

# MAINE STATE LEGISLATURE

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# Legislative Record

OF THE

# Eightieth Legislature

OF THE

# State of Maine

1921

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**HOUSE**

Wednesday, Jan. 26, 1921.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Kincaide of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills in First Reading**

Senate 16: An act to amend Section 24 of Chapter 67 of the Revised Statutes relating to certification of copies of wills by registers of probate to registers of deeds.

The following bills, resolves and petitions were received and, upon recommendation of the committee on reference of bills, were referred to the following committees:

**Appropriations and Financial Affairs**

By Mr. Holley of No. Anson: Bill An act to pay the interest on and to provide a sinking fund for the war bonds and bonus bonds issued by the State of Maine. (500 copies ordered printed.)

**Judiciary**

By Mr. Viles, Augusta: Petition of Horace W. Dunham of Portland and 83 others in favor of act entitled "Absentee Voters' Franchise."

By the same gentleman: Petition of Horace P. Bond of Bangor and 35 others in favor of same.

By the same gentleman: Petition of A. R. Knight of Auburn and 54 others in favor of same.

By the same gentleman: Petition of J. O. Ouellette of Lewiston and 21 others in favor of same.

By the same gentleman: Petition of Benjamin Jones of Auburn and 35 others in favor of same.

By the same gentleman: Petition of Frank B. Cummings of Portland and 45 others in favor of same.

By the same gentleman: Petition of Halbert P. Gardner of Portland and 16 others in favor of same.

By the same gentleman: Petition of

J. S. Farrar of Lisbon Falls and 40 others in favor of same.

By the same gentleman: Petition of Sumner T. Cobb of Auburn and 19 others in favor of same.

By the same gentleman: Petition of E. C. Smith of Auburn and 47 others in favor of same.

By Mr. Larrabee of Lewiston: Bill An act to amend an act granting a charter to the Alumni Association of Bates College.

By Mr. Gardiner of Gardiner: Bill An act requiring political advertisements to be signed. (300 copies ordered printed.)

By Mr. Wing of Auburn: Resolve authorizing a calling of a Constitutional Convention. (500 copies ordered printed.)

**Legal Affairs**

By Mr. Larrabee of Lewiston: Bill An act to authorize the city of Lewiston to issue bonds. (Bill No. 1) (1000 copies ordered printed.)

By the same gentleman: Bill An act to authorize the city of Lewiston to issue bonds. (Bill No. 2) (1000 copies ordered printed.)

**Military Affairs**

By Mr. Mason of Ellsworth: Bill An act to amend Section 2 of Chapter 264 of the Public Laws of the Special Session, November 1919, relating to the payment of a bonus to Maine World War Veterans.

**Ways and Bridges**

By Mr. Leighton of Dennysville: Resolve to aid the town of Edmunds in constructing a Great Works road.

By the same gentleman: Resolve to aid Plantation No. 14 in repairing the West Ridge road.

By Mr. Nickerson of Swanville: Resolve in favor of the town of Swanville for the construction of a road.

By the same gentleman: Petition of selectmen of Swanville and 28 others in favor of same.

**Orders of the Day**

Mr. DOWNING of Bangor: I have a resolve to offer, Mr. Speaker.

The SPEAKER: The Chair would suggest to the gentleman from Ban-

gor, Mr. Downing, that in order to introduce this resolve at this time it will be necessary to move that the rules of the House be suspended and the resolve be introduced out of order, the regular order being that such matters shall be deposited in the hopper, and go before the committee on reference of bills.

The Legislature now being supplied with the Legislative handbook, containing the rules, which by and large are sufficient to govern the parliamentary practice here, the Speaker calls the attention of the House to several rules. No. 6 of the joint rules requires particularly and specifically that the title shall show the purport of the bill; and later in the session gentlemen will be delayed because in the rush of business bills and resolves appearing not in form according to the rule will not be entertained. The title on the back of every paper introduced in regular order should show the purport of the bill. Another rule is that it should have upon it the name of the member introducing it, and it is customary to add his town.

Is it the pleasure of the House that the rules be suspended and the gentleman from Bangor, Mr. Downing, be allowed to introduce a resolve out of order.

The motion prevailed and Mr. Downing introduced out of order a resolve appropriating money for the Good Samaritan Home Association of Bangor, Maine, for the care, medical and surgical treatment of maternity patients and their children, the resources of whom and of whose responsible relatives are insufficient to pay for the same.

On motion by the same gentleman, the resolve was tabled.

On motion by Mr. Perham of Bragdon it was voted to take from the table House Document No. 27, an act to amend Section 3 and Section 10 of Chapter 173 of the Public Laws of 1919, relating to registration of resident hunters, and on further motion by the same gentleman the bill was referred to the committee on Inland Fisheries and Game.

