

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, March 2, 1927.

Senate called to order by the President.

Prayer by the Rev. E. W. Webber of Hallowell.

Journal of previous session read and approved.

Mr. Carter of Androscoggin, out of order and under suspension of the rules, presented the following order:

Ordered, the House concurring, that the communication and the accompanying petitions in relation to legislation regarding the Direct Primary Law be referred to the Committee on Judiciary for investigation and report both as to the sufficiency of the petitions and as to the appropriate legislation needed on the subject with power to summons witnesses.

Mr. CARTER: Mr. President, I move the passage of this order and in support of this motion I would simply like to say when the Primary Petitions were filed with the Secretary of State and came to this body with a communication from the Secretary of State they were referred to the Committee on Judiciary. The Legislature did not function at that time with the proper amount of sufficiency. As we all remember, the report of the committee was accepted by the Senate and later on the petitions were found to be in such shape that they were not in accordance with the law and therefore they were not submitted by the Governor to the people. The purpose of this order is solely to order the committee to make such an investigation that their report will be in fact a report which the Legislature may act upon so that the situation of two years ago may be avoided.

The motion for passage of the order prevailed.

On motion by Mr. Speirs of Cumberland, out of order and under the suspension of the rules, it was

Ordered, that five hundred copies be printed of bill, An Act to prohibit the teaching of evolution. (H. P. 834)

Papers from the House disposed of in concurrence.

From the House: An Act to incor-

porate Fish River Power and Storage Company. (S. D. 121)

(In Senate, February 17, referred to the Committee on Judiciary.)

In the House, referred to the Committee on Interior Waters, Public Utilities and Judiciary, jointly, in non-concurrence.

In the Senate, on motion by Mr. Bragdon of Aroostook, tabled pending further consideration.

From the House: Remonstrance of J. Leroy Willard of Kittery and 65 others protesting against an increase in the tax on gasoline. (H. P. 959)

In the House, referred to the Committee on Taxation.

In the Senate, on motion by Mr. Smith of Somerset, tabled pending reference.

House Bills in First Reading

Resolve in favor of Alvin Bolstridge of Winterville. (H. D. 260)

Resolve in favor of the estate of Eddie Fitzgerald, Seven Islands, Me. (H. D. 261)

Resolve in favor of the town of Abbot, for reimbursement of moneys expended for the support of Scott W. Pierce and family. (H. D. 266)

Resolve in favor of the town of Yarmouth. (H. D. 264)

Resolve to reimburse the Biddeford and Saco Railroad Company for overpayment on taxes. (H. D. 265)

Resolve to reimburse the town of Lincoln for support of State Paupers. (H. D. 263)

Resolve in favor of Clifford T. Kennedy of Vanceboro, for reimbursement for expenditures for civil suit brought against him (H. D. 262)

Resolve to reimburse the town of Washburn for support of a state pauper. (H. D. 267)

An Act to incorporate the Bangor Bridge District. (S. D. 36)

Mr. WOODS of Penobscot: Mr. President, as this bill was a Senate bill and through a misunderstanding was first taken to the House and as it is only an enabling act and carries a referendum, I move you, sir, if there is no objection by any member of the Senate, that the rules be suspended and this bill now have its second reading.

The motion prevailed, the bill received its second reading and, on further motion by the same senator, was passed to be engrossed.

An Act increasing the fees for permits for opening paved public highways. (H. D. 95)

An Act for the better protection of shell fish in the town of Georgetown. (H. D. 163)

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

Agriculture

By Mr. DRAKE of Sagadahoc, An Act relating to the duties of Commissioner of Agriculture in the regulation of sale of milk. (S. P. 381)

(500 copies ordered printed.)

Sent down for concurrence.

Inland Fisheries and Game

By Mr. BRAGDON of Aroostook, An Act relating to Deer. (S. P. 382)

(500 copies ordered printed.)

