

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 16, 1927.

Senate called to order by the President.

Prayer by the Rev. C. W. Rogers of North Anson.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

From the House: 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)

(In Senate, March 8, passed to be engrossed as amended by Senate Amendment "A".)

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

In the Senate, that body, under suspension of the rules, reconsidered its former action whereby this resolve was passed to be engrossed as amended by Senate Amendment "A".

Mr. SLOCUM of Cumberland: Mr. President, I would like to hear House Amendment "A" read.

(The Secretary read House Amendment "A".)

Thereupon, House Amendment "A" was adopted and the bill as amended by Senate Amendment "A" and House Amendment "A" was passed to be engrossed in concurrence.

House Bills in First Reading

An Act relating to whole family protection. (H. D. 100)

Bills in First Reading

An Act to incorporate Lucerne-in-Maine Village Corporation. (S. D. 237)

(On motion by Mr. Carter of Androscoggin the rules were suspended and the bill received its second reading and was passed to be engrossed.)

Orders

On motion by Mr. Woods of Penobscot, it was

Ordered, that there be returned to

the Senate an act to regulate fishing in Bowler Pond in Palermo in the county of Waldo. (S. D. 159)

Reports of Committees

Mr. Dunbar, from the Committee on Claims, on Resolve in favor of C. Parker Crowell and Walter S. Lancaster for compensation for plans, sketches and estimates for proposed new wing of Bangor State Hospital (S. P. 190) reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

The Committee on Maine Publicity, on "Resolve appropriating money for the compilation and publication of data concerning the resources of the State" (S. D. 2) reported the same in a new draft, under the same title (S. P. 503) and that it ought to pass.

(On motion by Mr. Douglas of Hancock the report was tabled pending acceptance and assigned for next Wednesday.)

Passed to be Engrossed

An Act to amend Section thirteen of Chapter One hundred thirty-three of the Revised Statutes (relating to complaints, indictments and other criminal process). (S. D. 32)

An Act to extend the charter of the Columbia Falls Water Company for two years. (S. D. 78)

An Act relating to exemption of certain property from taxation. (S. D. 102)

An Act to incorporate Lucerne-in-Maine Water Company. S. D. 118)

An Act relating to obtaining permission to set traps on trawls. (S. D. 135)

An Act 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, for general care, maintenance and education thereof. (S. D. 234)

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

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

An Act relating to the Investments of Savings Banks. (H. D. 83)

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

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

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

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

Resolve in favor of the state army in the city of Portland. (H. P. 1101)

Orders of the Day

The President laid before the Senate, House Report, majority report "ought to pass," minority report "ought not to pass," on An Act relating to advertising signs along public ways (S. D. 11), tabled on March 9th by Mr. Oakes of Cumberland pending consideration and today assigned.

Mr. OAKES of Cumberland: Mr. President, I yield to the senator from York, Mr. Lord.

Thereupon, on motion by Mr. Lord of York the report was tabled pending further consideration and assigned for Wednesday next.

The President laid before the Senate, An Act relating to the excise tax on railroads (H. D. 23), tabled on March 9th by Mr. Buzzell of Oxford pending consideration and today assigned.

Mr. BUZZELL of Oxford: Mr. President, I think the consideration of this is the second reading, is it not?

The PRESIDENT: The Chair will state that the pending question is second reading.

Thereupon, on motion by Mr. Buzzell of Oxford the bill received its second reading and was passed to be engrossed.

The President laid before the Senate, House Report, "ought to pass" on An Act relating to passes on common carriers for public utilities commission (H. D. 168), tabled on March 10th by Mr. Carter of Androscoggin pending acceptance and today assigned.

Mr. CARTER of Androscoggin: Mr. President, this bill is one that carries with it more deliberation and discussion than is apparent in the bill as it possibly affects the appropriations committee and it is a matter which I believe might possibly have some discussion later on, and at this time I yield the floor to the Senator from Aroostook, Senator Mitchell.

Thereupon, on motion by Mr. Mitchell of Aroostook the bill was retabled and assigned for Wednesday next.

The PRESIDENT: The Chair will call the attention of the senators to the fact that today everything comes off the table automatically in view of the order that was passed on Thursday last.

The President laid before the Senate, Resolve for purchase of 250 copies of "Portland by the Sea" (H. D. 268), tabled on March 3rd by Mr. Foster of Kennebec, pending first reading.

Mr. FOSTER of Kennebec: Mr. President, I now yield to the senator from Cumberland, Senator Spear.

Thereupon, on motion by Mr. Spear of Cumberland the bill was retabled.

