

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

Tuesday, March 15, 1927.

Senate called to order by the President.

Prayer by the Rev. W. F. Greenman of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act relating to officers and directors of certain corporations (H. D. 375); An Act to amend Section 88 of Chapter 144 of the Public Laws of 1923, relative to certain corporations (H. D. 376); An Act relating to the purchase of stock by certain corporations (H. D. 377).

In the House, the three above acts were referred to the Committee on Judiciary.

In the Senate:

Mr. FOSTER of Kennebec: Mr. President, House Documents 375, 376 and 377 I am convinced were referred to the Judiciary Committee by the House last Thursday through an error. The titles on the bills would evidently account for it and I move you that this body refer these three measures to the Committee on Banks and Banking in non-concurrence, as the material in the same is purely banking matter.

The motion to refer in non-concurrence prevailed.

From the House: An Act authorizing cities to adopt a form of local government. (H. D. 383)

In the House, referred to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Speirs of Cumberland, tabled pending reference.

House Bills in First Reading

An Act to provide for the payment of a bounty on bears killed in the State. (H. D. 350)

(On motion by Mr. Crafts of Piscataquis, tabled pending further consideration.)

Resolve in favor of the State Army in the city of Portland. (H. P. 1101)

An Act relating to collateral loans by savings banks. (H. D. 116)

An Act relating to investment of savings deposits. (H. D. 86)

An Act relating to investment of savings banks. (H. D. 83)

Resolve in favor of Arthur B. Clough compensating him for damages done his garden by moose. (H. D. 347)

Resolve in favor of the town of North Yarmouth. (H. D. 344)

Resolve in favor of W. C. Handy for reimbursement for checks lost in the mail. (H. D. 345)

An Act to authorize the Portland Railroad Company to operate motor busses. (S. D. 8)

Bills in First Reading

An Act to amend Section Twenty-three of Chapter One Hundred Seventy-six of the Public Laws of 1925, relating to recording of instruments and conveyances. (S. D. 219)

Resolve in favor of the Passamaquoddy Tribe of Indians at Peter Dana's Point, Princeton, Maine, for the general care, maintenance and education thereof. (S. D. 234)

Resolve in favor of the Passamaquoddy Tribe of Indians for the general care, maintenance and education thereof, at Pleasant Point at Perry, Maine. (S. D. 235)

Reports of Committees

Mr. Crafts, from the Committee on Maine Publicity, on Resolve to appropriate money for compiling and advertising the agricultural, industrial and recreational resources of the State, (S. D. 1) reported that the same ought not to pass.

(On motion by Mr. Spear of Cumberland, tabled pending acceptance of report.)

Mr. Case, from the Committee on Sea and Shore Fisheries, on Bill An Act to amend Section 63 of Chapter 45 of the Revised Statutes relating to use of purse or drag seines in certain waters, (H. D. 143) reported that the same ought not to pass.

Mr. Roberts, from the Committee on State Lands and Forest Preservation, on bill An Act to secure information relating to the yearly cut of timber in this State, (S. D. 136) reported that the same ought not to pass.

Mr. Buzzell, from the Committee on Agriculture, on bill An Act to provide for establishing grades and standards for farm products (S. D. 70) reported the same in a new draft, under the same title (S. P. 492) and that it ought to pass.

Mr. Bragdon, from the same committee, on bill An Act to amend Section 18 of Chapter 34 of the Revised Statutes, relating to the apportionment of State aid to Agricultural Societies (S. D. 69) reported the same in a new draft, under the same title (S. P. 493) and that it ought to pass.

Mr. Carter, from the Committee on Judiciary, on bill An Act to incorporate Lemon Stream Log Driving Company (S. P. 294) reported that the same ought to pass.

The same Senator, from the same Committee, on bill An Act to incorporate Lucerne-in-Maine Village Corporation (S. D. 119) reported the same in a new draft, under the same title (S. P. 500) and that it ought to pass.

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

The same Senator, from the same Committee, on bill An Act to incorporate Lucerne-in-Maine Water Company (S. D. 118) reported that the same ought to pass.

The report was read and accepted, the bill read once and tomorrow assigned for second reading.

Mr. Maher, from the same Committee, on bill An Act, relative to the establishment and administration of Public Debt Amortization Fund in the city of Waterville (S. D. 73) reported the same in a new draft, under the title of An Act relating to the establishing and administration of a Public Debt Amortization Fund in the city of Waterville (S. P. 494) and that it ought to pass.

The same Senator, from the same Committee, on bill An Act for purchase of books for Kennebec Law Library (S. P. 210) reported that the same ought to pass.

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

Mr. Oakes, from the same Committee, on bill An Act to amend Section 13 of Chapter 133 of the Revised Statutes relating to complaints, indictments and other criminal process

(S. D. 32) reported that the same ought to pass.

