

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

SENATE.

Saturday, March 16, 1907.

Senate called to order by the President.

Prayer by Rev. Mr. Evans of Augusta.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

Bill, An Act to incorporate the People's Trust and Banking Company of Houlton. (On motion of Mr. Simpson of York this bill took its second reading under suspension of the rules and was passed to be engrossed.)

On motion by Mr. Putnam of Aroostook it was

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, March 18, 1907, at 4.30 o'clock P. M.

The foregoing order was subsequently returned from the House, that branch concurring in its passage.

Read and Assigned.

An Act to extend the charter of the Old Town Water District.

An Act to create a Board of Harbor Commissioners for the city of South Portland.

On motion of Mr. Deasy of Hancock this bill took its second reading under suspension of the rules and was passed to be engrossed.

An Act additional to Chapter 27 of the Revised Statutes, relating to paupers.

An Act to extend the charter of the Island Falls Water Company.

An Act to regulate fishing in the tributaries of Mount Blue pond in Avon, in the county of Franklin.

An Act to regulate fishing in Fenderson brook and all its tributaries in the town of Parsonsfield.

An Act to regulate fishing in Cocknewagon, Dexter, Berry and Wilson ponds in the county of Kennebec.

An Act to regulate fishing in Pocasset lake and Pickerel pond, in the town of Wayne, in the county of Kennebec.

An Act to prohibit the throwing of sawdust and other refuse into Olamon stream, so-called, in the county of Penobscot.

An Act to prohibit the sale of trout in Washington county.

Resolve in favor of A. F. Arbo of T. 5, R. 9, county of Piscataquis.

Resolve in favor of the town of Monson.

Report of the committee on ways and bridges, on resolve in favor of the town of Deer Isle in the county of Hancock in favor of building a bridge across Robbins' bar so-called, between Deer Isle and Stetson's neck in said town, was tabled on motion by Mr. Heselton of Kennebec.

The following House report read and adopted in concurrence:

Majority report of the committee on railroads and expresses reporting "ought not to pass" on Bill, An Act in relation to fares upon the Washington County Railway."

(Signed) Messrs. IRVING,
TARTRE,
MERRILL,
SPEAR,
HALL,
EMERY,
MULLEN,
YOUNG.

Minority report of same committee reporting "ought to pass" on same bill.

(Signed) Messrs. JOHNSON,
MOORE.

On motion of Mr. Pike of Eastport, both reports were tabled, pending acceptance of either, and bill ordered printed.

Mr. Smith from the committee appointed to consider and report the order of proceedings to be observed upon the hearing proposed by the resolve of the two branches upon the alleged causes of removal in the case of Harry J. Chapman, judge of the municipal court of the city of Bangor, submitted the following rules:

First. For the purpose of granting a joint hearing, agreeably to a vote of the two branches of the Legislature; they will meet in convention in the Hall of the House of Representatives on Wednesday, March 20, at 2 o'clock in the afternoon.

Second. The President of the Senate shall preside in convention, and in the absence of the President of the Sen-

ate, the Speaker of the House shall preside.

Third. The petitioners may be heard by counsel and witnesses and the respondent by himself and by counsel and witnesses.

Fourth. The same rules of evidence shall govern as in the trial of civil actions in the supreme judicial court. All depositions shall be taken forthwith, but no deposition shall be admitted unless it is shown that the deponent is unable to be present. The presiding officer shall decide all questions of the admissibility of evidence, procedure, practice and pleading, and from his decision there shall be no appeal.

Fifth. No debate whatever shall be admitted in the convention.

Sixth. No motion shall be submitted or entertained except to take a recess to a time certain or to dissolve the convention and such motion shall be decided without debate.

Seventh. No person shall be admitted to the floor of the House except members of the convention, counsel, witnesses, reporters for the press and the officers of both branches, except by order of the President of the Senate or the Speaker of the House.

On motion by Mr. Parkhurst of Penobscot it was voted that the foregoing rules be printed to the number corresponding with the usual number of documents.

The matter of the two reports from the committee on Education; University of Maine Resolve, came back from the House, that branch insisting on its action to pass to be engrossed as amended by House amendment A and B, refusing to adopt Senate amendment A and appointing as a committee of conference on the part of the House.

Mr. Philoon of Androscoggin thereupon moved that the Senate insist and that a committee of conference be appointed on the part of the Senate.

Mr. Parkhurst of Penobscot moved that, pending action on the motion of the senator from Androscoggin that the matter be tabled.