The President laid before the Senate, An Act to provide equitable and uniform taxation for motor vehicles (S. D. 138), tabled on March 3rd by Mr. Douglas of Hancock pending consideration.

Mr. DOUGLAS of Hancock: Mr. President, you will remember that this was a bill that was refused in the House and since then a new bill has been introduced into the House covering the same subject matter and, if it is proper, this one should be indefinitely postponed unless that would have some effect on the other one.

The PRESIDENT: The Chair will tices that the Senator from Kennebec, Senator Douglas, may withdraw his bill if he desires to ask that privilege, which leaves it in a different status.

Thereupon, on motion by Mr. Douglas of Hancock that senator was given permission to withdraw the bill.

The President laid before the Senate, Resolve in favor of Joseph L. Paquin, for salary as secretary of the Board of Prison Commissioners (H. D. 167), tabled on March 3rd by Mr. Maher of Kennebec pending final passage.

The PRESIDENT: The Chair notices that the Senator from Kennebec, Senator Maher, is not in his seat.

Mr. FOSTER of Kennebec: Mr. President, in the absence of my colleague I move that this matter be retabled.

The motion to retable prevailed.

The President laid before the Senate, Resolve for the purchase of 125 copies of the "History of the town of Dresden" (H. D. 179), tabled on

March 4th by Mr. Foster of Kennebec pending first reading.

Thereupon, on motion by Mr. Foster of Kennebec the resolve received its first reading and on further motion by the same senator the rules were suspended and the resolve received its second reading and was passed to be engrossed.

The President laid before the Senate, Resolve providing for purchase of "Music and Musicians of Maine" (H. D. 169), tabled on March 8th by Mr. Oakes of Cumberland pending adoption of Senate Amendment "A."

MR. OAKES of Cumberland: Mr. President, I yield to the senator from York, Senator Granville.

Thereupon, on motion by Mr. Granville of York, that senator was given permission to withdraw Senate Amendment "A".

MR. GRANVILLE of York: Mr. President, I now yield to the Senator from Cumberland, Senator Oakes.

MR. OAKES of Cumberland: Mr. President, I offer Senate Amendment "A" to House Document 169 and move its adoption.

The PRESIDENT: The Chair will state that in the opinion of the Chair that should be Senate Amendment "B" if the Senator from Cumberland (Mr. Oakes) has no objection.

MR. OAKES: None at all, Mr. President.

Thereupon, Mr. Oakes of Cumberland offered Senate Amendment "B" to House Document 169: Strike out the words 'four hundred' in the first line thereof and insert in place thereof the words 'three hundred.' Strike out the words 'two thousand dollars' in the ninth line thereof and insert in place thereof the words 'fifteen hundred dollars.'

Thereupon, on motion by Mr. Oakes of Cumberland, Senate Amendment "B" was adopted and on further motion by the same senator the resolve was passed to be engrossed as amended by Senate Amendment "B."

The President laid before the Senate, Resolve for the purchase of 150 copies of "Two American Pioneers" (H. D. 269) tabled on March 9th by Mr. Foster of Kennebec pending first reading.

Thereupon, on motion by Mr. Foster of Kennebec, the resolve received its first reading and on further motion by the same senator the rules

were suspended and the resolve received its second reading and was passed to be engrossed.

The President laid before the Senate, Resolve providing for purchase of 100 copies of "Province and Court Records of Maine 1638-1668" (H. D. 306), tabled on March 9th by Mr. Foster of Kennebec pending first reading.

Thereupon on motion by Mr. Foster of Kennebec the resolve received its first reading and on further motion by the same senator was retabled pending second reading.

The President laid before the Senate, Senate Report from Committee on Commerce, majority report "ought to pass," minority report "ought not to pass," on An Act relating to eastern standard time (S. D. 49) tabled on March 10th by Mr. Holmes of Androscoggin pending acceptance of either report.

MR. HOLMES of Androscoggin: Mr. President, I yield to the Senator from Kennebec, Senator Harriman.

Thereupon, on motion by Mr. Harriman of Kennebec, majority report "ought to pass" was adopted, the bill received its first reading and on further motion by the same senator the rules were suspended and the bill received its second reading and was passed to be engrossed.

The President laid before the Senate, Resolve in favor of State Reformatory for Men for maintenance, etc., (H. P. 1093) tabled on March 11th by Mr. Mitchell of Aroostook pending reference.

On motion by Mr. Mitchell of Aroostook, the resolve was referred to the Committee on State School for Boys, State School for Girls and State Reformatories.

The President laid before the Senate, Resolve in favor of State Reformatory for Men, for completion of building (H. P. 1094) tabled on March 11th by Mr. Mitchell of Aroostook, pending reference.

