

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

SENATE.

Tuesday, March 14, 1905.

Senate called to order by the President.

Prayer by Rev. Mr. Lawton of Gardiner.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

On motion by Mr. Allen of York bill, "an act to incorporate the Fall Brook Dam Improvement Company," together with report of the committee on judiciary that same "ought not to pass" was tabled.

House Bills Read and Assigned.

An act additional to and amendatory of chapter 29 of the private and special laws of 1887, entitled an act to incorporate the Kennebec Light and Heat Company.

An act to amend section 2 of chapter 46 of the Revised Statutes relating to interest on loans on personal property.

An act to amend the charter of the Devine Water Company.

An act to authorize the Maine and New Brunswick Electrical Power Company, limited, of New Brunswick, to exercise certain powers in this State. (House amendment adopted in concurrence.)

On motion by Mr. Putnam of Aroostook the bill took its second reading under suspension of the rules, and was passed to be engrossed.

An act to authorize the First Baptist Church of Hampden to convey certain property to the Maine Baptist Missionary Convention.

An act to incorporate the Midland Power Company.

Resolve in favor of the Maine State Prison.

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

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

An act to incorporate the Searsport Trust Company.

An act to incorporate the Orono Trust Company.

An act to amend section 3 of chapter 50 of the private and special laws of 1821, as amended by chapter 161 of the

private and special laws of 1848, as amended by chapter 171 of the private and special laws of 1862, as amended by chapter 413 of the private and special laws of 1903, relating to extending the time of controlling the water at the alewife fishery at Damariscotta Mills. (House amendment "A" adopted in concurrence.)

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

An act to incorporate the City of Brunswick.

An act to amend chapter 10 of the Revised Statutes, relating to collection of taxes in organized plantations taxed as wild lands.

The following bills and petitions were presented:

Mr. PIERCE of Aroostook. Mr. President, I desire to present an act to amend section 9 of chapter 108 of the Revised Statutes. This is introduced to correct something which was omitted in the Revised Statutes on the revision, a general act. I shall move that it be referred to the committee on legal affairs, and would like to have it sent to the House at once, so that it will reach our committee today if possible.

The act was received and was referred to the committee on legal affairs.

Mr. Curtis of Cumberland presented petition of C. W. T. Goding and forty others in favor of the so-called "man-slaughter bill," and on motion by that Senator the same was referred to the committee on judiciary.

Mr. Heslton of Kennebec presented petition of A. E. Andrews and 107 others of Gardiner, favoring the amendment of the city charter of the city of Gardiner. The same was placed on file.

Mr. Sturgis of Cumberland presented petition of O. E. Stevenson and 14 others in favor of the passage of the Sturgis Bill. The same was placed on file.

Mr. PHILLOON of Androscoggin. Mr. President, I desire to present an act and ask that it be received under suspension of the rules, and asking unanimous consent I will read the bill, and will afterwards say a few words in explanation of the matter. The bill is

an act to incorporate the Central Safe Deposit Company.

The act is as follows: "An Act to incorporate the Central Safe Deposit Company.' Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. Wallace H. White, Frank H. Packard, Edwin F. Scruton, Cyrus Greeley, William H. Newell, Hiram W. Ricker, Frederick H. White, George W. Bean, Frank S. Benson, Seth M. Carter, Daniel J. McGillicuddy, J. F. Boothby, William D. Pennell, Henry D. Estes, and Charles C. Benson, their associates and successors, are hereby made a corporation by the name of the Central Safe Deposit Company, for the purpose of receiving on deposit for safe keeping, government securities, stocks, bonds, coins, jewelry, plate, valuable papers and other documents, and other property of every kind, upon terms to be prescribed by the corporation, with all the powers and privileges, and subject to the duties, restrictions and liabilities set forth in chapter 47 of the Revised Statutes, and in all the general laws which now are or hereafter may be in force, relating to such corporations.

Section 2. The capital stock of said corporation shall not exceed one hundred thousand (\$100,000.00) dollars.

Section 3. Said corporation shall be located at Lewiston, Maine, and may purchase and hold real estate to an amount not exceeding one hundred thousand (\$100,000.00) dollars.

Section 4. This act shall take effect when approved.

The justification of presenting this at this time is this,—Mr. C. C. Benson, who has been doing business for nearly 30 years, and who succeeded S. E. May & Co., brokers, who have been established for more than 40 years, has supposed that it was within his province and power to establish himself, and to carry on a safe deposit business without a special act of the Legislature; but he discovered the contrary to be the fact last Saturday. His attorney informed him that it would be necessary for him to have an act from this Legislature to enable him to establish

himself in the safe deposit business.