The report was read and accepted, the bill read once and tomorrow assigned for second reading.

Mr. Holmes, from the Committee on Legal Affairs, on bill An Act to extend the charter of the Patten Water and Power Company (S. D. 81) reported the same in a new draft, under the same title (S. P. 499) and that it ought to pass.

The report was read and accepted and the bill laid upon the table for printing under the joint rules.

Mr. Morrison, from the same Committee, on bill An Act to extend the charter of the Columbia Falls Water Company for two years (S. D. 78) reported that the same ought to pass.

The report was read and accepted, the bill read once and tomorrow assigned for second reading.

Mr. Perkins, from the Committee on Pensions, on bill An Act in favor of Frank J. Durgin of West Forks Plantation (S. P. 79) reported that the same ought to pass.

The same Senator, from the same Committee, on Resolve providing for a State Pension for Adelbert B. Baker, of Lewiston (S. P. 198) reported the same in a new draft, under the same title (S. P. 495) and that it ought to pass.

Mr. Speirs, from the same Committee, on Resolve, providing for a State Pension for Grace Griffin, of Lewiston (S. P. 199) reported that the same ought to pass.

The same Senator, from the same Committee, on Resolve, for State Pension in favor of Rena Cooley (S. P. 223) reported that the same ought to pass.

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

Mr. Case, from the Committee on Sea and Shore Fisheries, on bill An Act relating to obtaining permission to set traps on trawls (S. P. 356) (S. D. 135) reported that the same ought to pass.

The report was read and accepted.

the bill read once and tomorrow assigned for second reading.

Mr. Slocum, from the same Committee, on bill An Act to empower the Governor and Council to lease the right to gather and harvest kelp, seaweed and other vegetable growth on tide lands or reefs within the jurisdiction of the State (S. D. 53) reported the same in a new draft, under the same title (S. P. 496) and that it ought to pass.

The same Senator, from the same Committee, on bill An Act relating to the digging of clams in Wells in the County of York (S. P. 226) reported the same in a new draft, under the same title (S. P. 497) and that it ought to pass.

Mr. Roberts, from the Committee on State Lands and Forest Preservation, on bill An Act relating to the operation of portable sawmills (S. D. 137) reported the same in a new draft, under the same title, (S. P. 498) and that it ought to pass.

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

Mr. Nickerson, from the Committee on Taxation, on bill An Act relating to exemption of certain property from taxation (S. D. 102) and reported that the same ought to pass.

The report was read and accepted, the bill read once and tomorrow assigned for second reading.

Orders

On motion by Mr. Holmes of Androscoggin, it was

Ordered, that an invitation be extended to Rev. C. W. Rogers of North Anson to act as chaplain of the Senate on Wednesday, March 16th.

Mr. HOLMES of Androscoggin: Mr. President, I have an order which I will offer and which under the joint rules must lay on the table, I think, until the next legislative day as it is relative to asking the opinion of the justices. I will ask the Secretary to read it.

The Secretary read the following order:—

"It appearing to the Senate of the

Eighty-third Legislature that the following is an important question of law and the occasion a solemn one—
ORDERED, the Justices of the Supreme Judicial Court are hereby requested to give to the Senate, according to the provisions of the constitution in this behalf, their opinion on the following questions, to wit:

Whereas, there is now pending in the Senate a bill entitled "An Act to Obtain the Benefit of Credit allowed under Federal Estate Tax" being House Document No. 58, an official copy of which is hereto annexed and made a part hereof.

Question 1. Has the Legislature the right and power to enact a revenue law which shall be in form (as stated in section one of said bill) an estate tax law, but in intent and purpose (as stated in section four of said bill) an act to obtain for the state the benefit of the credit allowed under the provisions of Title III, Section 301, sub-section "b" of the Federal Revenue Act of 1926?

Question 2. Has the Legislature the right and power to enact a law which shall, by its terms (as stated in section three of this bill) become void and of no effect upon the repeal by the congress of Title III of said federal revenue act or upon the amendment of said federal act by the congress whereby the congress repeals the provisions of said Title III providing for a credit of the taxes paid to the several states of the United States not exceeding eighty per cent, of the tax now imposed by said Title III?

Question 3. If the justices are of opinion that this bill creates an estate tax, is it a property tax or an excise tax, and if a property tax, is it within the constitutional power of the legislature under Article 8 of the constitution as amended by Article 36."

The PRESIDENT: The Senator from Androscoggin, Senator Holmes, moves that this order lie upon the table and that five hundred copies be printed. Is that the motion of the Senator?

Mr. HOLMES: Mr. President, I think it must lie on the table until the next legislative day.

The PRESIDENT: The Chair will state that if the Senator cares to make the motion for the passage of the order at this time he is in order.

Mr. HOLMES: Then I move, Mr. President, that the order be passed as read.

