

# MAINE STATE LEGISLATURE

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# Legislative Record

OF THE

# Eightieth Legislature

OF THE

# State of Maine

1921

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## HOUSE

Friday, March 25, 1921.

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

Prayer by the Rev. Mr. Folsom of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

### **Senate Bills in First Reading**

S. 32: An Act to amend Sections 2 and 3 of Chapter 264 of the Public Laws of 1919, extending the provisions for applicants for the Soldiers' Bonus.

S. 149: An Act to amend Section 10 of Chapter 128 of the Revised Statutes, relating to the unauthorized use of insignia of war veterans.

Senate 147: An Act to amend Chapter 45 of the Revised Statutes, relating to the lobster industry together with certain added acts relating to the lobster industry.

Senate 146: An Act to amend Chapter 85, Section 1, of the Private and Special Laws of 1915 as amended by Section 1 of Chapter 181 of the Private and Special Laws of 1917, relating to a better protection of lobster within certain waters adjacent to Hancock county.

From the Senate: Bill, An Act relating to the Pennamaquam Power Company. This was passed to be engrossed in the House, March 22.

Comes from the Senate, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House, on motion by Mr. McGlauffin of Pembroke the rules were suspended and the action of the House whereby this bill was passed to be engrossed was reconsidered. On further motion by the same gentleman, Senate Amendment "A" was adopted; and on further motion by the same gentleman, the bill as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

From the Senate: Report of the Committee on Taxation reporting, "ought to pass" on bill, An Act to amend paragraph nine of Section 6 of Chapter 10 of the Revised Statutes, as amended by Chapter 105 of the Public Laws of 1919, relating to the exemption from taxation of the estates of soldiers and sailors.

Comes from the Senate recommit-  
ted to the Committee on Taxation.

In the House recommit-  
ted to the Committee on Taxation in concurrence.

The following bills and remonstrances were received and upon recommendation of the Committee on Reference of Bills were referred to the following committees:

### **Placed on File**

By Mr. Wood of Bluehill: Remonstrance of Gancelo Herrick of Bluehill and 86 others against the passage of any measure making Sunday an open time for hunting in Hancock county.

By the same gentleman: Remonstrance of Alfred W. Chatto and 27 others of Hancock county against same.

By the same gentleman: Remonstrance of Raymond P. Bowden and 90 others of Hancock county against same.

### **Education**

By Mr. Varney of Jonesboro: Bill, An Act to amend Paragraph three of Section 1 of Chapter 127 of the Public Laws of 1919, relating to the amount of secondary school tuition to be paid in the case of unorganized territory students.

### **Judiciary**

By Mr. Barwise of Bangor: Bill, An Act to amend Section 5 of Chapter 111 of the Revised Statutes, relative to the number of names in the jury box.

### **Reports of Committees**

Mr. Varney from the Committee on Claims on Resolve in favor of William W. Roberts relating to the publication of Volumes 118 and 119 of the Maine Reports, reporting that the proponents have leave to withdraw.

Same gentleman from same Committee on Bill "An Act to reimburse the County Commissioners for services incurred at public meetings away from the County seat," reported that the same be referred to the Committee on Judiciary.

Mr. Buzzell from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act to amend Section 40 of Chapter 238 of the Public Laws of 1919, relating to injuries to State employees."

Mr. Murchie from the same Committee reported same on Bill "An Act amending Section 43 of Chapter 67 of the Revised Statutes relating to rules of practice and procedure in Probate Courts."

Mr. O'Connell from the Committee on Inland Fisheries and Game on Resolve for screening certain waters in Kennebec County, reported that the same be placed on file.

Same gentleman from same Committee reported "Ought not to pass" on Bill "An Act to make the provisions of the Sunday hunting law inapplicable in Kennebec County."

Same gentleman from same Committee reported same on Bill "An Act relating to Sunday hunting in Hancock and Washington Counties."

Mr. Mason from the Committee on Legal Affairs, reported the same on Bill "An Act to incorporate Locust Grove Cemetery in the town of Hampden, county of Penobscot, in the State of Maine."