As I said, he has been a broker there, and a useful citizen and he is no stranger to Androscoggin county, and perhaps to the State. Those names in this act which I have read you are prominent, Hon. Wallace H. White is well known; Frank H. Packard is president of the First National Bank at Lewiston; Mr. Scruton is a director of that bank; Mr. Greeley is a director of the Manufacturers' Bank and I think is president of the People's Bank. Mr. Newell is president of the Manufacturers' Bank, and is judge of probate of the probate court of Androscoggin county. Hon. Hiram W. Ricker is well known to you all. Mr. Bean is agent for the Androscoggin mills. Frank S. Benson is better known in Bangor than in Lewiston. Hon. Seth M. Carter you all know. Mr. McGillicuddy is agent of the Continental mill; Henry D. Estes is agent of the Hill mill; Mr. Boothby is treasurer of the Androscoggin Savings Bank. These gentlemen are willing to stand behind and associate themselves with Mr. Benson in the prosecution of this work.

As introductory to this measure I saw fit to present it to the committee on banks and banking and they received it in an informal way and in executive session, as they have reported to me, they have endorsed the measure and it meets with no opposition from the bank examiner. With these words of explanation I ask unanimous consent that it may be received, and I move that it take its several readings at the present time and pass to be engrossed.

The bill was received and took its several readings under suspension of the rules and was passed to be engrossed.

Report of Committees.

Mr. Morse for the committee on pensions on resolve in favor of Ida Yeaton, widow of John Yeaton, late of 3d Maine Battery, reported same "ought to pass." Report accepted.

Passed to be Engrossed.

An Act to prevent the unlawful diversion of electricity.

An Act to amend paragraphs 20 of Section 1, Chapter 116, of the Revised Statutes relating to the salary of the commissioner of sea and shore fisher-

ies. On motion by Mr. Staples of Knox the bill was tabled and tomorrow assigned for its consideration.

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

An Act to regulate fishing in the Rangeley chain of lakes, so called, in the counties of Franklin and Oxford.

An Act relating to the York Light and Heat Company.

An Act relative to moving buildings through the streets.

MR. STAPLES of Knox: Mr. President, I move that this bill be indefinitely postponed for the following reasons:

This bill, it seems to me, would work great hardship to citizens who desire to move buildings in the cities and larger towns. As the law stands today, if a person desires to move a building he may notify an electric light company, a telephone company, or a telegraph company, that he desires to move such building; and after sufficient notice, as defined by the statute, the company shall fix its wires, or such other property, so as to give the person desiring to move a building a chance to do so. That is as I think it should be. If they do not do it within such time of notice as defined by the statute, then the person desirous of moving the building may remove the obstruction so that he can do so.

Under this Act quite a different state of affairs would exist. You will see by reading Section 2 of the Act that "the owner or owners of such buildings shall be liable to all persons and corporations for all damages done to their property and their business by reason of moving such buildings through the streets and highways of any village or city,"—that is, if a person wants to move his building he must pay to the electric company, to the telephone company, and the telegraph company all damage to the property that may occur by reason of removing the wires, etc., and, not only that, but suppose, for instance, that in moving a building across an electric railroad track, they were detained for half a day, or a whole day, in getting the building across the track and were cutting the wires of the telephone company so they could not transmit their messages, then the poor man who wants to move his building

under this Act would have to pay not only for all the damage to the property, but to the business of the concern which the telegraph, telephone or electric company and it would be prohibitive, Mr. President, for any person who desires to move a building.

I do not believe the Senate for a moment will consider the bill, and therefore I move that it be indefinitely postponed.

The motion prevailed.

An Act to amend Section 18 of Chapter 117 of the Revised Statutes relating to the fees of registers of deeds.

An Act to amend Chapter 108 of the Revised Statutes, in relation to the selection and service of jurors.

An Act to amend Section 95 of Chapter 49 of the Revised Statutes relating to notice of injury to casualty insurance companies. On motion by Mr. Heselton of Kennebec, this bill was tabled.

An act to amend and enlarge the corporate powers and purposes of the Greenville Light and Power Company.

An act to amend section 11 of chapter 23 of the Revised Statutes relating to relocation of highways.

An act additional to chapter 49 of the Revised Statutes relating to insurance.

An Act to incorporate the Stonington Trust Company, to be located at Stonington, Maine.

An Act to incorporate the United States Trust Company of Portland.

An Act to incorporate the Old Town Trust Company of Old Town, Me.

An Act additional to Chapter 19 of the Revised Statutes relating to contagious diseases among cattle.

An Act to improve the channel of Crooked river.

An Act to authorize the improvement of Chandler's river for log driving purposes.

An Act to incorporate the Roach River Dam Company.

An Act to assist in building a free bridge across the Sheepscoot river between the towns of Wiscasset and Edgecomb.

An Act establishing a close time for fishing on Thompson pond, from September 1 to January 1 of the following year.

An Act changing the close time for fishing in Long pond in Cumberland county.

