

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

Thursday, March 3, 1927.

Senate called to order by the President.

Prayer by the Rev. H. E. Dunnack of Augusta.

Journal of previous session read and approved

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

Ordered, that an invitation be extended to the Rev. Mr. Hershey, Chaplain at the National Soldiers' Home, to act as Senate Chaplain on Tuesday, March 8th.

Papers from the House disposed of in concurrence.

From the House: An Act to amend Section 77 of Chapter 211 of the Public Laws of 1921, relating to reserved Automobile Registration Numbers. (S. D 96)

(In Senate, February 23, passed to be engrossed.)

In the House, passed to be engrossed as amended by House Amendment A, in non-concurrence.

In the Senate:

Mr. WOODS of Penobscot: Mr. President, if it is in order will the Secretary read the amendment?

The PRESIDENT: The Chair will state that the adoption of the amendment is not in order until we have reconsidered the vote whereby it was passed to be engrossed.

Thereupon, on motion by Senator Woods of Penobscot, the rules were suspended and House Amendment A to Senate Document 96 was read by the Secretary.

The PRESIDENT: The question is, shall we reconsider the vote.

Thereupon on motion by Mr. Granville of York, the bill was tabled pending adoption of House Amendment A.

From the House: An Act relating to the fees of jurors. (H. P. 961)

In the House, referred to the Committee on Salaries and Fees.

In the Senate, referred in concurrence.

Thereupon, on motion by Mr. Carter of Androscoggin the Senate reconsidered its action where by this bill was referred to the Committee on Salaries and Fees in concurrence.

Mr. CARTER of Androscoggin: Mr. President, I now move that this bill be referred to the Committee on Judiciary in non-concurrence for the following reason: The Committee on Judiciary already has a bill before it relative to the selection of jurors. This is a court matter, it seems to me, very largely. The judiciary of the state will, I hope, be before us this afternoon for the discussion of all matters pertaining to the courts. I appreciate that the salaries paid to any public officials properly come before the Committee on Salaries and Fees, absolutely. I do think the matter of the fees of jurors is more particularly a court matter and should be considered with the bills relative to the selection of jurors and the whole matter given to one committee rather than to be split up. If this were a salary proposition I should be heartily in favor of the reference to the Committee on Salaries and Fees but it does seem to me that the fees of the jurors should go along with the other bills pertaining to jury and court matters, and that is my sole purpose in asking that this bill be referred in non-concurrence to the Committee on Judiciary which has these other matters in charge at the present session.

The motion to refer to the Committee on Judiciary in non-concurrence prevailed.

House Bills in First Reading

Resolve in favor of Highmoor Farm, in the town of Monmouth. (H. D. 278)

Resolve making appropriation for the support and maintenance of the Maine Agricultural Experiment Station. (H. D. 279)

Resolve in favor of scientific investigation in agriculture in Aroostook County. (H. D. 280)

Resolve in favor of Animal Husbandry. (H. P. 281)

Resolve to appropriate money for co-operative agricultural work between the College of Agriculture of the University of Maine and the

United States Department of Agriculture (H. D. 282)

(On motion by Mr. Foster of Kennebec tabled pending acceptance of report.)

Resolve in favor of the town of Leeds for reimbursement for money expended in rebuilding bridge. (H. D. 286)

An Act to enable the Home for Aged Men to Hold Property up to One Million Dollars. (H. D. 277)

An Act relating to the property of extinct or disbanded Congregational Churches, Parishes or Societies. (H. D. 16)

An Act to incorporate the Union River Railway Company. (H. D. 283)

An Act to provide for the retirement of firemen, in the city of Augusta, upon half pay. (H. D. 284)

Resolve for the purchase of 75 copies of "Matinicus Isle, Its Story and Its People". (H. D. 270)

(On motion by Mr. Foster of Kennebec, tabled pending first reading.)

Resolve for the purchase of 250 copies of "Portland by the Sea". (H. D. 268)

(On motion by Mr. Foster of Kennebec, tabled pending first reading.)

Resolve in favor of Lewis F. Ryan, Civil War Veteran. (H. D. 271)

An Act relating to close time on scallops. (H. D. 285)

Mr. WOODS of Penobscot: Mr. President, I understand that Senate Document No. 138, An Act to provide a uniform tax on motor vehicles, is now in the possession of the Senate.

The PRESIDENT: The Chair will state that if the Senator will withhold action on that matter until Orders of the Day, it will be easier for those who keep the record.