MR. MITCHELL of Aroostook: Mr. President, I move that this resolve be referred to the Committee on State School for Boys, State School for Girls and State Reformatories.

MR. CARTER of Androscoggin: Mr.

President, I move that this resolve lie upon the table.

The PRESIDENT: The Senator from Androscoggin, Senator Carter, moves that this resolve, H. P. 1094, lie upon the table. Is this the pleasure of the Senate?

Mr. CARTER: Mr. President, I understood that to be House Paper 1095. May I have the title read again?

The PRESIDENT: The Chair will state that the matter under consideration is House Paper 1094, Resolve in favor of State Reformatory for Men, for completion of building, and the resolve has not as yet been referred to a committee and the pending question is reference.

Mr. CARTER: Then, Mr. President, I ask leave to withdraw my motion

Permission was given to Mr. Carter of Androscoggin to withdraw his motion to table.

The PRESIDENT: The question is now on the motion of the Senator from Aroostook, Senator Mitchell, that House Paper 1094 be referred to the Committee on State School for Boys, State School for Girls and State Reformatories.

The motion to so refer prevailed.

The President laid before the Senate, Resolve in favor of State School for Boys (H. P. 1095), tabled on March 11th by Mr. Mitchell of Aroostook pending reference

On motion by Mr. Mitchell of Aroostook the resolve was referred to the Committee on State School for Boys, State School for Girls and State Reformatories.

The President laid before the Senate, Resolve in favor of Western Maine Sanatorium, for maintenance, etc., (S. D. 203) tabled on March 11th by Mr. Mitchell of Aroostook pending second reading.

On motion by Mr. Mitchell of Aroostook the resolve was retabled pending second reading.

The President laid before the Senate, Resolve in favor of Western Maine Sanatorium, for construction of annex. (S. D. 204) tabled on March 11th by Mr. Mitchell of Aroostook pending second reading.

On motion by Mr. Mitchell of Aroostook the resolve was retabled pending second reading.

The President laid before the Senate, Resolve in favor of Western Maine Sanatorium, for water tank (S. D. 205), tabled on March 11th by Mr. Mitchell of Aroostook pending second reading.

On motion by Mr. Mitchell of Aroostook the resolve was retabled pending second reading.

The President laid before the Senate, Resolve in favor of Northern Maine Sanatorium, for maintenance, etc. (S. D. 206), tabled on March 11th by Mr. Mitchell of Aroostook pending second reading.

On motion by Mr. Mitchell of Aroostook the resolve was retabled pending second reading.

The President laid before the Senate, Resolve in favor of Northern Maine Sanatorium, for construction of men's cottage (S. D. 207), tabled on March 11th by Mr. Mitchell of Aroostook pending second reading.

On motion by Mr. Mitchell of Aroostook the resolve was retabled pending second reading.

The President laid before the Senate, Resolve in favor of Northern Maine Sanatorium, for sprinkler system and standpipe (S. D. 208), tabled on March 11th by Mr. Mitchell of Aroostook pending second reading.

On motion by Mr. Mitchell of Aroostook the resolve was retabled pending second reading.

The President laid before the Senate, Resolve in favor of Central Maine Sanatorium, for laundry, etc. (S. D. 209), tabled on March 11th by Mr. Mitchell of Aroostook pending second reading.

On motion by Mr. Mitchell of Aroostook the resolve was retabled pending second reading.

The President laid before the Senate, Resolve in favor of Central Maine Sanatorium, for maintenance etc. (S. D. 210), tabled on March 11th by Mr. Mitchell of Aroostook pending second reading.

On motion by Mr. Mitchell of Aroostook the resolve was retabled pending second reading.

The President laid before the Senate, Resolve in favor of Central Maine Sanatorium, for nurses' home

(S. D. 211), tabled on March 11th by Mr. Mitchell of Aroostook pending second reading.

On motion by Mr. Mitchell of Aroostook the resolve was retabled pending second reading.

The President laid before the Senate, An Act to obtain the benefit of credit allowed under Federal Estate Tax (H. D. 58), tabled on March 11th by Mr. Smith of Somerset pending adoption of Senate Amendment "A."

Mr. SMITH of Somerset: Mr. President, I yield to the Senator from Androscoggin, Senator Holmes.

Mr. HOLMES of Androscoggin: Mr. President, in order to await the opinion of the justices I move that this matter be retabled.

The motion to retable prevailed.

The President laid before the Senate, House Report "A" "ought to pass" and House Report "B" "ought not to pass," on concurrent resolution memorializing Congress to abolish Federal Estate (Inheritance) Tax (H. D. 11), tabled on March 11th by Mr. Holmes of Androscoggin pending acceptance of Report "A."

