

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

SENATE.

Tuesday, January 22, 1907.

Senate called to order by the President.

Prayer by Rev. Mr. Hayes of Gardiner.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

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

Judiciary.

By Mr. Simpson of York: Bill "An Act to preserve trees abutting public ways and other places. Tabled for printing pending reference.

By Mr. Garcelon of Androscoggin: Bill "An Act to repeal Chapter 6 of the Private and Special Laws of 1891 entitled 'An Act additional to and amendatory of an act granting a new charter to Bates College.'"

By Mr. Deasy of Hancock: Petition of George Pepper and two others asking for a law to regulate the use of roads in town of Mount Desert.

Also Petition of William Croswell Doane and 4 others asking for same.

Also Petition of R. S. Grindle and 50 others asking for same.

Also Petition of W. H. Whitman and 39 others asking for same.

Also Petition of James T. Gardiner and 10 others asking for same.

Also Petition of C. B. Smith and 3 others for same.

Also Petition of C. A. Candage and 93 others asking for same.

Legal Affairs.

By Mr. Clarke of Lincoln: Petition of Maine State Detective Association to amend Chapter 115, Section 3 relating to Bonds and Sureties of State Detectives.

Appropriations and Financial Affairs.

By Mr. Staples of Knox: Petition of Improvement Society of Skowhegan for Institution for the Blind. Referred to Committee on Finance and Appropriations.

Education.

By Mr. Mills of Hancock: Petition

relating to election of Superintendent of schools in the town of Orland.

Railroads and Expresses.

By Mr. Putnam of Aroostook: "An Act to extend the Charter of the Houlton and Danforth Electric Railroad Company."

By Mr. Putnam of Aroostook: "An Act to extend the Charter of the Houlton and Woodstock Electric Railroad Company."

Telegraphs and Telephones.

By Mr. Deasy of Hancock: "An Act to incorporate the Island Telephone Company."

Agriculture.

By Mr. Simpson of York: Petition of Hon. Edward C. Moody of York for legislation on the Brown-Tail Moth Pest.

By Mr. Heselton of Kennebec: Bill, "An Act to provide for the purchase of a farm on which to conduct scientific investigations in orcharding." Tabled for printing, pending reference

Taxation.

By Mr. Staples of York: "An Act to amend Chapter 8 of the Revised Statutes relating to taxation of express companies."

By Mr. Heselton of Kennebec: Resolve to provide a commission to inquire into the present system of assessing and collecting taxes and to provide for a better and more complete system of assessment and a collection and a request to the Governor and Council. Tabled for printing, pending reference.

Shore Fisheries.

By Mr. Wyman of Washington: Petition of George C. Alden and 53 others asking for a close time on lobsters in Dyer's and Gouldsboro Bay from May 1st to September 1st.

Temperance.

By Mr. Mills of Hancock: Remonstrance of J. W. Parker and others residents of Portland against Resubmission of the fifth amendment.

Also Remonstrance of Maine Women's Christian Union against Resubmission against the fifth amendment.

By Mr. Philoon of Androscoggin: Remonstrance of Rev. F. M. Preble and 160 others against Resubmission of the fifth Constitutional Amendment.

Aroostook County Delegation.

By Mr. Putnam of Aroostook: Bill relating to the office of register of probate of Aroostook county.

By Mr. Putnam of Aroostook: Petition of Nicholas Fessenden, judge of probate and attorneys and citizens of Aroostook county in favor of a bill to provide for clerk in the office of Register of Probate in Aroostook county.

Orders.

On motion by Mr. Heselton of Kennebec it was Ordered, That the use of the Senate Chamber be granted the Maine State Bar Association for its meeting on Wednesday afternoon and evening, February 13, 1907.

Mr. Staples of Knox presented and moved the passage of the following:

"Ordered, that the Justices of the Supreme Judicial Court be requested to furnish their opinion of the Constitutionality and Legality of the law rebating ninety per cent. of the State tax assessed upon the Bangor and Aroostook, and Somerset Railroad and Washington County Railroads.

Second; If said railroads or any one of them extend their road during the life of their contract, would such extension be exempted from taxation the same as that part of the road in use at the date of the contract.

The three contracts to accompany the request."

Mr. STAPLES: Mr. President before introducing this order I wish to explain why I introduce it at this time.