By Mr. GRANVILLE of York, An Act relating to the size of fish and weight of catch limited. (S. P. 383)

By Mr. MORRISON of Franklin, An Act relating to trolling with motor boats in the Rangeley Chain of Lakes. (S. P. 384)

Sent down for concurrence.

Judiciary

By Mr. MAHER of Kennebec, An Act relative to Zoning Ordinances. (S. P. 385)

(500 copies ordered printed.)

Sent down for concurrence.

Public Utilities

By the same Senator, An Act relating to the filing of rate schedules by public utilities in accordance with orders of the Public Utilities Commission. (S. P. 386)

(500 copies ordered printed.)

By the same Senator, An Act relating to the approval of stocks, bonds and notes. (S. P. 387)

(500 copies ordered printed.)

Sent down for concurrence.

State Prison

By Mr. PERKINS of Penobscot, An Act to consolidate the General Superintendence, Management and Control of the State Prison, the Reformatory for Men and Reformatory for Women, under one board of Trustees. (S. P. 388)

(500 copies ordered printed.)

Sent down for concurrence.

Taxation

By Mr. SPEIRE of Cumberland,

An Act relative to tax on gasoline. (S. P. 389)

(500 copies ordered printed.)

Sent down for concurrence.

Temperance

By Mr. FOSTER of Kennebec, An Act to prevent the purchasing of intoxicating liquors. (S. P. 390)

Which was referred to the Committee on Temperance and five hundred copies ordered printed.

(500 copies ordered printed.)

Sent down for concurrence.

Mr. SMITH of Somerset: Mr. President, on the matter relative to the tax on gasoline I wish to move that we reconsider our action whereby An Act relative to tax on gasoline (S. P. 389) was referred to the Committee on Taxation.

The motion prevailed.

Mr. SMITH: Now, Mr. President, in as much as all of the other bills pertaining to the same subject have been referred to a joint committee on Ways and Bridges and Taxation, I move that this bill have the same reference.

The motion prevailed.

Reports of Committees

Mrs. ALLEN from the committee on Library, on "Resolve for the purchase of 150 copies of 'Ellsworth, Maine; An History,'" (S. P. 254) reported that the same ought to pass.

Mr. HARRIMAN, from the Committee on Pownal State School, on "Resolve in favor of the Pownal State School, for additions and improvements" (S. P. 13) reported that the same ought to pass.

The reports were severally read and accepted and the resolves laid upon the table for printing under the joint rules.

Passed to be Engrossed

An Act to set off a part of the Town of Penobscot in the County of Hancock and annex the same to the Town of Castine. (H. D. 255)

Resolve, providing a State Pension for Joseph A. Trueworthy. (H. D. 252)

Resolve, for Teacher's Pension for Etta M. Patten. (H. D. 253)

An Act to amend an act to incorporate the Richardson Wharf Company approved April second, eighteen hundred fifty-six, as amended by act approved February thirteenth, eighteen hundred eighty. (H. D. 254)

An Act to incorporate the Great Pond Railway Company. (H. P. 256)

An Act to eliminate Jackman from the Maine Forestry District (H. D. 238)

Mr. GRANVILLE of York: Mr. President, I move the adoption of House Amendment A.

The PRESIDENT: Does any Senator care to have the amendment read.

Mr. SMITH of Somerset: Mr. President, I would like to have the amendment read.

(The Secretary read House Amendment A.)

Thereupon House Amendment A was adopted and the bill as so amended was passed to be engrossed.

Orders of the Day

On motion by Mr. Smith of Somerset, out of order and under suspension of the rules, it was

Ordered, the House concurring that an invitation be extended to that nationally known, lovable and well beloved couple, who are such good, old-fashioned Americans, namely "Mellie and Gram" to be the guests of this Legislature during the day of March 17th, 1927, and that there also be extended to them an invitation to be present at, and participate in, so far as they see fit, an old-fashioned dance which the old-timers of this Legislature are to give at the Augusta House on the evening of the same day, and that the Secretary of the Senate in the name of the Legislature, cause this invitation to be extended in written form.