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

Education

By Mr. Maher of Kennebec, An Act providing for the improvement of conveyance of pupils to common schools. (S. P. 391.)

(500 copies ordered printed.)

Mr. MAHER of Kennebec: Mr. President, I desire to make a motion that this matter be referred to the

Legal Affairs Committee. It is purely a question of law, nothing whatever to do with education. It is a matter with reference to taking an appeal from the ruling of the Superintendent of School Committees and provides for a process of petitions to the Supreme Judicial Court for hearing thereof. I state that with reference to my motion. And to save getting on my feet twice, as I am about to take two matters off the table when the time arrives, I will say that owing to various considerations and for what motives I know not, there are a number of measures coming along from the various committees that present new and unusual features with reference to legal procedure and if I were to venture into the realms of prophecy I would say that if these were to continue along and become a law one result of the deliberations of the 83rd Legislature would be, in certain sections of the State, increased legal business.

Now, no one man cares to attempt to pose as a censor in reading any of these bills but casually, as they appear to me, as I happen to notice them I am going to table them. I have done it four times and in three or four days I will take them off the table.

The PRESIDENT: Does the Senator from Kennebec (Mr. Maher) wish to make a motion to reconsider the vote?

Mr. MAHER: I am speaking to my motion, Mr. President.

The PRESIDENT: The motion, as the Chair understood it from the Senator (Mr. Maher of Kennebec) was to refer to the Committee on Legal Affairs.

Mr. MAHER: Then, if the Chair had already stated—

The PRESIDENT: The Chair had declared the motion.

Mr. MAHER: Well, then, Mr. President. I will not move to reconsider. I had understood that the Chair had not stated it and my remarks, evidently being out of order and the reference being, as I understand now, to the Committee on Education—

The PRESIDENT: The Chair had announced that the Senate had so voted and ordered printed. Now, does the Senator from Kennebec, (Senator Maher) wish to make a motion to reconsider the vote?

Mr. MAHER: No, Mr. President.

Mr. CARTER of Androscoggin: Mr. President, I move that the Senate reconsider its vote whereby the bill relating to the matter just under discussion (S. P. 391) was referred to the Committee on Education.

The motion to reconsider prevailed.

Mr. CARTER: I now move, Mr. President, that this bill be referred to the Committee on Legal Affairs and will say in support of my motion that a bill so evidently and clearly a matter of law should be sent to a legal committee. I have listened to the partial remarks of the Senator from Kennebec, Senator Maher, and I have felt very strongly on this subject myself and I am sure that every member of the Senate who is a member of the legal profession feels very strongly on this subject. Undoubtedly there are bills the subject matter of which is very wisely decided by the so-called lay committees yet these bills are continually coming before us in such form that their phraseology is not in legal form and they will undoubtedly create a tremendous amount of legal business and take a great deal of court adjudication before they can be straightened out. I think that neither the legal members of the Legal Affairs Committee or of the Judiciary Committee can read all the bills and reports as they come from these different committees. Neither do the lawyers of the 83rd Legislature desire to have bills where the subject matter is properly decided come out in such form that they are in fact loosely drawn and in many instances defeat their own purposes because proper legal phraseology is not there. In one instance I yielded the floor to another Senator—I think it was yesterday—that he might amend a bill by inserting one word into it which gave it life. Without the word the bill was absolutely dead. The subject matter of a bill may be entirely proper but how can a layman know the law that the lawyer gives his entire time to studying?

For this reason I thought that this legal bill should very properly be referred to the Committee on Legal Affairs.

Mr. SPEIRS of Cumberland: That we may all have time to read this bill I move it be tabled pending reference.

The motion to table prevailed.

Public Utilities

By Mr. Speirs of Cumberland, An Act relative to the abolishment of Grade Crossings. (S. P. 392)
(500 copies ordered printed.)
Sent down for concurrence.

State Lands and Forest Preservation

By Mr. Granville of York, An Act relating to forest land exempted from taxation. (S. P. 393)
(500 copies ordered printed.)
Sent down for concurrence.

Bills in First Reading

Resolve in favor of the Bangor State Hospital. (S. D. 152)

Resolve appropriating money for maintenance of the Augusta State Hospital. (S. D. 153)

An Act to regulate fishing in Bowler Pond in Palermo in the county of Waldo. (S. D. 159)

Resolve to reimburse Cumberland County Fish and Game Association for one-half the amount expended in screening Peabody Pond, in the county of Cumberland. (S. D. 158)

(On motion by Mr. Foster of Kennebec, tabled pending first reading.)

