

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
KENNEBEC JOURNAL PRINT
1921

HOUSE

Tuesday, February 22, 1921.

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

Prayer by the Rev. Mr. Brown of Augusta.

Mr. McILHERON of Lewiston: Mr. Speaker I rise to make a motion.

The SPEAKER: The gentleman will suspend until the members of the House are in their seats.

Mr. McILHERON: Mr. Speaker, I rise to make a motion and I understand that a motion is always in order.

The SPEAKER: The gentleman would necessarily move to suspend the rules, if he wishes to introduce business at this stage.

Mr. McILHERON: Mr. Speaker, we come here to represent the American people—

The SPEAKER: Does the gentleman from Lewiston propose a motion?

Mr. McILHERON: I rise to make a motion.

The SPEAKER: The gentleman will frame his motion, not in writing but apprise the Chair of what it is.

Mr. McILHERON: My motion, Mr. Speaker, is to adjourn at this time in honor of George Washington, the Father of our country.

The SPEAKER: The House hears the motion and under the rules it is not debatable. Is it seconded? (No response.)

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bill in First Reading

Senate 59: An act to amend Section 76 of Chapter 82 of the Revised Statutes, relative to price of Maine Reports.

The following resolve was present-

ed, and upon recommendation of the committee on reference of bills, was referred to the following committee:

Appropriations and Financial Affairs

Mr. Newcomb of Newburg: Resolve in favor of Kenneth Lee for services as stenographer to the committee on Claims.

Reports of Committees

Mr. Buzzell from the Committee on Judiciary reported "ought not to pass" on Bill "An Act to repeal the law authorizing a divorce from the bonds of matrimony."

(On motion by Mr. McIlheron of Lewiston, tabled pending acceptance of report.)

Mr. Hinckley from the same committee reported the same Bill "An Act to amend Chapter 116 of the Private and Special Laws of 1915 relating to Court House in the town of Rumford."

Report read and accepted and sent up for concurrence.

Mr. Carney from the committee on claims reported "ought to pass" on Resolve reimbursing the town of Oakland for money expended on account of mothers with dependent children.

Same gentleman from the same committee reported the same on Resolve in favor of the town of Boothbay Harbor for military aid furnished the wife and minor children of Herbert H. Thurston.

Mr. Newcomb from the same committee reported the same on Resolve in favor of Wilson J. Holway of the Forks Plantation, Somerset County, Maine.

Same gentleman from same committee reported the same on Resolve reimbursing the county of Kennebec for money expended in pursuing insane criminals who had escaped from Augusta State Hospital.

Same gentleman from same committee reported same on Resolve in favor of J. Wilbur Day, town of Wesley, county of Washington, for reimbursement for cattle killed by bears while said cattle were pastured on Townships No. 31 and 37 in said Washington County.

Same gentleman from same committee reported same on Resolve to reimburse the town of Dixfield for money paid for sheep killed by bears.

Mr. Varney from the Committee on Education reported the same on Bill "An Act to amend sub-paragraph (a) of Paragraph 2 of Section 7 of Chapter 188 of the Public Laws of 1917 relating to the duties of superintendents of schools."

Reports were read and accepted and the bill and resolves ordered printed under the Joint Rules.

Mr. Carney from the committee on claims reported "ought to pass" on Resolve in favor of Frank S. Wingate for material furnished for the construction of the central school building for the Maine State School for Girls.

Report was read and accepted and the resolve having already been printed (House Document No. 6) was read once and tomorrow assigned.

Mr. Houghton from the Committee on Education reported the same on Bill "An Act to amend Section 14 of Chapter 16 of the Revised Statutes as amended by Chapter 62 of the Public Laws of 1917, relating to the provisions for heating, lighting, ventilating and hygienic conditions in new or reconstructed school buildings."

Report was read and accepted and the bill having already been printed (Senate Document No. 29) was read twice under a suspension of the rules and tomorrow assigned.

Mr. Varney from the same Committee reported the same on Bill "An Act for the improvement of sanitary conditions in school building toilets."

Report was read and accepted and the Bill having already been printed (Senate Document No. 31) was read twice under a suspension of the rules.

(On motion by Mr. Bragdon of Perham tabled, pending third reading.)

Passed to Be Engrossed

House 126: "An Act to extend the charter of the Eastern Maine Railroad."

House 127: "An Act additional to Chapter 33 of the Revised Statutes as amended, prohibiting hunting in certain territory in the town of Fairfield in the county of Somerset."