During the past few years there has been much controversy in this State, among the leading lawyers of the State in regard to the constitutionality and legality of certain contracts whereby the Washington County Railroad, the B. and A. Railroad and the Somerset Railroad received a rebate of 95 per cent. upon the taxes assessed upon them.

I know it is a mooted question among lawyers and that there is a great deal of unrest in the State of

Maine in regard to that subject; and now, as two of these roads are asking for an extension, the question occurs to me, as it must to every lawyer in the State, whether that rebate of 95 per cent. under the original contracts, will extend to the line that is being extended on two of the roads, at least. It becomes a serious question in regard to its constitutionality, and one which ought to be settled. There is an unrest among the people as to whether those contracts are constitutional, or not; and the still greater question whether that rebate will apply to the extension of those lines. If it is determined to be constitutional it will quiet the unrest throughout the State, upon that question. If it is not constitutional then the sooner the roads and people of this State know it, the better. Upon this question the constitution gives us this right which is for the protection and settlement of all these great questions, which we find in Art. 6, Sec. 3 of the Constitution of Maine, that, upon request the Justices of the Supreme Court "shall be obliged to give their opinion upon important questions of law, and upon solemn occasions; when required by the Governor, Council, Senate or House of Representatives."

Now as this matter can only be settled by the authority of Supreme Judicial Court, I introduce this order; and move its passage.

The order was thereupon passed.

Read and Assigned.

An Act authorizing the erection of a bridge or roadway across tidewater between Mackey's or Mackworth Island in the town of Falmouth and the mainland of said town.

Resolve in relation to early York deeds.

Resolve in favor of the Central Maine General Hospital.

Resolve in favor of the York Hospital.

Resolve in favor of Young Women's Home at Lewiston.

Reports of Committees.

Mr. Heselton of Kennebec presented majority and minority reports of the joint special committee appointed by

the order of the last Legislature to ascertain and report: what in their judgment are the just obligations of the State to the University of Maine. On motion by the same Senator said reports were laid on the table and two thousand copies as one document were ordered to be printed, pending reference.

Passed to Be Engrossed.

An Act to incorporate Frontier Trust Company.

Resolve in favor of Finance Committee.

Orders of the Day.

On motion by Mr. Mills of Hancock it was voted that the order relating to publication of notices in La Messeger, be taken from the table and on further motion by the same Senator, the Senate non-concurred with the action of the House and voted that the same be indefinitely postponed.

The President announced as the Longfellow Committee on the part of the Senate Messrs. Clarke of Lincoln, Heslton of Kennebec and Philoon of Androscoggin.

On motion by Mr. Staples of Knox the Senate adjourned.

HOUSE.

Prayer by Rev. Fr. Hamel of Augusta.

Papers from the Senate disposed of in concurrence.

Bill, An Act to provide an additional term of the supreme judicial court for the county of Oxford, came back from the Senate, that branch non-concurring with the House in its reference of the bill to the committee on legal affairs, and referring it to the committee on the judiciary.

On motion of Mr. Martin of Rumford the House receded and concurred with the Senate in its reference.

The following petitions, bills, etc., were presented and referred:

Legal Affairs.

By Mr. Morneau of Lewiston—Bill, An Act to amend an act relating to the municipal court for the city of Lewiston.

By Mr. Newcomb of Newberg—Bill, An Act relating to the Waldo and Penobscot Agricultural Society.

By Mr. Colcord of Searsport—Bill, An Act to amend Chapter 107 of the Private and Special Laws of 1907 entitled An Act to incorporate the Stockton Spring Water Company.

Railroads and Expresses.

By Mr. Havey of Sullivan—Bill, An Act to authorize the Benvenue Granite Company to construct and maintain railroad crossing or crossings in the town of Sullivan.

Interior Waters.

By Mr. Knowlton of Monson—Bill, An Act to amend Chapter 30 of the Private and Special Laws of 1866 entitled An Act to incorporate the Sebec Dam Company.

Inland Fisheries and Game.

By Mr. Merriman of East Livermore—Petition of R. C. Boothby and 64 others of the towns of East Livermore and Livermore to close the tributaries to Round and Long ponds and prevent ice fishing for a term of ten years, and that no salmon less than 12 inches and trout less than 8 inches shall be taken from these ponds.