Reports were read and accepted and sent up for concurrence.

Mr. Story from the Committee on Ways and Bridges reported ought not to pass on Resolve reappropriating funds heretofore provided and authorizing new funds to pay for one-half the cost of an international bridge between Fort Kent, Maine, and St. Francis, New Brunswick.

(Tabled by Mr. Audibert of Fort Kent, pending acceptance of report.)

Mr. Granville from the Committee on Ways and Bridges, reported "ought not to pass" on Bill "An Act to incorporate the Kennebec River Bridge Company."

Report was read and accepted and sent up for concurrence.

Mr. O'Connell from the Committee on Inland Fisheries and Game on Bill "An Act additional to Chapter 33 of the Revised Statutes as amended prohibiting all fishing in the tributaries to Lake Annabessacook in the county of Kennebec," reported the same in a new draft under the same title and that it "Ought to pass."

Mr. Buzzell from the Committee on Judiciary reported "Ought to pass" on Bill "An Act to amend Section 85 of Chapter 82 of the Revised Statutes relating to the terms of Superior Court for the county of Kennebec."

Mr. Cole from the same Committee reported the same on Bill "An Act to amend Section 20 of Chapter 68 of the Revised Statutes relating to administration without bond."

Mr. Maher from the same Committee reported the same on Bill "An Act regulating boxing exhibitions within the State."

Mr. Weeks from the Committee on Legal Affairs reported the same on Bill "An Act to amend the charter of the Kennebec Water District." (Bill No. 1).

Same gentleman from same Committee on Bill "An Act to amend the charter of the Kennebec Water District," (Bill No. 2) reported same in a new draft under same title and that it "Ought to pass."

Mr. Mason from the same Committee on Bill "An Act authorizing the town of Bar Harbor to lay out and maintain bridle paths within its limits" reported same in a new draft under title of "An Act authorizing the town of Bar Harbor to lay out and maintain paths within its limits," and that it "Ought to pass."

Mr. Murray from the same Committee on Bill "An Act to repeal Section 3 of Chapter 238 of the Public Laws of 1919 and to amend Sections 9, 12, 13, 14, 15 and 16 of said Chapter 238, relating to Workmen's Compensation" and Bill "An Act to amend Chapter 238 of the Public Laws of 1919, relative to Workmen's Compensation" and Bill "An Act to amend Chapter 50 of the Revised

Statutes as amended by Section 9 of Chapter 238 of the Public Laws of 1919, relating to Workmen's Compensation" reporting the same in a new draft under title of "An Act to amend Chapter 238 of the Public Laws of 1919 relative to Workmen's Compensation" and that it "Ought to pass."

Mr. Peabody from the Committee on Public Health on Bill "An Act to control the establishment of Sanitoriums and Hospitals for infectious and contagious diseases within the populous districts of cities and towns," reported same in a new draft under same title and that it "ought to pass."

Mr. Baker from the Committee on Sea and Shore Fisheries on Bill "An Act for the better protection of clams within the limits of the towns of Yarmouth, North Yarmouth and Cumberland" reported same in a new draft under same title and that it "Ought to pass."

Reports were read and accepted and the bills and resolves ordered printed under the joint rules.

Mr. Brewster from the Committee on Legal affairs reported "Ought to pass" on Bill "An Act to change the time of holding the annual meeting of the town of East Livermore, to enlarge the powers and duties of the selectmen to abolish certain offices, and to provide for the administration of town affairs."

The report was read and accepted and the Bill having already been printed (House Document No. 120) was given its two several readings under a suspension of the rules.

Mr. Mason from the same Committee reported the same on Bill "An Act to amend Section 8 of Chapter 6 of the Revised Statutes, relating to ballots in primary elections, and providing for the order of the names of candidates on said ballots to be determined by lot.

The report was read and accepted and the Bill having already been printed (House Document No. 352) was given its two several readings under a suspension of the rules.

#### First Reading of Printed Bills

House 375: An Act to amend Section 13 of Chapter 117 of the Revised Statutes relating to the duties of the Secretary of the Senate.