The PRESIDENT: Now, does the Senator from Androscoggin, Senator Holmes, wish to incorporate in that motion also the printing of five hundred copies?

Mr. HOLMES: Mr. President, I also incorporate in my motion that the Senate order the printing of five hundred copies.

The PRESIDENT: Is it the pleasure of the Senate that the order as read be passed and that five hundred copies be printed?

Mr. CARTER of Androscoggin: Mr. President, I move that we lay the order on the table pending printing.

The PRESIDENT: The Senator from Androscoggin, Senator Carter, moves that we lay the order upon the table. Is this the pleasure of the Senate?

Mr. CARTER: Pending printing, Mr. President.

The PRESIDENT: The Chair will state that that motion carries with it the fact that it automatically comes off the table when it is printed if the motion is carried that way. The matter comes off the table when it is printed because that is incorporated in the motion.

Mr. CARTER: Mr. President, I withdraw my motion of tabling the matter and I am now asking for information. I understand the pending question before the Senate is, shall this order be passed, and incorporated in the motion is the printing of five hundred copies. I now move that the entire motion lie upon the table.

The PRESIDENT: Does the Chair understand the motion of the Senator from Androscoggin, Senator Carter, to be that he is tabling the motion of the Senator from Androscoggin, Senator Holmes, or tabling the order?

Mr. CARTER: Tabling the order pending the motion, Mr. President.

The PRESIDENT: The Senator from Androscoggin, Senator Carter, moves that this order lie upon the table pending passage and that five hundred copies be printed.

The motion to table and print prevailed.

Passed to be Engrossed

Resolve in favor of Eliphalet Washburn of Dexter for State Pension. (S. D. 184)

Resolve in favor of Myron H. Cloccker compensating him for the destruction by deer of apple trees. (S. D. 201)

Resolve in favor of Wallace W. Yates, of Grand Stream, Washington County. (S. D. 202)

An Act repealing certain inheritance tax laws as to non resident decedents. (H. D. 136)

An Act relating to the Augusta Water District. (H. D. 330)

An Act to extend the charter of the Quebec Railway Company. (H. D. 331)

Resolve authorizing sale of lots in Moose River Plantation. (H. D. 332)

Resolve in favor of the South Kennebec Agricultural Society. (H. D. 333)

An Act relating to precautions at temporary crossings. (H. D. 334)

An Act to incorporate Bridgton and Harrison Railway Company and to authorize certain towns to grant assistance thereto. (H. D. 336)

Orders of the Day

On motion of Mr. Holmes of Androscoggin, that Senator was granted the privilege of introducing a joint resolution and statement accompanying same, commemorating William Ladd, 1927.

Mr. HOLMES: Mr. President, I will relieve the secretary of the labor of reading it and with your consent and the consent of the Senate, I will read it because it speaks for itself.

The PRESIDENT: The Senator from Androscoggin, Senator Holmes has consent to read the resolution.

Thereupon, Mr. Holmes of Androscoggin, read the following resolution: "WHEREAS, William Ladd, known in this country and abroad as The Apostle of Peace, was to the cause of a law-governed world what Elijah Parrish Lovejoy of Maine was to the freedom of the press and to the abolition of human slavery, what John Neal of Maine was to the extension of the suffrage, what Dorothea Lynde Dix of Maine was to the advancement of prison reform, what Neal Dow of Maine was to the cause of temperance;

WHEREAS, William Ladd was born May 10, 1778;

WHEREAS, William Ladd founded the American Peace Society, May 8, 1828;

WHEREAS, William Ladd did his major work for peace between na-

tions while living for nearly thirty years in Minot in the State of Maine;

WHEREAS, The American Peace Society, which William Ladd founded, with its headquarters now in Washington, D. C., plans to celebrate in May, 1928, the one-hundredth-fiftieth anniversary of Mr. Ladd's birth and the one-hundredth anniversary of the Society's organization;

BE IT RESOLVED by the people of the State of Maine by this Joint Resolution of their House of Representatives and Senate, that they heartily endorse the efforts of the American Peace Society thus to recall and to honor the memory and services of William Ladd;

That this Legislature respectfully request the Governor of the State of Maine to express to the American Peace Society the appreciation of the people of Maine for its purpose thus to honor its illustrious former citizen, and to do what he may consider lawfully proper to aid such efforts;

That the Governor of the State be requested to appoint a committee from the most distinguished residents of the State, to include the presidents of Bowdoin, Colby and Bates Colleges, the president of the University of Maine, the Commissioner of Education, and such others as he may deem wise, to aid in such a commemoration;

That the American Peace Society be invited to hold these centennial and sesquicentennial exercises in whole or in part in the State of Maine;

And that this resolution be given the widest publicity to the end that the interest and support of every loyal citizen of Maine, especially her boys and girls, may be enlisted in this most worthy memorial celebration."