Mr. PHILLOON: Mr. President, it seems to be for the interest of all parties that this matter should be disposed of as promptly and as decently

as possible and in such a way that there shall be no opportunity to take advantage of a slimly attended session of the Senate. I would suggest that if the motion of the senator from Penobscot prevails, that the senator will assign a day for consideration of the matter.

Mr. PARKHURST: Mr. President, I withdraw my former motion and move that the Senate recede and concur.

The PRESIDENT: A motion to recede and concur takes precedence to the motion of the senator from Androscoggin.

Mr. PHILLOON: Mr. President, I would suggest, or say to the senator from Penobscot that, if he insists on his motion, that I might suggest a procedure that would bar further action of the Senate this morning,—a thing which I very much dislike to do as I do not desire to delay the transaction of the necessary business of the Senate. I hope he will not insist.

Mr. PARKHURST: Mr. President, it occurs to me, under the circumstances, that the senator from Androscoggin has little occasion to complain of my motion. As a matter of fact his motion to insist and to ask for a conference which he filed and urged, is in opposition to my motion to lay it upon the table, which in fact would have prevented the necessity of considering it this morning, and certainly estops him from alleging against me any disposition to interrupt the proceedings of the Senate by forcing a vote upon this question. I was prepared when I filed my motion to lay on the table, to let the matter go over until there should be a quorum. I am, to some extent, criticising the senator from Androscoggin because of his criticism of me. I am not making an explanation but simply stating facts; and the Senate itself may see the result; but I think, with entire propriety I may insist on my motion.

Mr. PHILLOON: I rise to a question of privilege.

Mr. PARKHURST: I yield for the senator's statement of his question of privilege.

Mr. PHILLOON: I did not intend to convey the idea that I should resist, in any manner the motion of the senator from Penobscot to lay the matter on

the table. I simply asked that the senator would name a day for consideration. I did not intend to say that I would oppose that motion; and I supposed that the motion to recede and concur was before the House before the senator from Penobscot made his motion to table. That was my understanding of the matter. I am perfectly willing that the matter should lie on the table and a day set for its consideration.

Mr. HESELTON of Kennebec: I rise to a point of order. No quorum is present

Mr. PARKHURST: I will ask the senator from Kennebec to withdraw his point of order until I make an explanation.

Mr. HESELTON: I will withdraw it.

Mr. PARKHURST: The question comes to us in the natural order of business. I accept the explanation of the senator from Androscoggin as to what he meant, without regard to what he may have said. It is entirely in order for us to act upon a matter of this character this morning. It is not on the table. That all the senators interested are not present, is their own fault. Nevertheless the representation being made that the attendance is small and that the question could not be considered fairly upon its merits, I had attempted to secure the floor for the purpose of laying the matter upon the table originally. The Chair recognized the senator from Androscoggin and the senator from Androscoggin moved to insist and asked for a committee of conference. That motion itself is an action. The matter would make some progress under that motion while under my motion it would not. Now, if it would be to the satisfaction of the senator from Androscoggin, I will withdraw my motion to recede and concur, with the unanimous consent of the Senate and will move that the matter lie upon the table; and I assure the senator from Androscoggin that I will take the matter up as soon as there is a sufficient number of senators to give the matter consideration.

Mr. PHILOON. Will the senator fix a day next week later than Monday?

Mr. PARKHURST: Will the senator from Androscoggin consent to an as-

signment on Monday if a quorum is present

Mr. PHILOON: It is hardly reasonable to expect a quorum here on Monday.

Mr. PARKHURST: I am entirely willing that this matter should be determined upon its merits; and if the senator from Androscoggin desires an assignment on Tuesday next I will so make my motion.

Mr. PHILOON: I will consent to that.

Mr. PARKHURST: Does the Senate consent to the withdrawal of my motion to recede and concur.

The assent of the Senate to the withdrawal of the motion to recede and concur was granted and on the motion of the senator from Penobscot, Mr. Parkhurst, the matter was tabled and Tuesday March 19, assigned for its consideration.

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

Judiciary.

By Mr. Deasy of Hancock: Bill, "An act to provide for the transfer of persons from the insane department of the state prison to the building for the criminal insane upon the arsenal grounds of the insane hospitals at Augusta.

Appropriations and Financial Affairs.

By Mr. Deasy of Hancock, Resolve in favor of Frank Fellows, messenger to the President of the Senate.

By Mr. Stearns of Penobscot—Resolve in favor of George W. Stearns, chairman of committee on education.