Resolve for the purchase of one hundred and fifty copies of "Ellsworth, Maine; An History." (S. D. 162)

(On motion by Mr. Foster of Kennebec, tabled pending second reading.)

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)

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

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

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 George H. Inman, a State Pauper. (H. D. 267)

Resolve to Reimburse the Town of Lincoln for Support of State Paupers. (H. D. 263)

Resolve in Favor of the Town of Yarmouth. (H. D. 264)

Resolve to reimburse the Bidde-

ford & Saco Railroad Company for Over-Payment on Taxes. (H. D. 265)

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)

Passed to Be Enacted

An Act to Amend Chapter Eleven of the Private and Special Laws of Nineteen Hundred and Twenty-five Incorporating the Bay Point Village Corporation. (S. D. 20)

An Act to Repeal Acts Incorporating the Kendall Mills Village Corporation and the Fairfield Village Corporation. ((S. D. 26)

An Act to Regulate Fishing in the Silver Lakes, So-called, in Manchester, Sidney, and Belgrade, in the County of Kennebec. (S. D. 83)

An Act Relating to Taking of Clams in Cutler. (S. D. 120)

An Act to Incorporate the Southwest Harbor Water District. (H. D. 49)

An Act to Incorporate Trustees of St. Peters By-the-Sea Protestant Episcopal Church. (H. D. 110)

An Act Relating to Opportunity Farm Association. (H. D. 111)

An Act Relating to the Jurisdiction in Civil Matters of Piscataquis Municipal Court. (H. D. 126)

An Act to Provide a Better Government for the Town of Bar Harbor. (H. D. 127)

An Act Relating to the City of Bangor Water Works Loan Bill. (H. D. 128)

An Act Relating to Portland Terminal Company. (H. D. 129)

An Act to Change the Name of The Associated Charities to The Family Welfare Society of Portland. (H. D. 130)

An Act Relative to Automobile Plates. (H. D. 131)

An Act to Regulate Fishing in Twin Brooks, so-called, Tributary to Aziscohos Lake, County of Oxford. (H. D. 145)

An Act to Prohibit Fishing in Lily Pond, in the Town of Rockport, County of Knox. (H. D. 149)

An Act Relating to the Unauthorized Use of Insignia of War Veterans. (H. D. 150)

An Act Relating to the Charter of the Norway Water Company. (H. D. 151)

An Act in Relation to the Buckfield Village Corporation, Especially to Establish a Municipal Water System for Said Corporation. (H. D. 152)

An Act to Establish Duck Sanctuaries in Knox County. (H. D. 166)

An Act to Amend the Charter of the City of Rockland to Provide that the Municipal Fiscal Year Shall End on the First Day of November. (H. D. 237)

An Act Relating to Taking Clams in Addison. (H. D. 239)

An Act to Change the Name of Tunk Pond to Tunk Lake. (H. D. 241)

An Act to Confirm the Title of Rumill's Hub in Tremont, County of Hancock. (H. D. 242)

Finally Passed

Resolve in favor of Ward W. Westcott of Ellsworth, for partial reimbursement in proceedings brought against him for his removal from his office of Sheriff of Hancock County. (H. D. 55)

Resolve in favor of the Cobbosseecontee Fish and Game Association. (H. D. 144)

Mr. FOSTER of Kennebec: Mr. President, pending final passage of this resolve I would state that there are several others pertaining to the same matter that are being tabled for the purpose of amending them so that the funds may come from the Department of Fish and Game. Later I will offer an amendment taking care of that matter.

Thereupon on motion by Mr. Foster of Kennebec the resolve was tabled pending final passage.

Resolve authorizing the Governor to receive from the Secretary of War of the United States such "Other Funds" remaining to the credit of the National Guard of this state and to distribute them for the benefit of said National Guard. (H. D. 146)

Resolve in favor of Joseph L. Paquin, for salary as Secretary of the Board of Prison Commissioners. (H. D. 167)

(On motion by Mr. Maher of Kennebec, tabled pending final passage.)

Resolve empowering and directing the Forest Commissioner to convey a lot of land in Wallgrass Plantation. (H. D. 243)

(Emergency Measure)

An Act to Authorize Towns of Bridgton and Harrison to Assist in the Preservation of Railroad Service to and from said Towns. (H. D. 78)

This bill, carrying the emergency clause, required the affirmative vote

of two-thirds of the membership of the Senate on its passage to be enacted.

