

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 31, 1927

Senate called to order by the President.

Prayer by the Rev. Nelson B. Gildersleeve, of Auburn.

Journal of previous session read and approved

The following resolve was received and on recommendation by the committee on reference of bills was referred to the following committee:—

Appropriations and Financial Affairs

By Mr. Holmes of Androscoggin, Resolve in favor of Francis J. Cayouette as Clerk and Stenographer of Library Committee. (S. D. 557)

Bills in First Reading

An Act to prohibit plug fishing for square tailed trout and land-locked salmon in Great Pond, of the Belgrade chain of lakes, which lake is situated in the county of Kennebec. (S. D. 300).

Mr. CRAFTS of Piscataquis: Mr. President, I wish to offer an amendment to the bill and I will say in explanation that after the bill was introduced, all parties interested in the fishing interests of the important Belgrade Chain of Lakes decided that these interests would be as well conserved by having a plug fishing bill apply simply to smelts—that it was not necessary to prohibit plug fishing for square tailed trout and landlocked salmon.

Upon looking into the matter it was found that the committee on inland fisheries and game had no authority—in view of the wording of the bill introduced—consequently they were requested to report “ought to pass” on the bill introduced and the proponents arranged to have same taken up and amended in the only way it could be amended—after the report had been accepted in the Senate. Mr. President, I offer the following amendment; and move its adoption:

“Senate Amendment A to Senate Paper 286 (S. D. 300). Amend the title by striking the words ‘square tailed trout and landlocked salmon’ and inserting in place thereof the

word ‘smelts’. Amend Section 1 by striking out the words ‘square tailed trout and landlocked salmon’ in the first and second paragraphs and substitute therefor the word ‘smelts.’”

Thereupon, Senate Amendment A was adopted and on further motion by the same Senator, the bill received its first reading.

An Act to amend Chapter 14 of the Revised Statutes, relating to Indian Tribes. (S. D. 301)

An Act relative to the use of funds of Indian Tribes. (S. D. 302)

Resolve in favor of V. E. Cunningham of Milford, Maine, compensating him for damage to apple trees by deer, one thousand dollars. (S. D. 303)

Resolve in favor of the town of Anson. (S. D. 304)

Resolve, in favor of Dr. A. J. Bradbury of Old Town, Maine, compensating him for damage to apple trees by deer, (S. D. 305)

An Act to amend Chapter 120 of the Private and Special Laws of 1899, establishing the Livermore Falls Municipal Court, as amended by Chapter 34 of the Private and Special Laws of 1919. (S. D. 306)

An Act authorizing the State Highway Commission to designate certain state and state aid highways as through ways and to regulate traffic at intersection of such through ways with other ways. (S. D. 307)

Resolve to aid in rebuilding the road in Township No. 10, Hancock County. (S. D. 308)

An Act relating to continuous roads through three or more towns. (S. D. 309)

An Act relating to the apportionment among towns of the Third Class Highway Fund. (S. D. 310)

An Act to increase the amount to be paid for clerk hire in the office of the Clerk of Courts of Piscataquis County. (S. D. 311)

An Act relating to the salary of the Clerk of Courts of Piscataquis County. (S. D. 312)

Reports of Committees

Mr. Bragdon, from the Committee on Agriculture, on bill An Act relative to the registration and licensing of dogs (S. D. 212) reported that the same ought not to pass.

The same Senator, from the same

Committee, on bill An Act to regulate the sale of ice cream by weight (S. D. 182) reported that the same ought not to pass.

The reports were severally read and accepted.

Mr. Foster, from the Committee on Banks and Banking, on bill An Act to prevent the improper use of the words: "Trust Company" (S. D. 231) reported that the same ought to pass.

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

Mr. Harriman from the Committee on Labor, on bill An Act to amend the Revised Statutes relating to the employment of children (S. D. 45) reported the same in a new draft, under the same title (S. P. 556) and that it ought to pass.

Mr. Douglas, from the Committee on Taxation, on bill An Act to refund of the tax on internal combustion engine fuel to officers and employees of the United States when engaged on official business (S. P. 351) reported the same in a new draft, under the title of An Act to amend Chapter 212 of the Public Laws of 1925 in relation to tax on internal combustion engine fuels (S. P. 555) 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.