House 128: "An Act to amend and extend Chapter 40 of the Private and Special Laws of 1911 entitled 'An Act to authorize the improvement of Fall Brook in the towns of Bingham and Brighton.'"

House 130: "An Act to amend Section 10 of Chapter 182 of the Public Laws of 1919, relative to inmates escaping from the Reformatory for Men."

House 138: "An Act to extend the charter of the Lubec and Machias Railway."

House 139: "An Act to permit the town of Southport to obtain a supply of pure water."

House 147: "An Act to amend an Act granting a charter to the Alumni Association of Bates College."

House 146: "An Act to amend Chapter 211 of the Private and Special Laws of 1911, relating to the Congregational Conference and Missionary Society of Maine."

House 145: "An Act to amend Chapter 134 of the Public Laws of 1919, relating to fishing in Kennebago Stream, in the county of Franklin, and in the county of Oxford."

(On motion by Mr. Weeks of Fairfield, tabled pending third reading.)

House 144: "An Act to extend the charter of the Quebec Extension Railway Company."

House 143: "An Act to amend Section one of Chapter 62 of the Revised Statutes, relating to corporations for literary, charitable, educational and other purposes."

House 140: "An Act to amend an Act entitled 'An Act to incorporate the Knox Woolen Company.'"

House 141: "An Act to amend Section 2, 7 and 13 of Chapter 180 of the Private and Special Laws of

1869, as amended by Sections 1, 2 and 3 of Chapter 5 of the Private and Special Laws of 1899, relating to annual meetings of Protestant churches of the Diocese of Maine.”

House 142: Resolve in favor of Northern Oxford Fish and Game Association.

House 131: Resolve reappropriating funds heretofore provided and authorizing new funds to pay for one-half the cost of an international bridge between Madawaska, Maine, and Edmundston, New Brunswick.

House 125: Resolve for the purchase of History of Grand Lake Stream.

Passed to Be Enacted

An Act to amend Section 3 of Chapter 99 of the Private and Special Laws of 1915, creating the office of corporation counsel of the city of Portland.

An Act to extend an Act entitled “An Act to incorporate the Odd Fellows’ Home of Maine.”

An Act to amend Section 4 of Chapter 13 of the Revised Statutes relating to vacancies in the office of county treasurer filled by appointment.

An Act to authorize the American Realty Company to construct and maintain a dam across the St. John River in Township 9, Range 18, W. E. L. S., Somerset County, Maine, and to locate, erect and maintain piers and booms in said river above said dam.

(On motion by Mr. Buzzell of Belfast, tabled pending passage to be enacted).

Finally Passed

Resolve in favor of the town of Saint George for the payment of additional school funds for the year 1917.

Resolve in favor of P. F. Crane, Secretary of the Senate of the Seventy-ninth Legislature.

Resolve appropriating money for the expenses of the Electoral College for the State of Maine for the year 1921.

Resolve in favor of the widow of Governor Parkhurst.

Orders of the Day

On motion by Mr. Buzzell of Belfast, it was voted that a communication be sent to the Senate suggesting a joint convention to receive the Speaker of the House of Representatives of the great and General Court of Massachusetts, and to accord him the courtesy of the Maine Legislature.

Thereupon the Clerk of the House conveyed the communication to the Senate.

Subsequently the Clerk reported that he had performed the duty assigned him.

On motion by Mr. Rounds of Portland, it was voted to take from the table House Document No. 99, bill “An act relating to relinquishment to the United States of title to certain lands, tabled by that gentleman, pending commitment to committee on bills in third reading.

At this point a message was received from the Senate, through its Secretary, informing the House that the Senate concurred in the proposition for a joint Convention to be immediately held in the hall of the House of Representatives for the purpose of listening to an address by the Speaker of the House of Representatives of the State of Massachusetts.

On further motion by Mr. Rounds of Portland, House Document No. 99, bill “An act relating to relinquishment to the United States of title to certain lands” was assigned for its third reading tomorrow morning at ten o’clock.

On motion by Mr. Rounds of Portland, it was voted to take from the table House Document No. 100, bill “An act increasing the number of directors of the Maine General Hospital to twenty-four,” tabled by that gentleman pending commitment to committee on bills in third reading; and on further motion by the same gentleman, the bill was assigned for its third reading tomorrow morning at ten o’clock.

Mr. BAKER of Steuben: Mr. Speaker, I move that the House reconsider its action whereby it voted "ought not to pass" on House Bill No. 60, bill "An act to regulate the laws of fishing in the waters around Monhegan Island," which was reported at Friday's session.

The SPEAKER: The House will suspend business at this time.

At this point the Senate came in and a joint Convention was formed.