Mr. HOLMES of Androscoggin: Mr. President, I yield to the Senator from Penobscot, Senator Perkins.

Mr. PERKINS of Penobscot: Mr. President, I wish to move at this time the adoption of Report A "ought to pass" and I might say that this report has already been accepted by the House by a majority vote of 165 and has been sent to fifteen of our sister states.

The PRESIDENT: The question is on the acceptance of House Report A "ought to pass."

The motion to accept House Report A prevailed.

Mr. CARTER of Androscoggin: Now, Mr. President, I move that House Document 11, pending further consideration, lie upon the table as this document should be considered. I think, with House Document 58 as they are apparently companion matters and the action on one might have some effect on the action on the other.

Therefore, I move that House Document 11 to be laid upon the table pending further consideration.

The motion to table prevailed.

The President laid before the Senate, Senate report from committee

on Maine Publicity "ought not to pass" on Resolve to appropriate money for compiling and advertising the agricultural, industrial and recreational resources of the state (S. D. 1) tabled on March 15th by Mr. Spear of Cumberland pending acceptance of the report.

Mr. SPEAR of Cumberland: Mr. President, I move that this matter be retabled and I will assign the same date as the resolve tabled by Senator Douglas earlier in the session as the date to take my resolve from the table, which is next Wednesday. My purpose, believing that the assignment is debatable, is as follows:—

The PRESIDENT: Does the Senator from Cumberland (Mr. Spear) wish to debate the assignment?

Mr. SPEAR: Yes, Mr. President.

The PRESIDENT: It is in order.

Mr. SPEAR: You may remember, Mr. President and fellow senators, that Senate Document 1 was introduced as early in the session as possible. You may remember that this resolve was tabled at once by my fellow senator, Mr. Foster of Kennebec. Shortly after this was done we recessed. The President, Senator Lord, Senator Foster, Senator Holmes and myself met in the rear of the Senate Chamber and Senator Foster asked me where this resolve should be referred. I think I know what he had in his mind. President Holley also asked the same question and I said that the Publicity Committee was the place where this resolve should be referred. Senator Lord agreed and all seemed to believe, including Senator Douglas, that this was a fair thing to do. Senator Douglas said, "Arthur, I have a bill"—and this was news to me—"that I want to introduce this morning out of order so that it will get into the committee and be heard at the same time as yours, and will you be willing to let it go without tabling?" I told him I would. Now, I am not receiving the same treatment. My bill was reported in yesterday and the bill of Senator Douglas came in this morning. That is the reason I want to table it and assign it so that both will come before the Senate for consideration at the same time.

The PRESIDENT: The question is on the tabling and assignment. The assignment being debatable, is there further debate?

The motion to table and assign for next Wednesday prevailed.

The President laid before the Senate, House report from the Committee on Agriculture "ought to pass" on An Act to provide for the payment of a bounty on bears billed in the state (H. D. 350) tabled on March 15th, by Mr. Crafts of Piscataquis pending consideration.

On motion by Mr. Crafts of Piscataquis the report was tabled and assigned for Wednesday next.

The President laid before the Senate, An Act authorizing cities to adopt a form of local government (H. D. 383) tabled on March 15th by Mr. Speirs of Cumberland, pending reference.

On motion by Mr. Speirs of Cumberland the bill was referred to the Committee on Legal Affairs.

The President laid before the Senate An Act repealing certain inheritance tax laws as to non-resident decedents (H. D. 136) tabled on March 15th by Mr. Carter, of Androscoggin, pending further consideration.

Mr. CARTER of Androscoggin: Mr. President, I am about to yield to the floor to a colleague, a brother senator, but before so doing, I would like to know if the bill is awaiting final enactment.

The PRESIDENT: The Chair will state that the Senator from Androscoggin, Mr. Carter, yesterday, upon his own motion, asked for reconsideration of the vote whereby it was passed to be engrossed, and then retabled it, so the pending question unless there is another motion made is on the engrossing.

Mr. CARTER: Then, Mr. President, I at this time, addressing myself to the pending question, move that the bill be indefinitely postponed, for the following reason: This bill has gone through and come out, to be sure, with an unanimous report, from the Committee on Judiciary, and I did not file a minority report with it, but it does not seem to me that members of the 83rd Legislature quite appreciate what the bill is.

This tax on decedent estates is quite an income producing bill. In the year ending 1926 it produced in the State of Maine, \$225,000, and in the first three months of this year, 1927, it has already produced \$200,000.