House 376: An Act in addition to Chapter 37 of the Revised Statutes, relating to the sale of milk. (Tabled by Mr. Maher of Augusta, pending third reading, and especially assigned for Tuesday, March 29.)

#### Passed to Be Engrossed

House 369: An Act to amend Section 13 of Chapter 21 of the Revised Statutes, relating to burying grounds.

House 372: An Act to amend Chapter 197 of the Public Laws of 1917, as amended by Chapter 172 of the Public Laws of 1919, and to amend Chapter 19 of the Revised Statutes as amended, relating to the State Department of Health.

(Tabled by Mr. Bragdon of Perham, pending third reading.)

House 373: An Act to amend Section 11 of Chapter 117 of the Revised Statutes relating to the salaries of stenographers of Cumberland and Kennebec superior courts, as amended by Chapter 249 of the Public Laws of 1917, and as further amended by Chapter 198 of the Public Laws of 1919.

House 374: An Act to amend Sections 1 and 4 of Chapter 81 of the Private and Special Laws of 1915, relating to Winthrop Water Company.

House 371: Resolve to amend a resolve providing for aid in the payment of premiums awarded by the Eastern Maine State Fair.

Senate 115: An Act to abolish the Board of Public Works of the city of Lewiston and to provide for a Highway Commission.

Senate 116: An Act to promote the efficiency of the fire department of the city of Lewiston.

Senate 117: An Act to amend the charter of the city of Lewiston and to provide for a City Auditor.

#### Passed to Be Enacted

An Act authorizing the Princeton Terminal Company to erect and maintain piers and booms in the

waters of Lewys Lake and Long Lake in the county of Washington.

An Act to amend Section 69 of Chapter 8 of the Revised Statutes increasing the compensation of Chief Fire Wardens and their Deputies.

An Act to amend Chapter 436 of the Private and Special Laws of 1834, entitled "An Act to incorporate the city of Bangor," and Acts amendatory thereof and additional thereto.

An Act to amend Section 26 of Chapter 325 of the Private and Special Laws of 1833, as amended by Chapter 514 of the Private and Special Laws of 1897, increasing the jurisdiction of the Calais Municipal Court.

An Act to amend Section 172 of Chapter 16 of the Revised Statutes, relating to teachers' pensions and giving full pension to teachers retiring prior to September 30, 1913.

An Act to amend Section 21 of Chapter 117 of the Revised Statutes, increasing the salary of the Commissioner of Agriculture.

An Act to amend Section 29 of Chapter 8 of the Revised Statutes, providing for the appointment of Deputy Forest Fire Wardens in towns and fixing their compensation.

An Act to amend Section 10 of Chapter 117 of the Revised Statutes, as amended by Chapter 31 of the Public Laws of 1919, relating to salaries of Reporters of the Supreme Judicial Court.

An Act additional to and amendatory of Chapter 32 of the Revised Statutes, as amended by Chapter 185 of the Public Laws of 1919, relating to the licensing of public exhibitions and amusements.

#### Finally Passed

Resolve for the laying of the county taxes for the year 1922.

Resolve appropriating money to reimburse the inhabitants of the town of Island Falls for money paid to Levi H. May.

(At this point a brief recess was taken.)

#### AFTER RECESS

##### (Emergency Measures)

Resolve in favor of the Kittery-Portsmouth Bridge, and to ratify the doings of the Governor and Council and the Piscataqua River Bridge Commission relating to the same.

The SPEAKER: This being an emergency measure, requires the affirmative vote of two-thirds the entire membership of this House. All those in favor of the final passage of this resolve will rise and stand until counted, and the monitors will return the count.

A division being had,

One hundred and fifteen voting in the affirmative and none in the negative, the resolve was finally passed.

An Act to provide funds for operating the fish hatcheries and feeding stations for fish.

The SPEAKER: This being an emergency measure, requires the affirmative vote of two-thirds the entire membership of the House. All those in favor of the passage of this bill to be enacted will rise and stand until counted, and the monitors will return the count.

A division being had,

One hundred and fifteen voting in the affirmative and none in the negative, the bill was passed to be enacted.