Twenty-six Senators having voted in the affirmative and none opposed, the bill was passed to be enacted.

(Emergency Measure)

An Act to Amend the Charter of Rumford Falls Village Corporation. (H. D. 240)

This bill, carrying the emergency clause, required the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted.

Twenty-nine Senators having voted in the affirmative and none opposed, the bill was passed to be enacted.

(Emergency Measure)

An Act to Obtain the Benefit of Credit Allowed under Federal Estate Tax. (H. D. 58)

On motion by Mr. Holmes of Androscoggin this bill was tabled pending enactment and especially assigned for Wednesday morning, March 9 at ten o'clock.

Further House Papers disposed of in concurrence.

Orders of the Day

Mr. WOODS of Penobscot: Mr. President and members of the Senate, I understand that Senate Paper No. 388, An Act to consolidate the general superintendent's management and control of the State Prison, the Reformatory for Men and Reformatory for Women under one board of trustees, is now in the hands of the Senate.

The PRESIDNET: The Senator is correct.

Mr. WOODS: I move you, sir, that we reconsider the vote whereby this bill was referred to the Committee on State Prison.

The motion to reconsider prevailed.

Mr. WOODS: Mr. President, this bill, to me, seems of some importance and it involves or may involve legal questions. I, therefore move you that it now be referred to the Committee on Judiciary.

The motion to refer prevailed.

On motion by Mr. Douglas of Hancock the Senate reconsidered its action whereby that body insisted and

asked for a committee of conference on An Act to provide for equitable and uniform taxation on motor vehicles. (S. P. 350) and on further motion by the same Senator the bill was tabled pending further consideration.

On motion by Mr. Morrison of Franklin the Senate voted to take from the table House Report from Committee on Legar Affairs "ought not to pass" on Act granting to the Cumberland County Power and Light Company the right to exercise the power of eminent domain for certain purposes (H. D. 17), tabled by that Senator on March 1st pending consideration, and on further motion by the same Senator the report was accepted.

On motion by Mr. Perkins of Penobscot the Senate voted to take from the table House Report A "ought to pass" and House Report B "ought not to pass" on concurrent resolution memorializing the Congress of the United States to abolish the Federal Estate (Inheritance) Tax (H. D. 11) tabled by that Senator on February 25th pending acceptance of either report.

Mr. PERKINS of Penobscot: Mr. President, I now move acceptance of Report A in concurrence with the House.

Thereupon on motion by Mr. Holmes of Androscoggin both reports were retabled, pending acceptance of Report A in concurrence, and especially assigned for Wednesday morning, March 9th at ten o'clock.

On motion by Mr. Harriman of Kennebec the Senate voted to take from the table An Act to provide an excise tax on tobacco products (H. D. 274) tabled by that Senator on March 1st pending reference.

Mr. HARRIMAN of Kennebec: Mr. President, I now move that this be referred—as I remember it that was referred to the Committee on Taxation.

The PRESIDENT: It was referred to the Committee on Taxation.

Mr. HARRIMAN: I move, Mr. President, that we amend that and refer it to joint committee on taxation and education.

The PRESIDENT: The Chair will state that the motion whereby it was referred to the Committee

on taxation had been reconsidered and the pending question was reference and the Senator from Kennebec, Senator Harriman, now moves that it be referred to a joint committee of Taxation and Education.

Thereupon, on motion by Mr. Granville of York the bill was retabled and especially assigned for tomorrow.

Mr. CARTER of Androscoggin: Mr. President, there is an act or a resolve, I forget which, that was passed to be enacted at this session, dealing with the right of the state to sell a lot of land on Wallagrass Plantation and I move that it lie on the table.

The PRESIDENT: The Senator from Androscoggin, Senator Carter, moves that we reconsider the vote whereby Resolve empowering and directing the Forest Commissioner to convey a lot of land in Wallagrass Plantation (H. D. 243) was finally passed earlier in the session this morning.

The motion to reconsider prevailed.

Mr. GRANVILLE of York: Mr. President, is there any business before the Senate?

The PRESIDENT: There is no business before the Senate although this resolve is left in the air.

Mr. CARTER. I beg your pardon, Mr. President. I move that this resolve be tabled.

The motion to retable prevailed.

On motion by Mr. Granville of York the Senate voted to take from the table An Act to amend Section 77 of Chapter 211 of the Public Laws of 1921, relating to reserved Automobile Registration Numbers, (S. D. 96) tabled by that Senator earlier in today's session pending reconsideration.