Mr. CARTER of Androscoggin: Mr. President, I would like to inquire if the House has taken any action on the joint order introduced by me out of order earlier in the session referring to the communication and accompanying petitions with relation to legislation regarding the Direct Primary Law.

The PRESIDENT: The Chair will state that there has been no report made.

On motion by Mr. Carter of Androscoggin the Senate voted to take from the table An Act to incorporate the Blue Hill Water Company (H. D. 74) tabled by that senator on February 25th pending second reading, and that senator yielded the floor to the senator from York, Senator Granville.

Mr. GRANVILLE of York: Mr. President, I move you the adoption of Senate Amendment A to House Document 74.

The PRESIDENT: Does any senator care to hear the amendment read?

Mr. GRANVILLE: Mr. President, I will state for the benefit of the Senate that this simply strikes out the word "corporation" and inserts therefor the words "body corporate" which I thought perhaps more fitting wording and which does not affect the bill in any way.

"Senate Amendment A to bill An Act to incorporate the Blue Hill Water Company. Amend by striking out the word 'corporation' in the fourth line thereof and substituting therefor after the word 'a' the words 'body corporate'."

The motion to adopt Senate Amendment A prevailed, the bill received its second reading and was passed to be engrossed as amended by Senate Amendment A.

On motion by Mr. Granville of York, the Senate voted to take from the table an act relating to publication of annual statements of condition of foreign insurance companies (S. D. 125), tabled by that senator on March 1st pending further consideration.

Mr. GRANVILLE: Mr. President, I now yield to the Senator from Sagadahoc, Senator Drake.

Mr. DRAKE of Sagadahoc: Mr. President, the gentleman who asked that this bill be introduced has requested that it be withdrawn. It has been withdrawn and I move that it be indefinitely postponed.

The motion to indefinitely postpone prevailed.

Mr. SLOCUM of Cumberland: Mr. President, on February 18th I tabled Senate Paper 330, resolve in favor of providing suitable headquarters for the Stephen W. Manchester Post Number Sixty-two of the American Legion, at the request of Senator Speirs. I would now like to take it from the table and so move.

Mr. SLOCUM: I now yield to Senator Speirs of Cumberland.

The motion prevailed.

Mr. SPEIRS of Cumberland: Mr. President, I move to retable this resolve for the reason that another bill is coming along which will perhaps cover this same subject.

The PRESIDENT: Will the Senator please assign a date.

Mr. SPEIRS: I will assign one week from today.

The motion to retable and especially assign for one week from today prevailed.

Mr. CARTER of Androscoggin: Mr. President, I understand that the joint order introduced by me earlier in the session this morning referring to the communication and accompanying petitions with relation to legislation regarding the Direct Primary Law has been concurred in the House. Is that correct?

The PRESIDENT: That is correct.

Mr. CARTER: I now move, Mr. President, to take from the table a communication from the Secretary of State transmitting petitions for repeal of the Direct Primary Law, tabled by me yesterday for further consideration.

The motion prevailed.

Mr. CARTER: I now move that this communication and its accompanying papers be referred to the Judiciary Committee in accordance with the joint order passed this morning by both houses.

The motion prevailed.

Mr. MAHER of Kennebec: Mr. President, I move that we reconsider the vote whereby we passed to be engrossed House Document No. 74, an act to incorporate the Blue Hill Water Company, as amended by Senate Amendment A.

The motion prevailed.

Mr. MAHER: I will ask the Senator from York, Senator Granville, through the Chair, if this act has been favorably reported from the Committee on Public Utilities.

The PRESIDENT: The Senator from York, Senator Granville, may reply if he so desires.

Mr. GRANVILLE of York: Mr. President, I will say in answer to the question of the Senator from Kennebec, Senator Maher, that it has been favorably reported, having received unanimous vote of the committee.

Mr. MAHER: Mr. President, I am going to move to lay it on the table again. I would ask the Senator from York, (Senator Granville) if he knows who drew this bill.

The PRESIDENT: The Senator from York, Senator Granville, may reply if he so desires.