Passed to be Engrossed

An Act relating to filing of complaints against removal of names from list of qualified voters. (S. D. 229)

Orders of the Day

On motion by Mr. Perkins of Penobscot, the Senate reconsidered its action of yesterday whereby bill An Act relating to pay of jurors (H. D. 437) was passed to be engrossed, and on further motion by the same Senator, House Amendment A was adopted in concurrence, and the bill as so amended was passed to be engrossed.

The President laid before the Senate, House Report from the

Committee on Education, Report A "ought not to pass", Report B "ought to pass" on An Act permitting children to be excused from public schools to receive religious instruction, (H. D. 133), tabled by Mrs. Pinkham of Arcostook, on March 30th pending acceptance of either report, and today assigned, and on motion by that Senator, the "ought not to pass" report was accepted in concurrence.

The President laid before the Senate Report from the Committee on Maine Publicity, "ought to pass," on Resolve appropriating money for compilation and publication of data concerning resources of the state (N. D. S. D. 270), tabled by Mr. Oakes of Cumberland on March 30th pending consideration and today assigned.

Mr. OAKES: Mr. President, this is a matter in which the Senator from Hancock, Senator Douglas and my colleague from Cumberland, Senator Spear were interested and I laid this on the table and the next matter, that they might come up together. Senator Spear was obliged to go to Portland last night and was coming back this morning by automobile and hoped to arrive before the opening of today's session. Now, I will yield to Senator Douglas if he desires or I will assign it for later in the day.

Mr. DOUGLAS of Hancock: Mr. President, what the Senator from Cumberland says is true and he also remembers that I wanted to get this bill to its first reading in order to offer an amendment, fixing a clerical error in printing or a typographical error in printing. It seems as though I have waited a long time with patience and I can see no harm in my bill that I am sponsoring going along a certain distance at this time and still be courteous to the Senator from Cumberland, Senator Spear. If Senator Oakes feels there would be anything that was discourteous in not waiting, why, it is far from my mind to be discourteous to anyone. I simply have got the child back in my possession after two of three months and I would like to fondle it a little bit. If there was any surety that Senator Spear would be here this afternoon

I would gladly acquiesce. If not, it seems I should have a chance. I leave it to Senator Oakes' discretion.

The PRESIDENT: The Chair will state that the report might be accepted and an amendment offered and the bill is still in its course of procedure and if any Senator wishes to stop it on second reading, passage to be engrossed, or final enactment, that may be done and it may be indefinitely postponed.

Mr. DOUGLAS: My understanding was it would do no harm.

Mr. OAKES: Mr. President, that would be my idea but Senator Spear, wished to keep these two measures in the same status to be taken up as nearly as possible together. So far as I am concerned, it is entirely immaterial, but I think if it is not too much of an imposition I would like to move the two matters lie on the table and not be assigned.

The PRESIDENT: The Senator can not move that two matters lie on the table. He can move one be tabled and not assigned.

Thereupon, on motion by Mr. Oakes of Cumberland, the bill and report were retabled pending consideration.

The President laid before the Senate Resolve to appropriate money for compiling and advertising the agricultural, industrial and recreational resources of the state, (S. D. 1), tabled by Mr. Oakes of Cumberland on March 30th pending consideration and today assigned.

Mr. OAKES of Cumberland: Mr. President, I also move this resolve lie on the table, unassigned.

The PRESIDENT: Mr. Oakes of Cumberland moves the resolve lie on the table, unassigned, and it is understood that it shall be taken up at the next session, or at this session, is that the pleasure of the Senate?

The motion to retable pending consideration, without assignment, prevailed.

The President laid before the Senate Resolve in favor of the Pownal State School for additions and improvements, (H. D. 305), tabled on March 30th by Mr. Mitchell of Aroostook pending second reading, and today assigned.

Mr. MITCHELL of Aroostook: Mr. President, as there is another bill covering practically the same matter

in the House and I expect it in this morning, I move that this resolve be retabled until the other matter arrives.

The motion to retable without assignment prevailed.