Mr. GRANVILLE: Mr. President, I yield to the Senator from Franklin, Senator Morrison.

Thereupon on motion by Mr. Morrison of Franklin the Senate reconsidered its action whereby this bill was passed to be engrossed and on further motion by the same senator House Amendment A was adopted in concurrence and the bill as amended was passed to be engrossed.

On motion by Mr. Roberts of York the Senate voted to take from the table An Act relating to the opening and closing of polls at primary elections (H. D. 44) tabled by that senator on March 2nd pending first reading and on further motion by the same senator the bill received its first reading.

Thereupon on motion by the same senator the rules were suspended and the bill received its second reading.

Mr. MAHER of Kennebec: Mr. President, may I ask who took that from the table

The PRESIDENT: The Senator from York, Senator Roberts.

Mr. MAHER: Mr. President, are there any rules that other than the man who tables it may take a matter from the table?

The PRESIDENT: The Chair did not understand the question.

Mr. MAHER: Have we reached the stage where matters come off automatically?

The PRESIDENT: No. The Senator from York, (Mr. Roberts) tabled the bill himself yesterday.

Mr. MAHER: Senator Roberts?

The PRESIDENT: It is House Document No. 44 and appears on the calendar as having been tabled by Senator Roberts of York on the last legislative day.

Mr. MAHER: What is the title of it, Mr. President?

The PRESIDENT: An Act relating to opening and closing of the polls at primary elections.

Mr. MAHER: And, Mr. President, what is the title of the act which I have just heard the Secretary read?

The PRESIDENT: The Secretary informs the Chair that he made an error in reading the number of the bill. We are working under House Document No. 44.

Mr. MAHER: Then I am correct, Mr. President?

The PRESIDENT: The Senator is correct and the Secretary made an error in reading the number of the bill.

Mr. MAHER: The Senator thanks the Chair.

Mr. ROBERTS of York: Mr. President, I move that the bill be now passed to be engrossed.

Mr. OAKES of Cumberland: Mr. President, may I ask how the bill stands at this time?

The PRESIDENT: The bill has had

its second reading and the Senator from York, Senator Roberts, has moved that it be passed to be engrossed.

Mr. OAKES: Does that include the amendment providing for the seven o'clock closing?

The PRESIDENT: The Chair will state that the amendment was not adopted. The Senator from York (Mr. Roberts) moves that the bill be now passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed and the bill was passed to be engrossed.

On motion by Mr. Roberts of York the Senate voted to take from the table An Act relating to the closing of polls at elections (H. D. 45) tabled by that Senator on March 2nd pending second reading, and on further motion by the same Senator the bill received its second reading and was passed to be engrossed.

On motion by Mr. Maher of Kennebec the Senate voted to take from the table An Act relating to uniform accounting in cities and towns (H. D. 244) tabled by that Senator on February 22nd pending reference.

Mr. MAHER of Kennebec: I will now ask, Mr. President, what reference was suggested by the committee on reference of bills.

The PRESIDENT: The Chair will state that the reference suggested was to the Committee on Towns.

Thereupon, on motion by Mr. Maher of Kennebec the bill was referred to the Committee on Towns.

On motion by Mr. Foster of Kennebec the Senate voted to take from

the table Resolve in favor of the Cobbosseecontee Fish and Game Association (H. D. 144), tabled by that Senator earlier in today's session, pending final passage.

Mr. FOSTER of Kennebec: Mr. President, I now move that the Senate reconsider its action whereby this resolve was passed to be engrossed.

Mr. CARTER of Androscoggin: Mr. President, I rise to a point of information. May I have the title of the resolve read?

(The Secretary read the title of the resolve.)

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Foster, that we reconsider the vote whereby this resolve was passed to be engrossed.

The motion to reconsider prevailed.

Thereupon, Senator Foster of Kennebec presented Senate Amendment A, as follows, and moved its adoption: "Senate Amendment A to House Document 144. Amend by striking out after the word 'be' where it first appears therein, the words 'and hereby is, appropriated, to be,' and adding at the end thereof the following, 'said sum to be taken from the funds of the Department of Inland Fisheries and Game.'"

The PRESIDENT: The question is on the adoption of Senate Amendment A.

The amendment was adopted and on further motion by the Senator from Kennebec, Senator Foster, the resolve as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

On motion by Mr. Nickerson of Waldo,

Adjourned until tomorrow morning, March 4th, at ten o'clock.