Now, we are just getting a check in the State of Maine in the Attorney

General's office, within a week or two weeks, of a Massachusetts estate. The total property, wherever it was situated, amounted to 15 million dollars and over, of a man in Massachusetts who died. He had invested in Maine about a tenth of his entire estate, \$1,324,000. The tax on that amounted—in this State—to \$19,721. This was a small tax because the property went to the widow, a son, daughters and grandchildren. Therefore this tax was smaller than it would have been if it had gone to classes which were not exempted.

I do not believe that the 83rd Legislature realizes that by passing this bill and abolishing this tax, they cut out between two hundred and two hundred and fifty thousand dollars of the State of Maine's income, and if they realized this I do not believe they would accept the report of the committee on this.

I therefore now yield the floor to the Senator from Franklin, Senator Morrison.

Mr. MORRISON of Franklin: Mr. President, as the Senator from Androscoggin has stated, it seems to me this is a matter which requires very careful consideration and I therefore move the matter lie on the table and be assigned for Wednesday next.

The PRESIDENT: The motion to table takes precedence over the motion to indefinitely postpone.

The motion to table prevailed.

The President laid before the Senate Resolve in favor of Pownal State School, (H. D. 305) tabled on March 15th by Mr. Mitchell of Aroostook, pending second reading.

On motion by Mr. Mitchell of Aroostook the resolve was re-tabled pending second reading.

The President laid before the Senate An Act relating to the closing of polls at elections (H. D. 45) tabled on March 15th by Mr. Bragdon of Aroostook, pending adoption of Senate Amendment "A."

Mr. BRAGDON of Aroostook: Mr. President, I yield to the Senator from Cumberland who offered the amendment, Senator Oakes.

Thereupon, on motion by Mr. Oakes of Cumberland, that senator was given permission to withdraw Senate Amendment A and on further motion by the same senator the bill was passed to be engrossed.

Mr. OAKES: Now, Mr. President,

may I ask if a motion is in order that this be passed to be enacted?

The PRESIDENT: The Chair will state that such a motion is in order. Does the Senator from Cumberland (Mr. Oakes) wish to make that motion?

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

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

The President laid before the Senate, order relative to opinion of the justices of the Supreme Judicial Court on House Document 58, tabled on March 15th by Mr. Carter of Androscoggin pending passage.

Mr. CARTER of Androscoggin: Mr. President, I would like to ask the Chair if the 500 copies ordered printed have been printed.

The PRESIDENT: They have been printed.

Thereupon, on motion by Mr. Carter of Androscoggin the order received a passage.

Mr. ROBERTS of York: Mr. President, is a motion to doubt the question just put, in order?

The PRESIDENT: The passage of this order?

Mr. ROBERTS: Yes, Mr. President

The PRESIDENT: The Chair will state that such a motion is not in order. Does the Senator from York (Mr. Roberts) wish to know something about the parliamentary procedure which he may pursue?

Mr. ROBERTS: Yes, Mr. President.

The PRESIDENT: A motion to reconsider the vote whereby the order was passed is in order from any senator in the room, no senator having voted in the negative.

Mr. ROBERTS: Mr. President, I move that we reconsider the vote whereby we passed the order.

The PRESIDENT: The motion is in order.

A viva voce vote was doubted.

Mr. ROBERTS: Mr. President, is that debatable?

The PRESIDENT: The motion to reconsider is debatable.

Mr. ROBERTS: Mr. President, this bill was considered by the taxation committee and I have listened to the arguments on my right by the distinguished legal senators here, and I have failed to interfere before.

I understand that this was a bill, in a very few words, introduced to enable the State of Maine to receive a part of the taxes on decedent estates of over \$100,000. The taxation committee understood that this was directed at Florida when they invited all those having large estates to go there to make a residence, and understood that the federal government put this tax on and practically invited the different states to pass a law similar to this, to get 80 per cent of what they were getting.

I have since heard that a member of the House has received, not an opinion, but some consideration from at least two of the supreme court justices in regard to this measure and while I do not know that, I cannot quote from authority, I understand that they sanction this bill being introduced and that is the reason why I think it is unnecessary to continue or hold this on the table. In any event, it seems to me this bill had better be passed or take the consequences and that is why I doubt the motion as put by the Senator from Androscoggin, (Mr. Carter.)

The PRESIDENT: The question is on the motion of the Senator from York, Senator Roberts, that we reconsider the vote whereby we passed an order relative to the opinions of the justices of the Supreme Judicial Court.

A rising vote was taken. Eleven having voted in the affirmative and 19 in the negative, the motion to reconsider was lost.

On motion by Senator Speirs of Cumberland,

Adjourned until tomorrow morning at ten o'clock.