IN CONVENTION

(The president pro tem of the Senate in the Chair.)

The PRESIDENT pro tem: It is not only a pleasure but eminently fitting that on this day that marks the natal day of the Father of his country, we should pause in the midst of our deliberations to pay heed to those great events that reach so far into the founding of this Republic, that stood as the exemplar of freedom throughout the world. It is, too, eminently fitting that the message that directs our study and consideration of the deeds of this great statesman should be presented to us by the astute scholar and the distinguished Speaker of the Massachusetts House of Representatives. The fires of resentment against British tyranny that burned so brisk in Massachusetts, that found expression in the words of Otis, of Adams and of Hancock, found their counterpart in far off Virginia, and the flames from these two commonwealths rose until they illumined the sky with a message that liberty was just being born in the American Commonwealth. Upon the frontiers of that civilization Massachusetts and the old Dominion of Virginia stood side by side, and there came a time when from Virginia there came George Washington to Massachusetts, and, under her spreading elm at Cambridge, he drew his sword and took command of that army whose deeds were to be so important and so far reaching in the achievements of civilization.

Mrs. Adams wrote of that time, that as he wheeled his black horse and drew his sword, these words of Dryden instantly recurred to her:

"Mark his majestic fire,
His temple reared by hands divine,
His soul the deity that dwelleth there
Nor is the pile unworthy of the gods."

That army that he commanded was not what we would call an army at this time. It consisted of fourteen hundred men, miserably equipped, ill prepared to face the enemy that was before them, each man armed with fewer than nine cartridges, as it marched against the army of England backed by its splendid traditions and its force beyond the sea. They were to suffer in the battles that were to follow at Trenton, at Monmouth. Their blood was to crimson the snows of Valley Forge. But under the providence of God they were to partake of the victory at Yorktown and America was to become the Republic of this day.

I say it is eminently fitting that we should be directed in this consideration by the gentleman whom it gives me pleasure to present to you, the Honorable Benjamin Loring Young, Speaker of the House of Representatives of Massachusetts, and I am sure he will know that our greeting is as sincere as it is cordial, Speaker Young.

(Applause, the Convention rising.)

SPEAKER YOUNG: Mr. President and Gentlemen of the Convention: I assure you that little did I realize when three days ago I came to the great State of Maine for a few days' vacation from my legislative duties, our General Court having adjourned over the holiday, that I would have the great privilege and honor of meeting the members of the Senate and the House of Representatives of the State of Maine.

I had hoped during the winter to visit Augusta, and possibly the legislative bodies of the other New England states. I feel that each State can profit by the ways or methods of procedure and customs of her sister States, and it had been my desire to come to Maine to learn your ways, your methods, your customs, the manner in which you transact your legislative business, in order that I might carry

a message back to my colleagues, a message that would benefit the work and improve our methods of procedure. I did not, however, realize that it would be my privilege at this time to meet you, and I must confess that I come unprepared for this great distinction.

My mind carries back, however, on this great anniversary day and year to the centuries and years of the past. Three anniversaries we can celebrate here today—the birthday of the father of the United States, our first President; practically the centennial of the State of Maine, but a few months past; and in addition, possibly most fundamental of all, the three hundredth anniversary of the landing of the Pilgrims. For two hundred years Maine and Massachusetts were one state. All the traditions, all the glories of the colonial period of Maine and of Massachusetts were of one commonwealth. Surely the people of Maine will not forget the fact that although Maine for a hundred years has been a state apart from Massachusetts, reflecting greater glory on the mother by reason of her fearless independence and great achievements, that the people of Massachusetts look with pride and interest on the careers of the men of Maine, second only in their interest to the achievements of the men of their own State, and the names of Fessenden, Hamlin, Dingley, Blaine, Morrill, Hale and Frye are household words in the homes of Massachusetts, because the people of Massachusetts realize that New England is a unit; and more and more I feel that all the people of New England are beginning to appreciate the fact that our States here in the northeastern part of the country must stand for one another's interests and rights, must remain close in affection, in order to advance their material and their spiritual interests to the utmost. And I hope that in future years the States of New England will by common action join together to preserve their rights, to maintain their soundest interests.

Our transportation system, our

inter-state rivers, many of the other natural and commercial interests of the New England States make us one community, a community which through governmental action should recognize a unity and harmony of purpose and of method.