On motion by Mr. Smith of Skowhegan, it was voted to take from the table House Document No. 23, an act to amend Chapter 350 of the Public Laws of 1915, relative to the hours of employment of women and minors; and on further motion by the same gentleman the bill was re-committed to the joint committees on labor and legal affairs.

Mr. ROUNDS of Portland: Mr. Speaker, I would like to take from the table report of the committee on legal affairs on bill an act entitled an act to amend Chapter 118, Section 8, relating to fees of jurors, and move that the bill be substituted for the report.

The SPEAKER: With the permission of the gentleman from So. Portland, the Chair will State that the bill suggests the addition of one dollar per day for fees for jurors in attendance upon Supreme Judicial and Superior Courts, and the report of the committee on legal affairs is that the same ought not to pass. The gentleman from So. Portland moves the substitution of the bill for the report and has the floor.

Mr. ROUNDS: Mr. Speaker, I must correct the Speaker, as I am not from South Portland—South Portland won't own me, and Portland doesn't want to lose me. I will say here that I think it no more than fair and that people are not going on there of their own free will. Their names are drawn from a jury box and they are taken away from their business, and three dollars a day will not pay their expenses away from home. I think it no more than fair that the jurors should be paid four dollars a day. Therefore, I will yield the floor to Mr. Bragdon of Perham.

By Mr. BRAGDON of Perham: Mr. Speaker, this is an unexpected honor. In my experience as a member of this House, I have never known the gentleman from Portland (Mr. Rounds) to yield to anyone before. I feel a good deal as the gentleman from Portland (Mr. Rounds) has expressed that the pay of jurors is inadequate. I feel, too, that this is a session when salaries and fees should

not be raised indiscriminately; but in the case of the man who is drawn on jury duty it is somewhat different from the man who has gone out in the primaries and put in two or three months of his time in trying to get a nomination for an office that does not pay him for the time he devotes to it, and it is also different from the situation of the man who moves heaven and earth to get an appointment here in the State House.

I was unfortunate enough to have a little experience as a juror last winter. I served my county three weeks, when the pay that I got did not pay my board; and while it might be a long time before I will be called upon for similar service again, I have a little sympathy for the man who will do it in the future. I will say that in our county we have a term of court in September when farmers and business men—and business men up there are all farmers—are taken from their homes and serve upon the jury for three dollars a day when they are paying from six to ten dollars a day for men to take their places on the farms and are unable to be on hand to see what is being done. I cannot help feeling that four dollars a day is no more than a juror deserves, and I hope that the motion of the gentleman from Portland (Mr. Rounds) will prevail.

The SPEAKER: The motion of the gentleman from Portland, Mr. Rounds, seconded by the gentleman from Perham, Mr. Bragdon, is—

Mr. BREWSTER of Portland: Mr. Speaker, as a member of the committee on legal affairs which considered this matter last week, trying to get as early action as we could in relation to matters which had been referred to us, we naturally, I think, feel a few qualms at having a unanimous report rejected in this fashion. I should like time to consider the matter a little further with the members of the committee and see how strongly we feel in the defense of our position. I accordingly would move that this lie upon the table.

A viva voce vote being taken, the motion of the gentleman from Port-

land, Mr. Brewster, that the report be tabled prevailed.

Mr. WING of Auburn: Mr. Speaker, I move to take from the table, the bill relating to increase of salary of the State Superintendent of Schools.

The SPEAKER: The Chair regrets to state that it has not yet returned from the printer, and is not now in the possession of the House.

Mr. WING: Will the Chair entertain a motion to refer it in accordance with the suggestion on the bill?

The SPEAKER: The gentleman from Auburn (Mr. Wing) moves that the bill or resolve, increasing the salary of the State Superintendent of Schools be taken from the table and referred to the committee on salaries and fees.

The motion prevailed.

Mr. WING of Auburn: Mr. Speaker, I move to take from the table the bill relating to the charter of the city of Auburn.

The SPEAKER: The Chair will inquire for what purpose?

Mr. WING: For the purpose of addressing a motion to re-consider.

The SPEAKER: The same situation applies, and for that purpose the Chair will entertain the motion.

Mr. WING: I move that the House re-consider its vote whereby this bill to grant a new charter to the city of Auburn was referred to the committee on legal affairs.

A viva voce vote being doubted, on motion by Mr. Winter of Auburn, a division of the House was called for.

The SPEAKER: Those who are in favor of re-considering the reference of the bill named to the committee on legal affairs will arise and stand until counted, and the monitors will return the count.

Mr. ROUNDS of Portland: Mr. Speaker, I do not think the members understand.