MR. HOLMES: Mr. President, to preface a motion for the passage of this resolution, I will say only that I take it from reading the resolution and from my knowledge of the purpose of Mr. George C. Wing, Jr., representative from Auburn, who drafted it, that it does not commit the Legislature either to the cause of pacifism or militarism or any other cause except to honor the birth and death of a famous son of Maine, William Ladd, and I move the adoption of this resolution and at the same time I move that 1000 copies of the resolution be printed and also 1000 copies of the statement of facts accompanying the same.

The motion to adopt the resolution and to print 1000 copies of the resolution and of the statement of facts, prevailed.

The President laid before the Senate, An Act to regulate fishing in Bowler Pond in Palermo in the county of Waldo (S. D. 159), tabled on March 10th by Senator Nickerson of Waldo, pending passage to be engrossed and especially assigned for today.

Upon motion by Senator Nickerson of Waldo, the bill was passed to be engrossed.

Mr. MAHER of Kennebec: Mr. President, I have a resolution which I desire to present and move its passage, and with the consent of this body, I will read the same.

Thereupon, consent being given, Senator Maher read the following resolution:

"Whereas the citizens of his town have recently paid him the signal honor of electing him for the fourteenth time as Selectman, be it resolved that this body express its congratulations to the distinguished Senator from Somerset, the Hon. Clyde H. Smith and that expressions thereof be spread upon the records of this body and a copy of the same duly authenticated be given to our distinguished fellow member."

Thereupon, a rising vote being taken, the order was unanimously passed.

Mr. CARTER of Androscoggin: Mr. President, I should like to ask if House Document No. 136, An Act repealing certain inheritance tax laws as to non-resident decedents, which has had its second reading at this session, has been passed to be engrossed.

The PRESIDENT: It has been passed to be engrossed.

Thereupon, on motion of Mr. Carter, the Senate reconsidered its former action whereby House Document 136 was passed to be engrossed; and on further motion by the same Senator, the bill was tabled pending further consideration.

Upon motion by Mr. Harriman of Kennebec, the Senate voted to take from the table Resolve in favor of Alvin Bolstridge of Winterville, (H.

D. 260), tabled by that Senator on March 10th, pending final passage.

Mr. HARRIMAN of Kennebec: Mr. President, I now move that this bill be indefinitely postponed. The reason is that for some reason a wrong report from the Committee on Claims got in. The report should have been "ought not to pass" instead of "ought to pass."

The motion to indefinitely postpone prevailed.

On motion by Mr. Oakes of Cumberland, the Senate voted to take from the table, An Act to amend Section 11 of Chapter 6 of the Revised Statutes, relating to the opening and closing of the polls at primary elections, (H. D. 44) tabled by that Senator on March 10th pending passage to be enacted; and upon further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Oakes of Cumberland, the Senate voted to take from the table, An Act to amend Section 21 of Chapter 7 of the Revised Statutes, relating to closing of polls at election, (H. D. 45), tabled by that Senator on March 10th, pending passage to be enacted.

Mr. OAKES of Cumberland: Mr. President, may I ask if it is in order to the present status to introduce an amendment?

The PRESIDENT: It is not. The motion would be to reconsider the vote whereby it was passed to be engrossed.

Mr. OAKES: Mr. President, I so move.

The motion to reconsider prevailed.

Mr. OAKES: I now offer Senate Amendment A and move its passage. "Senate Amendment A to House Document 45. Amend by inserting after the word 'cities' in the second line of said section the words 'and

towns of three thousand or more inhabitants.'

On motion by Mr. Bragdon of Aroostook the bill and amendment were tabled pending the adoption of the amendment.

On motion by Mr. Mitchell of Aroostook, the Senate voted to take from the table Resolve in favor of the Pownal State School for additions and improvements, (H. D. 305) tabled by that Senator on March 10th pending consideration.

Mr. MITCHELL: Mr. President, I now move it have its suggested reference.

The PRESIDENT: Does the Senator wish the resolve to have its second reading at this time?

Mr. MITCHELL: Mr. President, has it been referred?

The PRESIDENT: It has, unless the Chair and the secretary are both in error. In the House it has been read three times and passed to be engrossed. In the Senate, read once and tomorrow assigned and tabled by Mr. Mitchell on March 10th.

Thereupon, on motion by Mr. Mitchell of Aroostook, the resolve was re-tabled pending further consideration.

On motion by Mr. Foster of Kennebec, that Senator was given unanimous consent to introduce the following order:

"An Act to Amend Chapter 163 of the Public Laws of 1925, relating to transferring from one sub-division of the Department of Appropriations to another."

On further motion by the same Senator, the bill was referred to the Committee on Legal Affairs.

On motion by Mr. Douglas of Hancock

Adjourned until tomorrow, March 16th, at ten o'clock.