It is fitting in looking forward to the government of the Nation in the next few years to appreciate the fact that once more New England will come into her own. And it is not the fact that some of the men who will shortly once more take high office in Washington are from Massachusetts that I would recall to you, gentlemen, today, but it is the fact that they are New England men. To be sure the leader of the United States Senate is from Massachusetts, and also the Speaker of the National House; but the next Vice President of the United States, born in Vermont, living and residing in Massachusetts; another gentleman that we hope to see in the Cabinet of the Nation born in New Hampshire, happens to be living in Massachusetts. These men look not merely to the interests of Massachusetts but all of New England, and it is their purpose, I feel confident to serve every township and city in Maine as much as any community in Massachusetts. They see New England as a great spiritual force in the Nation, and to advance that spirit is their determination.

There is little on such a day as this that I can add to the words of the President of this convention, but I would merely point to the past, to the great achievements of Massachusetts and Maine in the Colonial days and during all the time of American history, and if, with our faces to the future on this anniversary date, we resolve always to follow in the footsteps of the man whose birthday is today celebrated, if we resolve whether we live in Maine or in Massachusetts, always to follow the spirit of sturdy independence of the men who created this commonwealth then a part of Massachusetts, and if we resolve today always to live up to the ideals

of the immortal men who framed the compact and covenant in the cabin of the Mayflower, we may be sure that the future will take care of itself.

Let us, therefore, as we face the problems of government in the future always live up to those ideals of unselfish public devotion, of self-sacrifice, of purity of thought, word and deed, which characterized these men and these great events which are celebrated in this year and this day, and holding them and their ideals close in our hearts, let us face the future with undaunted courage, confident that however great the past may have been, greater glories are held up by the future for Massachusetts, for Maine, for all New England and for the United States. I thank you. (Applause, the Convention rising).

The purpose for which the Convention was assembled having been accomplished, the Convention was dissolved, and the Senate retired to the Senate Chamber.

IN THE HOUSE

The Speaker resumed the chair.

The SPEAKER: The last matter before the House previous to the joint convention was the motion of the gentleman from Steuben, Mr. Baker, to take from the table the bill or report relative to fishing around Monhegan Island. The Chair will state the parliamentary situation relative to this matter. A report from the committee was accepted in this House on the last legislative day. The papers then passed to the other branch. The motion therefore, is out of order. The Chair will say as these days get more and more busy that when these predicaments face the members of this House, they have an alternative of securing the action which they desire in the other chamber, or by consulting with the chairman of the committee to which the particular measure has been assigned. In this way, a member can arrive at a solution which he desires. Is there anything further before the House under "orders of the day?"

On motion by Mr. Rounds of Portland, the report of the committee on

Public Utilities on bill, An Act to incorporate the Cumberland Center Water Company, was taken from the table.

The pending question being the acceptance of the report of the committee.

On further motion by Mr. Rounds, the report was accepted.

On motion by Mr. Viles of Augusta, the report of the committee on State Lands and Forest Preservation on Resolve, authorizing the land agent to sell strip of land in West Forks Plantation, was taken from the table.

The pending question being the acceptance of the report of the committee.

Mr. Viles moved that the report be recommitted to the committee on State Land and Forest Preservation.

The motion was agreed.

On motion by Mr. Bragdon of Perham, House Doc. No. 27, bill, An Act to amend Sections 3 and 10 of Chapter 173 of the Public Laws of 1919 relating to the registration of resident hunters, was taken from the table.

The same gentleman then moved that the bill be indefinitely postponed.

Mr. BRAGDON: Mr. Speaker and gentlemen of the House: Those of you who were members of the House during the last Legislature will recall that at the passage of this bill requiring resident hunters to take out a license in this State, that there was considerable opposition to the measure; and I have no doubt that there would be opposition to a further extension of this principle.

We were told by the proponents of the measure that it was wanted simply as a means of identification, and that the matter was made as easy as possible for the resident hunters of the State. The price of the license was fixed at the sum of twenty-five cents, and it was made good for life, so as to make as little trouble as possible for our citizens.

Now, Mr. Speaker and gentlemen, there are several objections that occur to me in regard to this proposed bill, requiring the holders of these licenses to report to the Fish and Game Department. The first of these objections that occurs to me is this—and I will read an extract from the bill:

“Every person holding a certificate of registration by virtue of this act shall, on December 1st, in each year report to the Commissioner of Inland Fisheries and Game at Augusta the number and kind of game and other wild animals and the number and kind of game birds which he has taken by virtue of his hunting license during the year for which the report is rendered; and for failing to report to the Commissioner of Inland Fisheries and Game at Augusta on the first day of December of each year, as provided in Section 3 of this act, as amended, shall be punished by a fine of not less than five dollars or more than twenty-five dollars.”