The President laid before the Senate Joint order relative to investigation expenditures of candidates for office, (S. D. 279), tabled by Mr. Carter of Androscoggin on March 30th pending passage, and today assigned.

Mr. CARTER of Androscoggin: Mr. President, I am in just the same status as in the evening session, last night. This was an order introduced by Senator Spear and I have a motion to make which would be final disposition if carried, but I hardly care to do it in the absence of Senator Spear, and move it be re-tabled without assignment.

The motion to retable without assignment prevailed.

The President laid before the Senate, Report from Committee on Legal Affairs "ought not to pass" on An Act relating to registration of motor vehicles, (S. D. 122), tabled by Mr. Slocum of Cumberland, on March 30th pending acceptance of report, and today assigned.

Mr. SLOCUM of Cumberland: Mr. President, I move we substitute the bill for the report, and in support of my motion I wish to bring to the attention of the Senate a few facts, namely: Among the criminal classes has grown up a specialized industry of stealing automobiles. It has become so serious that theft insurance is one of the biggest items in the insuring of cars.

(At this point Mr. Dwinall of Knox assumed the Chair amidst the applause of the Senate.)

The large insurance companies have banded themselves together and formed a body to assist in the recovery of these stolen cars. They maintain a force in each state to do this, and assist the various local enforcement officers in the apprehension of criminals. It is interesting to note that almost invariably the criminal steals a car in which to commit an overt act, whether to transport liquor or hold up a store. The recovery of stolen cars is therefore an aid to all law enforcement.

Further, when a stolen car is traced to an innocent purchaser, he is at a loss to recover from the crook who has decamped. The apprehension of one man recently, netted 68 stolen cars. Unfortunately the figures for last year are mislaid but my resolution is that 317 stolen cars were recovered in Maine last year.

The men whose duty it is to recover this property tell me that our State of Maine is considered the "dumping ground of stolen cars," and they ask that our registration laws be amended by adding these two items when registering a car for license. First, the name of the person from whom purchased, and the date. Second, the engine number. This will not involve any considerable increase in work to the registration of cars and will afford great assistance to those whose duty it is to recover this type of stolen property.

At the hearing there was presented letters requesting this legislation from several automobile insurance companies through their Automobile Detective Bureau's representative, also letters from several police chiefs and high sheriffs. There was no opposition that appeared, though I understand the auto thieves are much opposed.

I learned at the time of the hearing that another bill along similar lines was also coming before the Legal Affairs Committee, and suggested that this bill be held up and if the other was satisfactory the provisions of this bill could be incorporated into the other measure thereby cutting down legislation. The other bill was much delayed, and proved, after hearing, to be undesirable, and this bill received also an unfavorable report of the Committee. I have canvassed the members of the Committee and find none opposed to the measure, if this legislation is necessary.

The law enforcement agencies inform me that it is legislation similar to this that has assisted them greatly, and discouraged the sale of stolen cars in other states, and beg these provisions be enacted.

I am sure none of us want Maine to continue to be considered "the dumping ground for stolen cars" and I repeat my motion, namely, to substitute bill for the report.

Mr. MORRISON of Franklin: Mr. President, of course the Senator

from Cumberland, Senator Slocum is within his rights in moving to have this bill substituted for the report, but in a matter of this kind, a matter that seems to me of no more weighty importance than this, it is rather an extraordinary proceeding to have the bill substituted against the unanimous report of the committee of this Legislature.

This matter was given a full and complete hearing by the Committee on Legal Affairs and it was reported unanimously that the measure ought not to pass.

The bill provides, as the Senator from Cumberland has stated, that in regard to the registration of automobiles the applicant, in his application must state the name of the party from whom he purchased the car and also the date of the purchase. Now it seems to me, and it seemed to the members of the Legal Affairs Committee that perhaps this would not remedy the evil that the Senator wants to remedy. If the party has a stolen car and wishes to dispose of it and does dispose of it, of course he would not give his right name to the party that sells it, therefore it would be a law that would be easily evaded by the crooked and it would be a law that would be more trouble and bother for the honest man and it would also, to my mind necessitate the return of many applications for registration of automobiles back to the Secretary of State's department for further information and completion.