Mr. GRANVILLE: I would say, Mr. President, that I do not know.

Mr. MAHER: It seems to me Mr. President that Section two of this act provides the most unusual scope of any act ever presented to a legislature and I also can see no limitation upon the taking of private property in accordance with Section two providing adequate compensation for the same unless it is covered in Section seven. It seems to me that this ought to lie upon the table pending further consideration, and I so move.

The motion to retable prevailed.

The PRESIDENT: Is there any further business under orders of the day? Is there anything that any Senator feels he may conscientiously take from the table at this time? And the Chair would say that in as much as this is the month of March he feels that it would be well to begin taking from the table whatever measures may be proper.

On motion by Mr. Roberts of York the Senate voted to take from the table an act to amend the revised statutes relating to the opening and closing of the polls at primary election (H. D. 44) tabled by that Senator on February 24th pending adoption of Senate Amendment A.

Mr. ROBERTS: Mr. President, I understand that this bill relative to the closing of the polls at primary election was considered by the Committee on Judiciary, and that they reported unanimously "ought to pass."

The PRESIDENT: The Senator is correct.

Mr. ROBERTS: I now wish to say, Mr. President, a word in regard to Senate Amendment A which provides for changing the time of closing the polls at primary elections to six o'clock instead of seven as recommended in the bill. This means nothing more to me personally than it does to a great many others but, living in a rural town, at election time we are always reminded of the time the polls close and of the questions asked and the confusion in regard to the difference in the closing time heretofore in the primary and state elections. Now, a great many of the voters work from seven to nine miles away from the polls, in my town. A great many work in Biddeford and some in Sanford, and some

at the closing of their work make requests to know what time the polls are going to close and they haven't time to go home and change their clothes unless they have some time after six o'clock. I have taken this up with some people from Old Orchard in York County and with a strong delegation from Biddeford this morning and they were all in favor of having the polls close at seven o'clock or later. Therefore I move the indefinite postponement of Senate Amendment A.

Mr. SPEIRS of Cumberland: Mr. President, I will agree with Senator Roberts on most of the things he said, perhaps, with one or two exceptions and I would amend his speech by inserting "six" where he says "seven". In all the years that I have been an active worker I have never heard the slightest complaint made of the regular election hours from six to six and the object of this amendment of Representative Kitchen is to make it conform with the present election laws. We have never had any trouble previously and never any murmurs of dissatisfaction and I can see no reason why we should change two laws to remedy the primary law. We have great respect for the wishes of the suburban voters but they have heretofore got along very well with the regular law and I can see no reason why they wouldn't with this. The hours from six to six, it seems to me are plenty long enough for the workers at the polls to take care of the ballots. To add to that many extra names in each county would make it almost twenty-four hours work. We get the returns very late and also the newspapers in getting the returns will not be able to publish them until the next morning. I therefore move that we adopt the amendment and make it the same as the regular laws from six to six, as the amendment calls for.

Mr. GRANVILLE of York: Mr. President and Senators I will agree with the gentleman who has just spoken, Senator Speirs, very heartily that the time of closing the polls at primary elections and state and national elections should be uniform. I find from experience that a great deal of confusion

arises, particularly at our state elections, from the fact that a great many of those who desire to vote, thinking that the polls will be held open until nine o'clock as they are in the primaries, are deprived of the opportunity to vote as they wish.

I think there is another act on the table—House Document 45—which intends to make this time uniform. It changes the time of closing the polls at election to seven o'clock to conform with the time of closing the polls in the primaries. I also think that elections are held to give an opportunity to the people of the state of Maine to express their will at the polls and that our primary consideration in passing any act should be the granting to them of that privilege rather than the convenience of the election officials or any candidate who may be running for office. I therefore wish to support the motion of the Senator from York, Senator Roberts, that House Amendment A be indefinitely postponed.