Shore Fisheries.

By Mr. Simpson of York—Bill, An Act to amend Section 34, Chapter 41, Revised Statutes, relating to the taking of clams.

Read and Assigned.

An Act for the encouragement of shellfish industry.

An Act to amend Chapter 49 of the Revised Statutes of Maine relating to life insurance.

An Act to amend the law relating to political caucuses in the city of Bangor.

An Act to amend the charter of the Twin Village Water Company.

An Act to amend Section 30 of Chapter 32 of the Revised Statutes, as amended by Section 7, Chapter 132 of the Public Laws of 1905.

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

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

Resolve in favor of the enlargement and completion of the fish culture station at Raymond, Me.

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

An Act to regulate the sale and analysis of food and drugs.

An Act to incorporate the Goodwin Trust Company.

An Act to establish a salary for the judge of the Rumford Falls municipal court.

On motion by Mr. Stearns of Penobscot this bill was tabled.

An Act to authorize the appointment of a chaplain for the Cumberland county jail.

Resolve providing for the amendment of Section 17, Chapter 60 of the Revised Statutes relating to the use of the score card by Agricultural Societies.

Resolve in favor of Bridgton Academy.

An Act to amend Section 34 of Chapter 41 of the Revised Statutes relating to bait barrels.

Reports of Committees.

Mr. Deasy for the committee on judiciary on Bill, "An Act to amend Section 6, Chapter 24, Revised Statutes, relating to the law of the road" reported that the same ought not to pass.

Mr. Mills for the committee on legal affairs, on Bill, "An Act conferring additional powers upon boards of health and preventing the manufacture, storage, transportation or sale of diseased, unclean, unwholesome or tainted food of all kinds; and providing for the inspection of places for the manufacture, storage and sale thereof, including bakeries, also for registering and licensing milkmen and dealers in milk

and cream," reported that same ought not to pass.

Mr. Staples for the same committee on Bill, "An Act to amend Section 1, Chapter 145, Revised Statutes, relating to pensions" reported that legislation is inexpedient.

Mr. Libby for the committee on agriculture, on petition of Joseph L. Robinson and others for reconsideration of a law which it obligatory on agricultural fairs, paying over \$1000 in premiums to have pure breed cattle scored by the judge," reported that same be placed on file.

Mr. Ayer for the committee on interior water, Mr. Bailey for the committee on ways and bridges, Mr. Theriault for the committee on towns, Mr. Brown for the committee on agriculture, Mr. Stearns for the committee on education, Mr. Houston for the committee on manufacture, Mr. Tartre for the committee on counties, Mr. Eaton for committee on insane hospitals.

Mr. Bailey for the committee on State prison, severally submitted their final reports, that they have acted on all matters referred to them.

Mr. Hastings for the committee on judiciary on Bill "An Act to amend Chapter 6, Revised Statutes, relating to elections," reported that the same ought to pass.

Mr. Putnam for the same committee, on Bill "An Act additional to an act providing for additional term of the supreme judicial court for the county of Oxford," approved by the Governor March 9, 1907, reported that same ought to pass.

Mr. Mills for the committee on legal affairs, on Bill "An Act to amend Section 11, Chapter 23, Revised Statutes, as amended by Chapter 79 of the Laws of 1905, relating to boundaries and ways," submitted same in new draft under title of "An Act to amend Section 11 of Chapter 23, Revised Statutes, as amended by Chapter 79 of the Laws of 1905, relating to boundaries and ways.

The same senator for the same committee, on Bill "An Act relating to the assessment of taxes," reported same ought to pass.

Mr. Libby for the committee on agriculture on "Resolve in favor of the

Maine Insane hospital," submitted same in new draft under same title.

The foregoing reports were accepted and Bills and Resolves "ought to pass" were tabled for printing under the joint rules.

Passed to Be Engrossed.

An Act to amend Chapter 9 of the Public Laws of 1903, relating to the compensation of selectmen.

An Act for the better preservation of plans of cities, towns and plantations.

An Act to amend Chapter 49 of the Revised Statutes, relating to life insurance.

An Act to amend Section 1 of Chapter 55 of the Revised Statutes, relating telegraph and telephone companies, gas, and electric light and power companies.

An Act additional to and amendatory of Chapter 3 of the Private and Special Laws of the year 1887, entitled "An Act to supply the people of the town of Presque Isle with pure water."

An Act to amend Section 2 of Chapter 46 of the Revised Statutes, as amended by Chapter 90 of the Public Laws of 1905, relating to interest on loans on personal property.