In regard to filing the engine number or inserting the engine number—we insert now the car number and in applying for registration of Ford automobiles, the only number on that kind of a car is the engine number and I am informed by the Secretary of State's department that the new application cards that they are getting out will provide a space to have the engine number inserted as well as the car number so that it seems to me that would take care of that part of the Senator's objection to the present law.

After consideration by the committee, it was deemed by them that this change in the general law in regard to the registration of automobiles was not necessary, that there was not a general demand so that the change be made and moreover, I

wish to say to the Members of this Senate that with the multitude of bills that have been presented to the committees of this legislature, the committee on legal affairs has acted along on nearly 180, that it seems to me that we may well bear in mind that old saying that changes are not always improvements, but so far as I am concerned, I do not believe in making any changes in the present public laws or enacting any new legislation unless the change proposed or the new legislation which it is proposed to have enacted is decisively necessary for the better government of the State of Maine and therefore, in this matter, I hope that the motion of the Senator from Cumberland, Senator Slocum, will not prevail and that the report of the committee will be accepted.

The PRESIDENT pro tem: The question is upon the motion of the Senator from Cumberland, that the bill be substituted for the report. Is it the pleasure of the Senate that the bill should be substituted for the report?

A viva voce vote being doubted

A division of the Senate was had. Three senators having voted in the affirmative and thirteen having voted in the negative, the motion to substitute the bill for the report failed of passage.

Thereupon on motion by Mr. Morrison of Franklin, the report of the committee "ought not to pass" was accepted.

At this point President Holley resumed the chair amidst the applause of the Senate.

The President laid before the Senate House Report from the Committee on Salaries and Fees "ought not to pass," on an act relating to compensation of the members of the legislature (H. D. 450), tabled on March 30th by Mr. Bragdon of Aroostook pending consideration and today assigned.

Mr. BRAGDON of Aroostook: Mr. President, may we be enlightened as to the status of the bill?

The PRESIDENT: The Secretary will read the record of the bill.

(The Secretary read: "The report of the Committee on Salaries and Fees was 'ought not to pass.' In the House the bill was substituted for the report and sent up for concurrence. In the Senate on March 29th the bill and the report were tabled

by Mr. Bragdon of Aroostook pending consideration.")

The PRESIDENT: The question is automatically on the acceptance of the report unless another motion is made.

Mr. BRAGDON: Mr. President, after the very decided vote that has just been taken in opposition to substituting a bill for a report, at this time I naturally hesitate to make such a motion, but for the sake of affording a member of the Senate opportunity to offer an amendment, I will move that the Senate concur with the House in the substitution of the bill for the report.

A viva voce vote being doubted

A division of the Senate was had.

Eleven Senators having voted in the affirmative and nine in the negative, the motion to substitute prevailed.

Thereupon, on motion by Mr. Woods of Penobscot the bill was tabled pending further consideration.

The PRESIDENT: There are no more matters tabled and assigned for today and the Chair will suggest that at this time we might very properly proceed on the matter tabled by the Senator from Cumberland, relating to Maine publicity (N. D. S. D. 270), the Senator from Cumberland, Senator Spear now being in his seat.

Mr. OAKES of Cumberland: Mr. President, I yield to the Senator from Hancock, Senator Douglas.

Mr. DOUGLAS of Hancock: Mr. President and members of the Senate I move the acceptance—

The PRESIDENT: Will the Senator withhold his motion for a moment.

Mr. DOUGLAS: Certainly, Mr. President.

The PRESIDENT: Does the Senator from Cumberland, Senator Oakes wish to move to take Senate Document 270 from the table?

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

The motion to take from the table prevailed.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Douglas.

Mr. DOUGLAS: Mr. President, I now move the acceptance of the unanimous report of the Committee "ought to pass."

Mr. SPEAR of Cumberland: Mr. President, I would like to ask through

the Chair if the Senator from Hancock, Senator Douglas, wishes to debate. If he does, I have no objection but before this motion is put I would like to be heard.

The PRESIDENT: The Senator from Hancock, Senator Douglas may reply if he cares to.

Mr. DOUGLAS: Mr. President, I am ready to debate any minute.