Mr. CARTER of Androscoggin: Mr. President, I am heartily in favor of the uniform closing time both in regular elections, special elections and primaries or whatever they may be, that the people may be accustomed and educated to a certain time that the polls are open. I would say that I have seen in my home city of Auburn at the polls at closing time wage-earners in line trying to get in to vote and the six o'clock bell has rung and they have not been able to vote. I think that the time of closing the polls at all elections should be uniform and that the time should be extended to seven o'clock in each instance. Therefore if House Document 45, which is on the table, extends the time of the regular elections to seven o'clock I would be in favor of House Document 44 as it now stands, without the amendment, in order that when House Document 45 comes before this body I may vote for that too and by so doing extend the hours of all elections to seven o'clock closing time. For that reason I would be against this Amendment A as at present.

Mr. SPEIRS of Cumberland: Mr. President, I find that in the mill towns and out side places time is given to those who wish to attend

the polls and there is no real need for their standing in line. Also many of the mills and factories now open at eight o'clock and close at four or five which would give the voters a chance to vote. I agree with both of the Senators who have just spoken that the hours should be the same. If this amendment is rejected then I believe that the next one, House Document 45, should go along as proposed.

The PRESIDENT: The Chair will state that a motion to amend, and in this particular case the motion to adopt the amendment, takes precedence over the motion to indefinitely postpone.

The motion of the Senator from Cumberland, Senator Speirs, is to adopt the amendment. Is the Senate ready for the question? The question is on the adoption of the amendment.

A viva voce vote being taken the motion to adopt the amendment was lost.

The PRESIDENT: The question is now on the motion of the Senator from York, Senator Roberts, that Senate Amendment A to House Document 44 be indefinitely postponed.

A viva voce vote being taken the motion to indefinitely postpone Amendment A prevailed.

Mr. ROBERTS: Mr. Speaker, I would like now to have the bill tabled.

The PRESIDENT: Does the Senator have any objection to it having its reading at this time?

Mr. ROBERTS: Mr. President, I have received so many requests since this bill was tabled by me yesterday that there is some doubt in my mind as to whether there is not a majority, or a great many people, who want this made eight o'clock instead of seven and I would like to have this tabled one more day. I therefore move that this bill be tabled pending first reading.

The motion to table prevailed.

The PRESIDENT: The Chair presents at this time a matter from the House: An act to provide equitable and uniform taxation for motor vehicles, introduced in the Senate and referred to the Committee on Taxation. In the House that body refused to consider.

Mr. GRANVILLE of York: Mr. President may I enquire who introduced the act?

The PRESIDENT: The Senator from Hancock, Senator Douglas, introduced the act and the Chair will state that many Senators have introduced similar acts in years gone by.

Mr. GRANVILLE: I didn't know, Mr. President, but perhaps the Senator from Hancock, Senator Douglas, would like to take some action on the matter.

Mr. DOUGLAS of Hancock: Mr. President, I move that we insist and will give my reason, perhaps satisfactory to the Senate. I introduced the bill not knowing that the House had that prerogative and I feel that if we have a committee of conference some way may be devised to put this measure through without recalling it and making a lot of extra work and I therefore move that we insist and call for a committee of conference.

The motion prevailed and the President appointed as members of such committee on the part of the Senate, the Senator from Hancock, Senator Douglas, the Senator from Somerset, Senator Smith and the Senator from Waldo, Senator Nickerson.

The PRESIDENT: Is there any other business under orders of the day?

On motion by Mr. Speirs of Cumberland the Senate voted to take from the table an act relating to closing of polls at election (H. D. 45) tabled by that Senator on February 24th pending first reading and on further motion by the same Senator the bill received its first reading.

Thereupon on motion by Mr. Roberts of York the bill was tabled pending second reading.

On motion by Mr. Case of Washington the Senate reconsidered its action, taken previously in today's session, whereby an act relative to tax on gasoline (S. P. 389), was referred to the committees on ways and bridges and taxation, jointly, and on further motion by the same Senator the bill was tabled pending reference.

On motion by Mr. Miner of Washington

Adjourned until tomorrow morning, March 3rd., at ten o'clock.