An Act to authorize clergymen to solemnize marriages.

An Act to prohibit the taking of lobsters in Hancock county.

Passed to Be Enacted.

An Act to amend Chapter 48 of the Revised Statutes, relating to savings banks.

An Act for the better protection of shall fish within the town of Yarmouth in the county of Cumberland.

An Act to regulate fishing in Allen brook, so called, and its tributaries, in the town of Exeter, county of Penobscot.

An Act granting Charles H. Scott the right to maintain a ferry across Eggenoggin Reach in Hancock county.

An Act to set off a part of the town of Steuben in the county of Washington, and annex it to the town of Mli-bridge in said county.

An Act authorizing the Island Ferry Company to construct a wharf and ferry slip into the waters of Casco bay.

An Act amending Chapter 161 of the Public Laws of 1905, relating to location and assessment of damages for property taken for public uses.

An Act to amend Section 3 of Chapter

40 of the Revised Statutes, relating to lime casks.

An Act authorizing the Bodwell Water Power Company to generate, use, transmit and sell electricity.

An Act to authorize the town of Van Buren to issue bonds.

An Act to amend Section 1 of Chapter 143 of the Private and Special Laws of 1905, entitled "An Act to amend Section 1 of Chapter 89 of the Private and Special Laws of 1903, entitled 'An Act to authorize the Penobscot Chemical Fibre Company to make, generate, use, transmit and sell electricity.'"

An Act additional to and amendatory of Chapter 336 of the Private and Special Laws of 1905, entitled "An Act to incorporate the Central Safe Deposit Company," and to change the name of said company.

An Act to extend the charter of the Bluehill Trust and Banking Company.

An Act to change the names of the Boothbay Harbor Banking Company to the Boothbay Harbor Trust Company and to ratify certain doings in relation thereto.

An Act to amend the charter of the Portland and Cape Elizabeth Ferry Company.

An Act to incorporate the Mount Abram Telephone and Telegraph Company.

An Act to extend the open season for hunting the game bird known as golden eye or whistler, in the county of Hancock.

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

An Act to confer additional power and privileges upon the People's Ferry Company.

Finally Passed.

Resolve in favor of Juno F. Curtis of Bingham.

Resolve in aid of erecting a building at Van Buren College for college purposes.

Orders of the Day.

Mr. PARKHURST of Penobscot—Mr. President, there was passed a resolve to amend Section 2 of Article X of the Constitution of the State of Maine. It has been sent to the Governor. I move that it be recalled from the Executive.

The motion prevailed and on further

motion by the same senator the resolve was tabled.

On motion by Mr. Heselton of Kennebec, Senate Document No. 267 was taken from the table; and on further motion by the same senator was referred to the committee on temperance.

Mr. MERRILL of Cumberland—Mr. President, I move that the Senate take a recess until Monday at 4.30 P. M.

The motion prevailed.

HOUSE.

Saturday, March 17, 1907.

Prayer by Rev. Mr. Livingston of Augusta.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An Act to amend Section 108 of Chapter 6 of the Revised Statutes relating to political caucuses.

An Act relating to the Portland & Rumford Falls Railway and the Rumford Falls & Rangeley Lakes Railroad Company. (Read the third time and passed to be engrossed under a suspension of the rules on motion of Mr. Gleason of Mexico.)

An Act to amend Chapter 175 of the Private and Special Laws of 1903 as amended by Chapter 241 of the Private and Special Laws of 1905, in relation to Atlantic Shore Line Railway. (Tabled pending first reading on motion of Mr. Safford of Kittery.)

An Act to incorporate the Portland & Rumford Falls Railroad. (Read the third time and passed to be engrossed under a suspension of the rules on motion of Mr. Gleason of Mexico.)

An Act establishing a close time on lobsters in the bays of the towns of Harrington, Milbridge, Steuben and Gouldsboro.

An Act regulating the time of service of members of the fire department of the city of Portland, came from the Senate with Senate Amendment A.

The House adopted the amendment in concurrence and the bill was then read three times and passed to be engrossed under a suspension of the rules on motion of Mr. Murphy of Portland.

An Act to amend Chapter 143 of the Revised Statutes relating to the State School for Boys, came from the Senate with Senate Amendment B.

The House adopted Senate Amendment B in concurrence and the bill was then passed to be engrossed as amended.

The report of the committee on temperance, to which was referred resolve for an amendment to the constitution by abrogating and annulling the Fifth Amendment to the Constitution, came