Now, gentlemen, if you have been hunting up in the deep woods of Maine at the end of the hunting season, where will you be on the first day of December? Our law-makers of the past in their wisdom have given a reasonable time for you to take out this game after the expiration of the open season, which in some instances has been construed to be as much as several weeks; but in spite of that you are required to make your report on the first day of December, no matter where you are, and get that out whether you get your game out or not.

Now I have an idea that some might say that will be all right, that the Fish and Game Department will use you right on it, but I think the most of us would prefer to have a law where we would understand just what our rights actually were. In regard to this proposed report, we do not know what will be required of us, and I think that many of us are disgusted with this system of being required to make periodical reports to our superiors. Some of us may have in mind that nice, simple little report that some of us are obliged to make out each year, namely, in regard to

our income tax, when we have a suspicion that the Federal authorities may feel that there is a little something more due from us, and we have an equally well-grounded opinion that we don't get quite all that is coming to us; and so for that reason we have hesitated to take on the added burden of making out more of these reports. At any rate, this report to be of any value at all, would have to be sworn to, and you can easily understand that a large number of the hunters of this State feel that it would be a considerable expense for them to go where they could make out this report and make oath to it.

A great many people also will make this objection to these licenses, that they are unable to keep a record of all the moose, and deer and bear and partridges and rabbits, etc., that they have killed during the year.

Another matter which I present for your consideration. In case this report was made, of what value would it be to the Fish and Game Department or to the people of this State? I have one of those licenses here in my pocket. We have three of them in our family, and they were taken out merely as a precautionary measure in case we might be called upon suddenly to take a gun and run out and shoot a woodchuck down in the bean patch, but as it happened, the cat killed the woodchuck so that we did not have to make out a report, and of course we would report that we had killed nothing. What does that amount to to the Fish and Game Department?

On the other hand, I have a neighbor who is a real hunter, and he can find game and he can kill it, and he does kill it. And what would his report amount to which he might make to the Fish and Game Department? Would he report that he had killed a cow moose and eight or ten deer? I don't think he would. That might do over here around Augusta, but it occurs to me that the further you get from the Insane Hospital, the less likely you will be to find any such reports made as that. It seems to me that a report that I might make to the Fish and Game Department in regard to the game he had killed

would be far more valuable and interesting than any report which he might turn in.

Now, I have referred to the expense and the trouble to the holders of these licenses, and I think that is a matter that should be considered in these days where ten cents looks as large as half a dollar did two years ago. But that would be all the expense. After these reports are sent in to Augusta, there is something more to be done there. Do you know how many of those licenses have been granted? I don't know exactly how many, but up until last Friday, there had been 109,567 of them granted, and do you think that these reports on these licenses can be tabulated and kept in systematic order so as to be accessible and be of use here in the State House with the present force that is employed down there in the Fish and Game Department? I have some doubt about it. I have an idea that it may require the services of two or three extra stenographers and in the course of time a few inspectors to go out over the State and find out if we have reported correctly in regard to these matters; and I think at this time with the present overcrowded condition of our State House and in view of the fact that every head of department has come to us with tears in his eyes and assured us that he could not keep his present office force intact with the niggardly appropriations that have been granted, and that we should take pity upon the Fish and Game Department and not put this extra amount of labor upon them, and for that reason I move the indefinite postponement of this measure.

MR. WILSON of Presque Isle: Mr.

Speaker and gentlemen, being one of the members and chairman of this committee, I will say frankly that the consideration of the cost of handling this matter in the office was not taken into consideration in the hearing before the committee. I will say that in my estimation the expense will be somewhere between eight and ten thousand dollars a year to send out all these blanks at two cents apiece, and then the filing and tabulating of them, together with the clerical work, will at least require three clerks during the season round. You can use your own deductions on the prices paid to stenographers and other help, and you can figure the matter up and see what you can make out of that small, measly amount which the department gets at the present time for enforcing the fish and game laws in the State of Maine.

THE SPEAKER: The question is on the motion of the gentleman from Perham, Mr. Bragdon, that House Doc. No. 27, Bill, An Act to amend Sections 3 and 10 of Chapter 173 of the Public Laws of 1919 relating to registration of resident hunters, be indefinitely postponed.

A viva voce vote being taken,

The motion was agreed to.

THE SPEAKER: The members of the House will find upon their tables this morning a printed calendar for the tabling of a measure which need not lie upon the table longer, excellent opportunity is here afforded to pass it along; otherwise a motion to adjourn will be in order.

On motion by Mr. Poore of Casco,

Adjourned until tomorrow morning at 10 o'clock.