The SPEAKER: The Chair, at the suggestion of the gentleman from Portland, Mr. Rounds, will again suggest that by due and regular parliamentary proceedings, we are faced with a question as to whether a motion made yesterday to refer this par-

ticular bill to one committee shall be re-considered, leaving it in the power of the House to re-commit it to that committee for amendment, refer it to any other committee, or any other purpose. The gentleman from Auburn (Mr. Wing) moves re-consideration. The Chair announced that it was carried, but the vote is doubted. A division by rising is suggested. All those who are in favor of the motion of the gentleman from Auburn, Mr. Wing, will rise and the monitors will take the count.

A division being had,

Seventy-five voting in the affirmative and 15 in the negative, the motion prevailed.

Mr. WING: Mr. Speaker, I move that the bill be referred to the committee on Judiciary. I wish to say to the members of the House that I am sure my colleague who introduced this measure and evidently suggested its reference, meant no personal affront to me, and I am sure that I have no personal interest in the matter so far as my very pleasant friendships with the members of the committee on legal affairs are concerned; but this is a matter which concerns the town I represent, and I am sure that this House will do me the courtesy to refer it to a committee of which I am a member.

Mr. WINTER of Auburn: Mr. Speaker, it certainly is a very great pleasure to testify to the very cordial relations existing between the gentleman from Auburn, Mr. Wing, and myself; but I wish to make a word of explanation. This bill to amend the charter of Auburn contemplates two outstanding features. The matter has been discussed in Auburn, and some amendments have been prepared by a gentleman of high standing, Mr. Mansur of Auburn. He is backed in this proposition by a petition signed by over 1500 of the registered voters of Auburn. It was Mr. Mansur's wish that this bill might, if possible, be referred to the committee on legal affairs. Personally I have no knowledge why the request was made. This reference was made by your committee on reference, and it would appear to me that it would

be courtesy to let this matter go before the committee on legal affairs.

I wish to say further, for the information of the members of the House that the real outstanding feature of this proposed amendment is the referendum. It is the only thing that the 1500 and more voters of Auburn desire, an opportunity to vote. Personally, I have a perfectly open mind on the matter and am willing to live in Auburn, and enjoy life and prosper under the present charter, or I am willing to live under the proposed amendment; but the outstanding feature is that over 1500 registered voters desire the privilege of voting on this referendum, and I wish it might be possible for it to go before the committee on Legal Affairs.

The SPEAKER: Those in favor of the motion of the gentleman from Auburn, Mr. Wing, that this bill be referred to the committee on judiciary will say aye; contrary minded, no.

A viva voce vote being doubted, on motion by Mr. Winter of Auburn a division of the House was had,

Fifty-seven voting in the affirmative and 24 in the negative the motion to refer the bill to the committee on judiciary prevailed.

On motion by Mr. Crabtree of Island Falls, it was voted to take from the table bill an act to amend Section 66 of Chapter 16 of the Revised Statutes, to increase the school age limit, and on further motion by the same gentleman, this bill was referred to the committee on education.

On motion by Mr. Crabtree of Island Falls, it was voted to take from the table House Document No. 28, bill an act to amend Section 35 of Chapter 126 of the Revised Statutes, relating to prohibiting business and recreation on Sunday; and on further motion by the same gentleman, the bill was referred to the committee on judiciary.

Mr. CRABTREE of Island Falls: Mr. Speaker, I move to take from the table House Document No. 10, resolve to create a State Insurance

Fund, and wish to say in connection with this that this is a measure that came down to us from the last Legislature. It was introduced by a gentleman who is not now a member of either branch of this Legislature at the suggestion of a gentleman now deceased, and I do not learn that there is any call for the passage of this bill at the present time, and, therefore, I would further move that the further consideration of this bill be indefinitely postponed.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, takes from the table resolve creating a State Insurance Fund and moves its indefinite postponement. As many as are in favor will say aye.

Mr. MAHER of Augusta: Mr. Speaker, I rise at this time relative to this matter, not in any degree interested one way or the other upon that particular bill; but it does occur to me that there is either a rule of the House, or a joint rule, that any definite action taken on any subject matter at one time becomes res adjudicata, and that anything pertaining to that cannot again be taken up during the session except by unanimous consent. I have heard it said that there was to be some State in-

urance proposition presented. I do not know whether that is so or not, but if it is, it would scarcely be right at this time to indefinitely postpone this resolve and thereby preclude any definite constructive action relative to the proposition later. Am I right, Mr. Speaker, with reference to the parliamentary status?

The SPEAKER: It is assumed that the gentleman from Augusta, Mr. Maher, is always right.

Mr. MAHER: I do not think that it ought to be indefinitely postponed.

The SPEAKER: Will the gentleman from Augusta (Mr. Maher) make a motion?

Mr. MAHER: Mr. Speaker, I move that it stay on the table.

The motion prevailed.

On motion by Mr. Small of Brewer it was voted to take from the table the order relative to investigating agricultural conditions; and on further motion by Mr. Hinckley of So. Portland, the order received passage.

On motion by Mr. Farnsworth of Caribou,

Adjourned until 10 o'clock tomorrow morning.