The PRESIDENT: The Senator may proceed.

Mr. DOUGLAS: Mr. President and members of the Senate, in support of my motion, that the report "ought to pass" be accepted I will be very brief. This was the second bill introduced into this body at this session and it was given due consideration by the committee to which it was referred. It is, I am sure, of vital interest to every person living within the borders of this state and to my mind there has never been, nor will ever be, a measure brought to either branch of this legislature which means so much as the advertising of Maine's resources, recreational, agricultural and industrial.

It is of such importance to me that I came up here purposely to try and put through a measure of this kind. I have never yet mentioned to a member of this Senate nor to a member of the House a word in regard to whether they would vote for the bill or whether they believed in it or not. I have left every man to his own mind. I never said to the members of the Committee, of which I am one, a word with reference to this measure. I have simply said that the measure is a state-wide measure which means much for Maine. I have never claimed that it was my bill. I have stood and am standing today sponsoring publicity for Maine believing absolutely in that method of bringing to Maine new dollars from the outside and leaving them here, selling them each year our industrial products, our agricultural products, and selling them every year our recreational products which they do not take with them and which they leave to sell every year over and over again.

I have also a record that I have never yet proposed a bill for your consideration in which I, personally, was privately interested. I have never appeared before but one committee asking for a private resolve of any kind. I told you at the start of my remarks that in moving the acceptance of this report I would be

very brief. I have plenty to say. I wish, however, to hear what my opponent has to offer, that this bill should not go through. I want to know why he thinks this is not a good measure. Then, with your permission, I think I have a right once more to stand up and defend the bill and all I am asking at the present time is the acceptance of this unanimous report that I may correct a clerical error. With those few words, Mr. President, I move the acceptance of the unanimous report of the committee that the bill ought to pass.

Mr. SPEAR: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator is in order and will state his point.

Mr. SPEAR: I have some matters, Mr. President and Members of the Senate that I would like to present to this Senate that I think require an executive session and I would like permission from the Senators to have the room cleared in order that I may place my proposition before them.

Mr. DOUGLAS: Mr. President, and Members of the Senate, so far as I am personally concerned I would not object to an executive session but this idea of investigations and this idea of closed doors does not appeal to me in a publicity matter. If he has anything against this bill or against any matter of publicity that will not bear the light of day, then it should not be heard and if he can say that he has anything against any man, member of this Senate or the House, that will not bear the light of day, then I will vote for the executive session but if it is merely something that has to do with the private character or the personal doings of any man or men who are spending private money then I say it should never be heard either behind closed doors or open doors.

Mr. MAHER of Kennebec: Mr. President, in view of the trend which the debate seems to have suddenly taken and the very evident propriety of the request of the distinguished Senator from Cumberland (Senator Spear) it would seem to me that an appropriate method of handling the matter would be, perhaps a middle course and that we might now at this time devolve ourselves into a committee of the whole. I will make that motion.

The PRESIDENT: The Chair is of the opinion that the motion is very appropriate.

Mr. SPEAR: Mr. President, may I address the Chair?

The PRESIDENT: The Senator may.

Mr. SPEAR: I am perfectly willing that a committee of the whole should hear this matter but I think it is for the best interests of the State of Maine that this room be cleared except those who are to hear the evidence.

The PRESIDENT: The Chair will state for the benefit of the Senator from Cumberland, Senator Spear, that a committee of the whole means exactly that, that this Senate goes into executive session and that the President of the Senate retires from his Chair previous to which he appoints a member to preside over the committee of the whole. As many as favor going into a committee of the whole will rise.

A division of the Senate being had That body unanimously voted in favor of the motion.

The PRESIDENT: All those who are not members of this Senate will retire, except the official stenographer of the Senate, and the messenger and assistant messenger will guard the doors including the gallery. The Chair appoints to preside over the committee of the whole the Senator from Kennebec, Senator Maher. (Applause)

Thereupon, the Senate resolved itself into a committee of the whole for executive session following which the Senate was called to order by the President.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Mr. Maher.

Mr. MAHER of Kennebec: Mr. President, the committee of the whole in the Senate, to which was referred Senate Document 270, has directed me as Chairman to report that they have come to the following resolution, namely, to recommend favorable action upon Senate Document 270.