An Act to legalize and make valid the annual municipal election held in the city of Bangor, March 14, 1921.

The SPEAKER: This being an emergency measure, requires the affirmative vote of two-thirds the entire membership of this House. All those in favor of the passage of this bill to be enacted will rise and stand until counted, and the monitors will return the count.

A division being had,

One hundred and seventeen voting in the affirmative and none in the negative, the bill was passed to be enacted.

#### Orders of the Day

The SPEAKER: There is tabled and specially assigned for today House Document No. 359, Bill, An Act

relating to the appropriation for industrial education, tabled by Mr. Davis of Freeport, pending passage to be engrossed.

On motion by Mr. Davis of Freeport, the bill was taken from the table, and on further motion by the same gentleman, it was passed to be engrossed.

The SPEAKER: If there be no objection, the Chair presents House Document No. 200, Bill, An Act relating to protection of game birds, tabled on the 23rd day of March by the Chair.

On motion by Mr. Owen of Milo the action of the House was reconsidered whereby this bill was passed to be enacted. On further motion by the same gentleman, the action of the House was reconsidered whereby this bill was passed to be engrossed. On further motion by the same gentleman, Senate Amendment "A" was adopted in concurrence.

The SPEAKER: The Chair will state that this amendment simply refers by Chapter and Section to the appropriate Chapter and Section of the last general amendment of the fish and game law instead of the Chapter and Section in the Statutes of 1916, correcting a clerical error.

On further motion by Mr. Owen of Milo, the bill as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

On motion by Mr. Brewster of Portland, the action of the House was reconsidered whereby bill, An Act to change the time of holding the annual meeting of the town of East Livermore, and to enlarge the powers and duties of the selectmen, to abolish certain offices, and to provide for the administration of town affairs, was given its second reading, and that gentleman offered House Amendment "A" as follows, and moved its adoption:

#### House Amendment A

Section 9 is hereby amended by striking out all of said section between the word "town" in the fourth line thereof and the word "whenever" in the ninth line thereof, and insert-

ing in place thereof the following words: "consisting of three members who shall hold office, one for the term of three years, one for the term of two years and one for the term of one year. At each succeeding annual meeting there shall be so chosen for the term of three years a member in place of the member of said committee whose term is about to expire."

The amendment was adopted, and on further motion by Mr. Brewster of Portland, the bill as amended by House Amendment "A" received its second reading.

#### Reports of Committees

The rules were suspended and the following reports of committees were received out of order:

Mr. Varney from the Committee on Education, on bill An Act relating to the election and term of office of members of superintending school committees, reports that the same "ought not to pass."

Same gentleman from the same committee on bill An Act proposing an amendment to the Constitution of the State of Maine, relative to appropriations for private and sectarian purposes, reports that the same be referred to the next Legislature.

The reports were accepted and sent up for concurrence.

Mr. Varney from the Committee on Education, on resolve in favor of the University of Maine reports the same in new draft under the same title and that it "ought to pass."

(Tabled by Mr. Perkins of Orono, pending acceptance of the report, and specially assigned for Tuesday, March 29).

Mr. Smith from the Committee on Claims on Resolve in favor of Bert Allard of Richmond for damages caused by highway work, reports same in new draft, under same title, and that it "ought to pass."

The report was accepted, and the resolve ordered printed under joint rules.

Mr. Brewster from the Committee on Legal Affairs, on bill, An Act to repeal Chapter 84 of the Private and Special Laws of 1919, entitled, An Act to provide for the building of

public wharves and for the establishment of adequate port facilities and for the advancement of commerce, known as the Portland Pier Act, reports that the same "ought not to pass."

(Tabled by Mr. Davis of Freeport, pending acceptance of the report).

Mr. DAVIS of Freeport: Mr. Speaker, may it be specially assigned for next Tuesday?

Mr. BARWISE of Bangor: Mr. Speaker, would it be possible to have that specially assigned for Wednesday instead of Tuesday?

The SPEAKER: If the Chair might be permitted to express an opinion, it would say that it would not. Does that satisfy your inquiry?

