

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
KENNEBEC JOURNAL PRINT
1919

SENATE

Tuesday, February 4, 1919.

Senate called to order by the President.

Prayer by Rev. A. C. Townsend of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

Mr. DAVIES of Cumberland: Mr. President, I think the two bills from the House relating to the use of cigarettes were referred to the committee on temperance?

The PRESIDENT: That is correct.

Mr. DAVIES: Mr. President, I move that the Senate reconsider the vote whereby those two bills were referred to the committee on temperance. My purpose in doing so is that I may lay them on the table and have them printed.

The PRESIDENT: I will state for the information of the Senator that one bill is already printed.

Mr. DAVIES: I move that we reconsider the vote whereby the other bill, An Act to prohibit the manufacture and sale of cigarettes, was referred to the committee on temperance, in concurrence.

The motion was agreed to, and on further motion by the same senator, the bill was tabled for printing.

House Bills in First Reading

Resolve in favor of W. W. Greaton, document clerk at the organization of the 79th Legislature.

From the House: The report of the special committee to draft resolutions conveying expressions of appreciation to our Chief Executive by making the members of the Legislature his guests at the recent Efficiency Congress, came from the House adopted by that body, and was read by the secretary:

Whereas, His Excellency, Carl E. Milliken, has honored and favored the members of the State Legislature by making them his guests at the recent Efficiency Conference, therefore, be it

Resolved, That members of the 79th Legislature are placed under obligations to our Chief Executive by being thus brought into personal touch with men of international renown who have had opportunity to study the problems of reconstruction in the courts, councils and cabinets of European rulers.

Resolved, That the information secured through these unusual channels is of great value to those who are framing laws to meet the demands of a new economic era.

Resolved, That it is our pleasant duty to extend to Governor Milliken hearty expressions of appreciation for his consideration and courtesy.

Resolved, That a copy of these resolutions be placed in the hands of our Chief Executive and that they be printed in the Legislative Record.

(Signed)

GURNEY of Cumberland.

AMES of Washington.

METCALF of Piscataquis.

Committee on part of the Senate.

COCHRANE of Monmouth.

STORM of Sweden.

GILMOUR of Westbrook.

Committee on part of House.

The resolution was adopted in concurrence.

Messages and Documents

STATE OF MAINE

Office of State Auditor,

Augusta, Jan. 29, 1919.

To the Honorable Senate and House of Representatives:

Herewith I am forwarding bills and accounts for which no appropriation exists and which the attorney general has ruled are not properly payable from the State Contingent Fund.

These accounts are forwarded to you in conformity with Section 84, of Chapter 2, Revised Statutes, which reads in part:

"The auditor shall not approve nor issue his certificate for the payment of any bill or account unless there is a specific appropriation or fund for the payment thereof, or an expenditure is authorized by law to be paid out of a contingent fund, or from moneys in the treasury not otherwise appropriated; and whenever any ap-

propriation or fund is expended, all bills and accounts presented to said auditor and drawn on said expended appropriation or fund shall not be approved by him, but shall be reported by him to the next session of the Legislature."

Among the bills herewith submitted are some in favor of the board of veterinary examiners and the commissioners of pharmacy. The law creating these boards provides that all fees received by each of them "shall constitute a continuous carrying account for the payment of the compensation and expenses of the members, and the expenses of the board and for executing the provisions of law relating to each board respectively, and so much thereof as may be required is hereby appropriated for said purposes." The fees of these two boards have been insufficient to meet their expenses, and while they are in a different class from the other accounts here listed, since the expenditures of these boards are strictly limited to the fees received, I have no other alternative, under the law first cited, than to also report these to you for action.

(Signed) R. L. WARDWELL,
State Auditor.

Mr. DAVIES of Cumberland: Mr. President, I move that the report of the State auditor, together with the bills referred to therein, be referred to the committee on claims.

The motion was agreed to.

Bills in First Reading

An Act to amend Chapter 8 of the Revised Statutes by repealing Sections 30, 31, 32 and 33, relating to the control of forest fires.

The following bills, resolves, etc., were presented, and on recommendation of the committee on reference of bills, were referred to the following committees:

Appropriations and Financial Affairs

By Mr. Thombs of Penobscot, Resolve in favor of Edward R. Parent, in payment of witness fees, counsel fees and disbursements made by him in the contested senatorial election case from Androscoggin county.

By Mr. Emerson of Aroostook, Re-

solve for indexing the documents filed by the Legislature of Maine since 1820, now in the office of the secretary of the Senate.