An Act to prohibit the hunting of ducks and other waterfowl in Merry-meeting bay, Eastern river, and the Kennebec river below Gardiner and Randolph bridge by the use of steam, naphtha or gasoline boats.

An Act regulating the close time for fishing in Sandy and Half Moon streams, and their tributaries, and the tributaries to Unity pond, in Waldo county.

An Act to permit ice fishing in Fourth, Buttermilk and Little Benson ponds in Piscataquis county during the month of February.

An Act to amend Chapter 321 of the Private and Special Laws of 1903, relating to the taking of smelts from tributaries of Upper Kezar pond in Lovell, Oxford county.

An Act to regulate fishing in Moxie pond in the county of Somerset.

An Act to amend that portion of Section 3 of Chapter 407 of the Private and Special Laws of 1903, relating to the time and number of fish that can be taken in the streams lying wholly or partly in the towns of Freeman and Salem.

An Act to prohibit fishing at all times in the tributaries to Squa Pan lake in Aroostook county.

An Act for the protection of ducks.

Resolve in favor of the town of Gray, to reimburse it for money paid on account of Riley plantation.

An Act to amend Chapter 130 of the Private Laws of 1866, entitled An Act to incorporate the Sebec Dam Company, as amended by Section 6 of Chapter 26 of the Private and Special Laws of 1899, and further amended by Chapter 141 of the Private and Special Laws of 1903.

An Act relating to the compensation of clerks of courts.

An Act relating to the compensation of county commissioners.

An Act relating to the compensation of county treasurers

An Act relating to the compensation of registers of probate.

An Act relating to the compensation of judges of probate.

An Act relating to the compensation of registers of deeds.

An Act relating to the compensation of county attorneys.

An Act enlarging the duties of county attorneys.

An Act to amend Section 1 of Chapter 116 of the Revised Statutes relating to the salaries of public officers and compensation of members of the government.

An Act to amend Chapter 223 of the Private and Special Laws of 1903, in relation to the establishment of a normal school at Presque Isle in Aroostook county.

An Act to amend Section 4 of Chapter 141 of the Revised Statutes relating to State prison.

An Act recognizing Pepperil Manufacturing Company as a corporation legally organized, and granting to it additional powers.

An Act to amend Section 31 of Chapter 93 of the Revised Statutes relating to liens.

An Act to amend the city charter and city ordinances of the city of Gardiner, in relation to the election of the city marshal and street commissioner.

An Act relating to the compensation of sheriffs.

An Act to amend Section 88 of Chapter 84 of the Revised Statutes relating to the challenging of jurors.

Resolve to provide for the completion of the residence of the principal of the Western State Normal school at Gorham.

Resolve authorizing Frank Spurling, et als., and build a wharf into tide waters in the town of Cranberry Isles.

Resolve in favor of William H. Reid, State binder.

Resolve in favor of the city of Portland for reimbursement for amount spent for the relief of soldiers' families during the war with Spain.

An Act to authorize the North Brooklyn Wharf Company to extend a wharf into the tide waters of Bluehill bay, North Brooklyn, Hancock county.

An Act to extend the charter of the Tyler-Fogg Trust Company of Bangor.

Mr. Putnam for the committee on appropriations and financial affairs, under suspension of the rules, on "Order of the

Legislature relating to appropriation to George G. Weeks," reported accompanying resolve entitled "Resolve in favor of George G. Weeks." Report accepted.

On motion by Mr. Irving of Aroostook, the vote whereby the report of the committee was accepted, on the foregoing Resolve, was reconsidered, and on further motion by the same senator the same was tabled.

Orders of the Day.

On motion by Mr. Allen of York, the Senate voted to recall from the engrossing office Senate document 137, "An Act to amend the charter of the Atlantic Shore Line Railway." The same having been returned to the Senate, on motion by the same senator the vote whereby the bill was passed to be engrossed, was reconsidered. On further motion by the same senator Senate amendment "B" "Section 6 of Chapter 175 of the Private and Special Laws of 1903, as amended by Senate bill No. 137, is hereby further amended by adding to said Section 6 the following words—said Atlantic Shore Line Railway is further authorized to acquire by purchase or otherwise the stock and bonds, power plant, pole lines, property and assets, rights, privileges and franchises, or any part thereof, of the Sanford Light and Power Company, and shall succeed to, have, and may exercise such rights, privileges and franchises, of the Sanford Light and Power Company, as it shall from time to time acquire as aforesaid, whenever it has acquired the same." On further motion by the same senator the bill as amended was passed to be engrossed.

Mr. POTTER of Cumberland: Mr. President, at the request of the senator from Sagadahoc, who is ill, I move that Senate document 211 be taken from the table, the same being the report of the committee on legislative hearings, reporting bill relating to advertising matters before legislative committees.

The motion prevailed.

