

#### Reports of Committees.

Mr. Allen for the committee on judiciary, on bill, "An act to extend and regulate the liability of employers to make compensation for personal injuries suffered by employees in their service," reported that the same ought not to pass. Report accepted.

Mr. Clark for the committee on judiciary, on bill, "An act to confer jurisdiction of libels of divorce upon Superior courts of the county of Cumberland," reported that the same ought not to pass. Report accepted.

Mr. Curtis for the committee on claims, on "Resolve in favor of Isaac Moore," reported that the same ought not to pass. Report accepted.

Mr. Shaw for the committee on salaries, on bill, "An act to regulate and fix the compensation of deputy sheriffs of Penobscot county," reported that same ought not to pass. Report accepted.

Mr. Fike, for the committee on appropriations and financial affairs, on "Resolve in favor of the Webber Hospital Association," reported that the same be referred to the next Legislature. Report accepted.

The special committee, to which was referred the Order of the Legislature relating to the investigating of the office of the State liquor commissioner, reported as follows: We have carefully and diligently examined into the law, and find that the liquor commissioner is strictly the servant and appointee of the Governor and Council; and in view of the fact that section 21, chapter 29 of the Revised Statutes fully provides for a special committee of the

Executive Council appointed by the Governor, whose duty it is to visit the liquor commissioner's place of business, as often as every six months, and make a careful and complete examination of all bills of purchases and sales, and said section further provides that the Governor and Council shall correct any and all abuses if any exist, and a refusal on the part of said commission to comply with their orders and the directions relative thereto shall be good and sufficient cause for immediate removal from office; therefore, in the absence of any charges, the committee have unanimously agreed that it is inexpedient to proceed further, as the same would be interfering with and infringing on the duties of the Governor and Council, placed on them by the law; and would respectfully recommend that any investigation of said office thought necessary by this Legislature, be referred to said Governor and Council.

Signed

CURTIS,  
PLUMMER,  
ALLEN,

On the part of the Senate.

POWERS,  
ABBOTT,  
STEVENS,  
NORCROSS,  
PHILBROOK,  
WILDER,  
HASTINGS,

On the part of the House.

Mr. STAPLES of Knox: Mr. President, I move that the report be tabled.

Mr. ALLEN of York: Mr. President, I think it would be proper to have some day assigned for consideration.

Mr. STAPLES: I will say that tomorrow I will assign a day.

Mr. ALLEN: I should like to have it assigned for some day.

Mr. STAPLES: I will assign it tomorrow or Friday. I will assign an early day for its consideration.

Mr. ALLEN: I expect to be away on Friday. Perhaps other members of the committee might be away. I see no reason why the matter should not be today assigned for some day next week.

Mr. STAPLES: I suppose it might be assigned in the absence of the Senator from York. I am not prepared at

this time. I ask but very little delay. It shall be assigned for some day next week.

The report was tabled.

The delegations of Kennebec, Knox, Lincoln and Waldo counties to which was referred bill, "an act for the protection of deer in the said counties," reported that the same be referred to the commissioners of inland fisheries and game as the subject-matter of the act properly comes under their jurisdiction by the general law. Report accepted.

Mr. Potter for the committee on judiciary, on "Resolve in favor of York deeds and Maine wills" reported that the same ought to pass. Report accepted.

The same senator for the same committee on bill, "an act to amend chapter 119, section two of the Revised Statutes, defining manslaughter," reported that the same ought to pass. On motion by Mr. Clark of Hancock the report and accompanying bill were tabled.

Mr. Pierce for the committee on legal affairs, on bill, "an act to amend section 2 of chapter 212 of the private and special laws of 1903 relating to the Searsport Water Company, also to extend the charter of said company," reported same in new draft under title of "an act to incorporate the Searsport Water Company," and that it ought to pass. Report accepted.

The same senator, for the same committee on bill, "an act to extend the charter of the Hillside Water Company," reported that same ought to pass. Report accepted.

Mr. Morse, for the committee on military affairs, on resolve providing for the preservation of regimental rolls in the Adjutant General's Office," reported that same ought to pass. Report accepted.

The same senator for the committee on claims, on "resolve in favor of the town of Chelsea," reported that same ought to pass. Report accepted.

Mr. Pierce, for the committee on claims, on "resolve in favor of Joseph Archambault," reported same in new draft under same title, and that it ought to pass. Report accepted.

Mr. Plummer, for the committee on

mercantile affairs and insurance, on bill, "an act to extend the charter of the Mutual Fire Insurance Company," reported that same ought to pass. Report accepted.

Mr. Sturgis, for the committee on interior waters, on bill, "an act to authorize the Passadumkeag Log Driving Company to acquire the property and franchises of the Grand Falls Dam Company," report the same in new draft under same title, and that the same ought to pass. Report accepted.

Mr. Stetson, for the committee on salaries, on bill, "an act to make the salary of the Governor \$3,000 per year after January 1st, 1907," reported that the same ought to pass. On motion by Mr. Staples of Knox the report and bill were tabled.

Mr. STETSON of Penobscot: Will the Senator from Knox assign a time to take the matter up.

Mr. STAPLES: Yes. Any time, after this week.

Wednesday of next week was assigned for consideration of the foregoing report.

Mr. Morse for the committee on pensions, on "resolve in favor of Matthias A. Culnan," reported that the same ought to pass. Report accepted. On motion by Mr. Morse of Waldo, the rules were suspended, and the resolve took its two several readings, and was passed to be engrossed.