By Mr. Deering of York, Resolve in favor of the Trull Hospital Aid Association for the care, support, medical or surgical treatment of indigent persons.

By Mr. Deering of York, Resolve in favor of York County Children's Aid Society for the care, support and education of indigent persons and for other purposes.

By Mr. Thombs of Penobscot, Resolve in favor of Dr. Henry L. Irish in payment of witness fees, counsel fees and disbursements made by him in the contested senatorial election case from Androscoggin county.

By Mr. Gurney of Cumberland, Resolve in favor of the Maine General hospital.

By Mr. Baxter of Sagadahoc, Resolve in favor of the bank commissioner for the administration and enforcement of Sections 11 to 23, inclusive, of Chapter 40 of the Revised Statutes.

By Mr. Baxter of Sagadahoc, Resolve making an appropriation in favor of the People's Ferry Company to aid in the construction of a new ferry boat with the necessary slips and approaches thereto.

By Mr. Ricker of Hancock, Resolve in favor of the Castine General hospital for partial support of free patients.

Claims

By Mr. Emerson of Aroostook, Resolve in favor of the Madigan Memorial hospital on account of the care of certain persons during the year 1917.

Education

By Mr. Ricker of Hancock, Resolve in favor of Plantation No. 21, middle division in the county of Hancock, for reimbursement of reduction in rate of interest on wild land school funds.

By the same senator, Resolve in favor of Plantation No. 33, middle division, in the county of Hancock, for reimbursement of reduction in rate of interest on wild land school fund.

By the same senator, Petition of Watson Mace and six others of Plantation No. 21, relating to interest on wild land fund.

By the same senator, Petition of John

G. Sherman and nine others of Plantation No. 33, relating to interest on wild land school funds.

By the same senator, Resolve in favor of the Eastern State Normal school at Castine for erection of a building.

By the same senator, Resolve in favor of the Eastern State Normal school at Castine for repairs and permanent improvements.

By Mr. Walker of Somerset, An Act to amend Section 49 of Chapter 16 of the Revised Statutes, relating to the duties of superintendents of schools.

By the same senator, An Act to amend Section 38 of Chapter 16 of the Revised Statutes, relating to the duties of superintending school committees.

Judiciary

By Mr. Gannett of Kennebec—An Act to amend Section Thirty-five of Chapter 126 of the Revised Statutes, relating to Sunday observance.

By Mr. Babb of Cumberland—Petition of E. F. Larrabee and 12 others of Sebago, relative to establishing a court to be known as the Northern Cumberland Municipal Court.

By Mr. Grant of Cumberland—Resolve in favor of the national commissioners on uniform state laws and of the commissioners from Maine for the promotion of Uniformity of legislation in the United States.

By Mr. Googin of Androscoggin—An Act to enlarge the powers of the Lewiston Trust Company and to authorize said corporation to become surety on bonds.

By Mr. Googin of Androscoggin—An Act to enlarge the powers of the Lewiston Trust Company and to authorize said corporation to become surety on bonds.

By Mr. Lewis of Lincoln—Resolve relating to payment of damages arising out of death of Edgar Chase Harnden.

Legal Affairs

By Mr. Gurney of Cumberland—An Act to authorize the appointment of the Deering High School Commission in the city of Portland.

By Mr. Parent of Androscoggin—An Act to abolish the Common Council of the city of Lewiston.

By Mr. Gurney of Cumberland—An

Act to create the Portland Harbor District.

By Mr. Thombs of Penobscot—An Act to amend Section 4 of Chapter 126 of the Revised Statutes, relating to polygamy, its punishment and place of trial.

By Mr. Grant of Cumberland—An Act to authorize the Brunswick and Topsham Water District to adjust a claim for overcharge.

By Mr. Thombs of Penobscot—An Act to amend Sections 25, 26, 28, 30, 34, 38 and 42 of Chapter 137, relating to indeterminate sentences and paroles. (500 copies ordered printed.)

By Mr. Gurney of Cumberland—An Act to provide for the building of public wharves and for the establishment of adequate port facilities and for the advancement of commerce.

Public Utilities

By Mr. Emerson of Aroostook—An Act to incorporate the Island Falls Water District.

Salaries and Fees

By Mr. Davies of Cumberland—An Act to amend Section 21, Chapter 117, of Public Laws for 1916, relating to the salary of the Commissioner of Agriculture.

By Mr. Lewis of Lincoln—An Act amending Section 20 of Chapter 118 of the Revised Statutes, increasing the fees of town clerks in certain instances.