Mr. POTTER: Mr. President, at the request also of the same senator, Senator Shaw, I move that this bill be re-assigned for Thursday of this week.

The motion prevailed.

On motion by Mr. Potter of Cumberland, Senate document 193 was taken from the table, the same being "An Act to protect sales of merchandise in bulk in fraud of creditors."

The same senator moved the adoption of Senate amendment "A" and said: Mr. President, the amendment proposes three changes in the bill. The first one is a purely formal change in Section 1, to cor-

rect an error. The second is in Section 2, and provides that the Act shall not apply to mortgages made in good faith for purposes of security only. The third and remaining change is in Section 3, and provides that the Act shall take effect July 1 instead of May 1. I do not know of any objection to these changes, and I move the adoption of the amendment.

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

On motion of Mr. Irving of Aroostook, the report of the committee on appropriations and financial affairs, in relation to resolve in favor of George G. Weeks, was taken from the table. On motion by Mr. Putnam of Aroostook, the report of the committee was accepted.

House document 221, "An Act to abolish the common council of the city of Portland," tabled by Mr. Sturgis of Cumberland, came up by special assignment, and on motion by that Senator the same was taken from the table. The same senator thereupon moved the adoption of Senate amendment "A" and the same was adopted.

On motion by Mr. Stetson of Penobscot, House document 420, being report of committee on legal affairs, on bill in new draft, "An Act to incorporate the Danforth Water Company," was taken from the table.

The same senator moved the adoption of Senate amendment "A" as follows—"Amend Section 2 by striking out after the word 'cribs' in the sixth line the word 'and.' And after the word 'reservoirs' in the same line the words 'and take all;' and after the word 'dam' in the same line the words 'on the Baskahegan stream and.'"

Mr. STETSON: Mr. President, I desire to explain to the Senate that this is a bill in relation to water for the town of Danforth. There was a difference of opinion between parties interested, in regard to the original draft, and the bill as it appeared before the committee on legal affairs. Finally a compromise was effected between the various parties, and was agreed to by the attorneys of the various parties interested, and the new draft was made. For some unaccountable reason when the bill was printed the printed bill did not correspond with the agreed draft, and the amendment is offered to correct an apparent error in printing.

The amendment was adopted, and the bill took its two several readings, and was passed to be engrossed.

Mr. PUTNAM of Aroostook: Mr. President, Senate document 159, "An Act granting additional powers to the Eastern Manufacturing Company," which was assigned by me for tomorrow, March 15, by agreement can be taken up today, and, if in order, I move to take the same from the table.

The motion prevailed.

Mr. GARDNER of Penobscot: Mr. President, I wish to offer an amendment to that bill, which is by agreement of course, on both sides, and I move the adoption of Senate amendment "A"—

"Amend Section 1 by striking out after the word 'upon' in the sixth line the word 'the,' and insert in place thereof the word 'any,' and after the word 'owned' in the same line the words 'by it,' and inserting after the word 'acquired' in the same line the words 'by it.' Also further amend said section by striking out after the word 'property' in the seventh line the words 'situated on Said Penobscot river as aforesaid,' and inserting in the place thereof the words 'under the provisions of Chapter 94 of the Revised Statutes of Maine.'"

The motion prevailed, and the amendment was adopted.

On further motion by the same senator the bill took its several readings under suspension of the rules, and was passed to be engrossed.

On motion by Mr. Potter of Cumberland, the Senate adjourned to meet on Wednesday, March 15, 1905, at 10 o'clock in the forenoon.

HOUSE.

Tuesday, March 14, 1905.

Prayer by Rev. Mr. Kearney of Augusta.

Mr. LITTLEFIELD of Rockland: Mr. Speaker, I rise to a question of privilege, and it is a question of privilege not of any member, but a question of privilege of the House, and I wish to offer this resolution and to state why it should be adopted. The resolution is as follows:

Resolved, That Senate document No. 146 entitled "An Act in relation to the taxation of mortgages upon real estate," contravenes Section nine of article four of the constitution of Maine and is an infringement of the privileges of this House, and that the same be respectfully returned to the Senate informing that body that the same cannot be considered by this House, with a message communicating this resolution.

There is upon the table an Act introduced into the Senate reported to and acted upon by the Senate which, as the resolution states, is an Act in relation to the taxation of mortgages upon real estate. There is a provision of the constitution of the State of Maine contained in Section nine of article four of the constitution which reads as follows: "All bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases." In the constitution of the United States is precisely the same provision, almost in the same language. It is Section seven of article one, and reads as follows: "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

I don't know, Mr. Speaker, that we have any precedents in the proceedings of the Legislature here; but under the same provision of the constitution of the United States there are not wanting precedents in the Congress of the United States from the earliest time until now. In the first place, the resolution which I now offer is privileged under that clause of the constitution notwithstanding it may be contended that this bill does not raise revenue but