The Chair will entertain a motion.

Mr. BARWISE: I move Mr. Speaker that it be specially assigned for Wednesday of next week.

The SPEAKER: The gentleman from Bangor, Mr. Barwise, moves that the matter be taken up for consideration on Wednesday of next week.

A viva voce vote being taken, the motion of the gentleman from Bangor, Mr. Barwise, was declared lost.

The SPEAKER: All those in favor of assignment for Tuesday of next week will say aye; contrary minded, no.

A viva voce vote being taken, the Chair declared the matter assigned for Tuesday next.

The decision of the Chair being doubted, a division of the House was had, and 70 voting in favor of assignment for Tuesday next and 10 against, the matter was assigned for Tuesday, March 29.

#### (Emergency Measure)

On motion by Mr. Cole of Eliot, it was voted to take from the table House Document No. 223, Bill, An Act relating to York county issuing bonds, tabled by that gentleman March 23rd, pending passage to be enacted.

Mr. COLE of Eliot: Mr. Speaker, I move that the bill now pass to be enacted.

The SPEAKER: This being an

emergency measure, it is necessary under the Constitution that it have the affirmative vote of two-thirds the entire membership of this body. All those in favor of the passage of the bill to be enacted will rise and stand until counted and the monitors will return the count.

A division being had,

One hundred and six voting in the affirmative and none in the negative, the bill was passed to be enacted.

(At this point a brief recess was taken.)

#### AFTER RECESS

A message was received from the Senate, transmitted through its Secretary, proposing a joint convention of both branches of the Legislature forthwith in the Hall of the House for the purpose of listening to an address by Colonel Frederick W. Galbraith Jr., National Commander of the American Legion.

The SPEAKER: The House hears the message.

On motion by Mr. Buzzell of Belfast, the House voted to concur with the Senate in holding a joint convention, and on further motion by the same gentleman the Clerk was charged with the duty of conveying such a message to the Senate.

Subsequently the Clerk reported that he had conveyed the message with which he was entrusted.

Thereupon the Senate came in and a joint convention was formed.

#### IN CONVENTION

(President pro tempore of the Senate Honorable Charles E. Gurney, in the Chair.)

Senator Garcelon of Androscoggin then presented the following order:

"In Convention on March 25th, 1921.

ORDERED, that a committee be appointed to wait upon His Excellency, Governor Baxter, and his guest, Colonel Galbraith, and escort them to the Hall of the convention."

The order received a passage.

The Chairman of the convention then appointed as such committee: Senators Garcelon of Androscoggin, Clement of Waldo, Morrill of Cumber-



land, Spencer of York and Hall of Franklin, and Representatives Eastman of Fryeburg, Gardiner of Gardiner, Nadeau of Biddeford, Brewster of Portland and Weatherbee of Carroll.

Subsequently Senator Garcelon of Androscoggin, chairman of the committee, reported that the committee had performed the duty with which they were charged.

Thereupon Governor Baxter came into the convention accompanied by Colonel Frederick W. Galbraith. (Applause).

Chairman GURNEY of the Convention: Gentlemen of the Convention, again it is my very pleasant privilege to present to you His Excellency, the Governor, whom I will ask now to take charge of the Convention, and present to you Colonel Galbraith, whom I know you will all heartily welcome. (Applause)

Governor Baxter then assumed the Chair.

GOVERNOR BAXTER: Mr. Chairman and gentlemen of the Convention: I esteem it an honor and a privilege to be here today to present to you the National Commander of the American Legion. Maine certainly has a very strong claim upon Col. Galbraith because his ancestors upon both sides sprang from the soil of Maine, and he today is visiting the scenes of their early life.

The American Legion is an organization of earnest, loyal, young men who responded when the call came; and in the years that are to come, those same men can be relied upon to respond to any future call that comes from the heart of this country. (Great applause).

It has been said that "Peace hath its victories no less renowned than War," and I believe that the people of our country are looking forward to the future with a feeling of confidence and with a sense of security. Our citizens realize that the men who suffered and bore the privations of war, who stood ready to make the supreme sacrifice are now prepared to stand by no matter what crises arise or what dangers threaten. The

men of the Legion are true Americans! As Chief Executive of this State, I extend a sincere and heartfelt welcome to Colonel Galbraith, the National Commander of the American Legion. (Long applause).