#### Passed to be Engrossed.

An act to amend section 9, chapter 81 of the Revised Statutes relating to the appointment of deputy clerk of courts.

An act to authorize the Skowhegan Hall Association to issue preferred stock.

An act to authorize the town of Skowhegan to subscribe to the capital stock of the Skowhegan Hall Association.

An act to amend section 10 of chapter 98 of the Revised Statutes relating to replevin writs.

An act to increase the capital stock of the Skowhegan Hall Association.

An act to extend the rights, powers and privileges of the Brownville and Williamsburg Water Company.

An act to prevent the throwing of refuse and garbage into the Aroostook river within the limits of Fort Fairfield.

An act to amend section 4 of chapter 83 of the Revised Statutes relating to service upon co-partners in trustee process.

An act authorizing the Crosby Mercantile Company and the Crosby Lumber Company to consolidate.

An act to enable the Clinton Electric Light Company to issue bonds.

An act in addition to chapter 10 of the Revised Statutes relating to sale of land for taxes.

An act to amend section 76 of chapter 9 of the Revised Statutes relating to abatement of taxes.

An act to incorporate the Peaks Island Gas Company.

Resolve in favor of Maine Home for Friendless Boys.

Resolve in favor of Farmington State Normal School.

Resolve providing for deficiencies in appropriations for schools for children in unorganized townships.

An act to amend the charter of the Waldo Trust Company, with privilege to establish a branch at Castine, Maine.

An act to incorporate the Deering Trust Company of Portland, Maine.

An act to incorporate the Winter Harbor Trust Company, Winter Harbor, Maine.

An act to incorporate the Merchants' Trust Company, Portland, Maine.

An act to amend chapter 279 of the private and special laws of 1901, entitled "An act to incorporate the Mattagamon Manufacturing Company."

#### Orders of the Day.

On motion by Mr. Mills of Hancock, the rules were suspended, and that senator introduced, bill "An act to authorize William G. Barter to construct and maintain a weir in the waters of Penobscot Bay. On further motion by the same senator, the same was referred to the committee on legal affairs.

Mr. MILLS: Mr. President, my only excuse for presenting the foregoing is that the matter only recently came to my attention. As it will not require any special advertising, and as there is

no opposition, I have introduced it at the present time.

On motion by Mr. Morse of Waldo, the rules were suspended, and that Senator introduced "Resolve to provide means for examination of claims for State pensions." On further motion by the same senator the same was referred to the committee on pensions.

On motion by Mr. Shaw of Sagadahoc, Senate Document 39 "An act to enable the Sebago Lake, Songo River and Bay of Naples Steamboat Company to construct a wharf at the foot of Long Lake in the town of Naples in the county of Cumberland," was taken from the table. On further motion by the same senator, the bill was amended by Senate amendment A, as follows: Amend section 2 by adding thereto the following: Provided, however that if said company, its successors or assigns, shall fail to use said wharf when necessary to leave or take passengers or freight for one season, unless prevented by reasons beyond their control, that all property taken by right of eminent domain shall revert to the original owners, together with all structures thereon.

The bill as amended thereupon took its second reading, and was passed to be engrossed.

On motion by Mr. Potter of Cumberland, Senate document 95, "An act to amend section 26 of chapter 3 of the Revised Statutes, in relation to the printing of the different departments," was taken from the table.

Mr. POTTER of Cumberland: Mr. President: This bill provides that certain minor printing for the departments shall be subject to the approval of the Governor and Council, instead of being left discretionary to the heads of departments, as now. The proposition of the bill has already been considered by the committee on State printing, and witnesses have testified in regard to it. It was referred to the committee on judiciary in the House, and the action must have been inadvertent. I move that the Senate non-concur with the House, and that the bill be referred to the committee on State printing.

The motion prevailed.

On motion by Mr. Tupper of Lincoln

the rules were suspended, and that senator presented "Remonstrance of Sumner Orne and 21 others against any change of seining laws west of Penobscot river." On further motion by the same senator the same was referred to the committee on shore fisheries.

The following resolutions came from the House of Representatives:

The committee appointed to prepare resolutions on the death of Joseph H. Manley submit the following:

Resolved: That the House has heard of the death of Joseph H. Manley, recently Speaker, with profound sorrow and regret.

Resolved: That in his death our State has lost an eminent citizen whose ability and worth were recognized and felt far beyond its borders. Eminent, as he was, in many fields of activities, his conspicuous public characteristic was his love for our State. It was with him a proud and overmastering passion. It softened the rigors of partisanship and constantly stimulated him to enterprises for the development of the resources of our State. In return, although their appreciation found during his life only inadequate expression, our people reciprocated this devotion.

Resolved: That the Clerk of the House be directed to furnish a copy of these resolutions to the Senate and to the family of the deceased.

(Signed)

FRANK M. HIGGINS of Limerick,  
DON A. H. POWERS of Houlton,  
HAROLD M. SEWALL of Bath.

The foregoing resolutions having been in the House adopted unanimously by a rising vote.

On motion by Mr. Heselton of Kennebec, the Senate concurred with the House by a rising vote in the passage of the foregoing resolutions.

On motion by Mr. Furbish of Franklin the Senate adjourned to meet on Thursday, February 23, 1905, at ten o'clock in the forenoon.