Sea and Shore Fisheries

By Mr. Peacock of Washington—An Act to authorize the construction of a weir in the tidewaters of Roque harbor in the town of Jonesport.

By Mr. Holt of Hancock—An Act prohibiting the use of trawls of more than 1000 hooks to a boat in portions of Frenchman's Bay.

By the same Senator—An Act prohibiting the taking of cod or other fish except herring by means of gill nets in portions of Frenchman's Bay.

Ways and Bridges

By Mr. Thornton of Aroostook—Resolve in favor of a bridge across the Allagash river in Allagash Plantation in Aroostook county.

By Mr. Ricker of Hancock—Resolve in favor of the town of Orland for repair of a road.

By the same Senator—Resolve in favor of the town of Penobscot for repair of a road.

By Mr. Clement of Waldo, Resolve, appropriating money for the repair of a bridge in the town of Morrill.

By Mr. Peacock of Washington, Resolve, appropriating money to aid in repairing the main highway leading from the town of Franklin in Hancock county to the town of Cherryfield in Washington county.

By Mr. Holt of Hancock, Resolve, in favor of road in Hancock county running from the main road between Mount Desert and Ellsworth to the main road between Lamoine and Ellsworth and situated in the towns of Trenton and Lamoine.

By Mr. Deering of York, Resolve, appropriating money to aid in repairing a highway in the city of Saco, and providing for the future maintenance thereof.

By Mr. Baxter of Sagadahoc, Resolve, in aid of the town of Arrowsic for repairing a toll bridge across the Sasanoa river and building a new draw in same.

By Mr. Lewis of Lincoln, an Act, to amend Chapter 319, Public Laws of 1915, providing for state and county aid in the construction of highway bridges.

By the same Senator, Resolve, to reimburse the county of Lincoln for money expended for the repairs on the Wiscasset and Edgecomb bridge in the year 1918.

Reports of Committees

Mr. Parent for the committee on Legal Affairs, on an Act, to extend the charter of the Lincoln County Street Railway, reported same ought to pass.

Read and accepted and the bill tabled for printing under the joint rules.

Passed to Be Engrossed

An Act to repeal Chapter 288 of the Public Laws of 1917, relating to the keeping and sale of dynamite, powder and other explosives.

Orders of the Day

Mr. WALKER of Somerset: Mr. President: I move we reconsider the

vote whereby we voted to refer the bill in relation to cigarettes to the Temperance Committee, and in explanation of the motion I will say that I shall make a motion, if it prevails, to refer it to the committee on Public Health. It would seem, Mr. President, that on January 9th Mr. Deering of the committee on Governor's Message reported in the Senate that all matters relating to public health should be referred to the committee on Public Health and those matters relating to the prohibitory law should be referred to the committee on Temperance, and it appealed to me that the committee on Public Health would be the proper committee to hear this matter.

Mr. DAVIES of Cumberland: Mr. Chairman: I rise to a point of order. Those two bills at the present time are on the table, therefore it does not occur to me that the motion of the Senator from Somerset, Senator Walker, is timely.

The CHAIR: The Chair will rule that the point of order made by the Senator from Cumberland is well taken, the bills being on the table.

Mr. WALKER: It seems to me that one of the bills at least is not on the table.

The CHAIR: As I understand, both bills are on the table. The Chair will ask the information from the Senator from Cumberland. I understood your motion that both bills be tabled for printing?

Mr. DAVIES: Yes, Mr. President, that is correct. I may say in explanation I think the motion carried with it the bill that was printed to the table, providing the motion was passed.

The CHAIR: That is as the Chair understood. Both bills remain on the table, Senator Walker.

Mr. WALKER: If that is the way the Secretary has his record.

The CHAIR: That is the way.

Mr. BABB of Cumberland: Mr. Chairman: I rise to a point of inquiry. I would like to inquire of the Secretary through the Chair where House Bill No. 57 relating to the sale of intoxicating liquors is at the present time?

The CHAIR: I will state for the information of the Senator from Cumberland, Senator Babb, that it is not in today's bills. We will be able to give the information by going to the office.

Mr. BABB: That is all I would like to know—it has not come in here?

The CHAIR: No, sir.

On motion by Senator Tuttle of

Aroostook, Resolve in favor of Reed Plantation, Senate Bill No. 43, was taken from the table, and on further motion by the same Senator it was referred to the committee on Ways and Bridges in concurrence.

On motion by Mr. Baxter of Sagadahoc, adjourned until Wednesday, February 5, at 10 o'clock in the forenoon.