(Colonel Frederick W. Galbraith then addressed the Joint Convention.)

"Mr. Chairman, Gentlemen of the Assembly of the Commonwealth of Maine," said Col. Galbraith in his opening.

"It is a proud privilege that I have to address a joint session of the State from which my ancestors came," said Col. Galbraith.

"From New England there has come a priceless heritage and this great State has made a name throughout the union. I come to you today as the representative of a great organization, an organization formed with foundation of service to the nation. The preamble of our constitution says that we associate ourselves together for the good of the country. And that means just what it says. We are not formed for any jealous purpose.

"The American Legion is not a class organization but represents those who saw service for their country. We have the same ideals as any loyal citizen. This is a great nation, but unfortunately it has a short memory for some things. We are generous and forgiving and we ought to be. We should forgive our enemies, but we should not forget the heroism of our own men and women and that we owe them something. We have banded ourselves together for our God and our country. After the signing of the armistice, we had a right to believe that we would go back to our family and re-establish ourselves.

"And we forgot at the same time," said he, "the real heroes of the world war—the derelicts, who came drifting back to our shores maimed and crippled and ill. We went into this war with all our vigor, all our manhood and our resources to win the war that civilization might be saved."

Discussing the hospital situation, he said that there were, at this time, 27,000 men in hospital, government controlled and otherwise owned and op-

erated. The public health service had been doing a wonderful work, but it was not meeting the needs today. "You can't hospitalize men," said he, "without hospitals. The government owes these men something. It should provide hospitals under the control of the government to meet the needs of the situation."

He read from a communication dated Jan. 12, by the surgeon general of the United States, in which it was stated that there were now in the hospitals of the government 19,879 beds and 10,347 beds in leased structures. There were now 20,000 men waiting for admission to hospitals. Men were entering or asking for hospital treatment at the rate of 1500 per month and the peak would not be reached before 1928 or 1930.

The United States, he said, had never failed to meet its obligations and it was the country's duty to care for these disabled men. It had said it would rehabilitate them in so far as was humanely possible. Today the trouble was that these men who were entitled to compensation or educational training had, under the system in vogue at Washington, become merely claims, pieces of paper. The needed change was to bring the question of the three bureaus, hospitals, vocational training and compensation under one head, under the control of one man, who could say: "I am responsible, you sub-chiefs do thus and so." In this way the 193,000 claims now pending could be cared for and the men be looked after.

Maine had been one of the first states to act and had done nobly and he extended the thanks of the American Legion.

Col. Galbraith related instances of suffering growing out of the delay in granting compensation and then quoted Pres. Harding as having said to him: "The first duty of the President will be to see that this method

is corrected to the end that these men and their dependents get the generous justice to which they are entitled.

Chairman GURNEY: The opportunity will now be given for the Governor to retire, and the convention will remain standing until he shall have done so.

Thereupon the Governor retired amid applause.

Chairman GURNEY: The purposes for which this Joint Convention assembled having been fulfilled, the convention is now dissolved and the Senate will retire to the Senate Chamber.

Thereupon the Senate retired.

### IN THE HOUSE

(Speaker Barnes in the Chair.)

The SPEAKER: The House is still proceeding under "orders of the day." Matters upon the table and unassigned are in order for disposal. The Chair presents for the consideration of the House, out of order, the following order, and it is especially important that this order may be heard by all the members of the House. The order is as follows:

"ORDERED, the House concurring, that all bills, resolves, petitions and orders introduced after the session of the Legislature held on Monday, March 28th, except such as pertain solely to facilitating the performance of the business of the Eightieth Legislature, be referred to the next Legislature."

The order was received with applause.

The SPEAKER: It is apparently the pleasure of the House to give this order a passage, and it is so recorded.

On motion by Mr. Savage of Mt. Desert,

Adjourned until tomorrow morning at 10 o'clock.