Thereupon, the report of the committee of the whole was accepted, the report of the Committee on Maine Publicity "ought to pass" on Senate Document 270 was accepted, the bill received its first reading, the rules were suspended and the bill received its second reading.

Senator Douglas of Hancock then offered Senate Amendment A as follows and moved its adoption:

"Senate Amendment A to Senate Document No. 270. Amend said Resolve by striking out all of the fifty paragraph thereof, beginning with the words 'Said funds to be paid into the state treasury * * * ' and substituting in place thereof the following:

'Said funds are to be paid into the state treasury and expended under the direction of a commission known as the Maine Development Commission, which said commission shall be composed of the commissioner of agriculture, commissioner of inland fisheries and game, commissioner of forestry, secretary of state and labor commissioner, with six citizens, representing varied interests of the state of Maine, to be appointed by the governor with the advice and consent of the council. The first citizen appointees on said commission shall be as follows: two for one year, two for two years and two for three years.'

Senate Amendment A was then adopted and the bill as so amended was passed to be engrossed.

On motion by Mr. Maher of Kennebec

Recessed until five o'clock this afternoon.

After Recess

Senate called to order by the President.

Further papers from the House disposed of in concurrence.

From the House: Report A of the Committee on Inland Fisheries and Game, on bill An Act to regulate ice fishing in the Belgrade Chain of Lakes, so-called, in the counties of Kennebec and Somerset (H. D. 216) reported that the same ought not to pass.

(Signed) CRAFTS
LORD
FLINT
WOOD
MacKINNON

Report B of the same Committee, on the same subject matter, reported that the same ought to pass.

(Signed) DRAKE
KINSMAN
STORM
STONE
BUKER

In the House, report B accepted,

and the bill passed to be engrossed.
In the Senate:

Mr. HARRIMAN of Kennebec: I move acceptance of report B in concurrence..

Mr. CRAFTS of Piscataquis: I move the matter be tabled and especially assigned for Tuesday next. The motion to table prevailed.

House Bills in First Reading

An Act to define and regulate the sale of oleomargarine (H. D. 392).

Resolve, in favor of George E. Sparrow of Pittston, for reimbursement for damage done his fowl by foxes (H. D. 517).

Resolve in favor of Frank Tozier for reimbursement for money expended while working as constable in smallpox quarantine (H. D. 526).
(Under suspension of the rules the foregoing bill and resolves were also given their second reading and passed to be engrossed.)

An Act to create the office of Deputy Treasurer of Cumberland County (H. D. 117).

Came from the House, passed to be engrossed as amended by House Amendment "A."

On motion by Mr. Oakes of Cumberland, the Senate adopted House Amendment A and on further motion by the same senator under suspension of the rules the bill was given its second reading and passed to be engrossed.

Resolve, authorizing James H. Kerr, of Rumford, in the County of Oxford, to bring suit at law against the State of Maine (H. D. 438).

Came from the House, passed to be engrossed as amended by House Amendment "A."

On motion by Mr. Carter of Androscoggin, tabled pending second reading.

An Act relating to the fees of jurors (H. D. 535).

Came from the House, report accepted, bill subsequently indefinitely postponed.

On motion by Mr. Oakes of Cumberland, tabled pending consideration.

An Act to provide for the organization, operation and supervision of credit unions and to define their powers (H. D. 363).

Came from the House, report accepted, bill subsequently recommitted to the Committee on Judiciary.

In the Senate, recommitted in concurrence.

An Act making the Clerk of Courts of Waldo County Recorder of the Belfast Municipal Court (H. D. 391).

An Act relating to notice in divorce actions (H. D. 338).

An Act relating to State highways (H. D. 359).

An Act to incorporate the City of Belfast School District (H. D. 512).

An Act relating to pensions for the Blind (H. D. 518).

An Act to provide for compensation of Justices of the Supreme Judicial Court (H. D. 499).

An Act to increase the salary of the Register of Deeds of Oxford County (H. D. 516).

An Act relative to the salary of the Judge of the Municipal Court of Brunswick (H. D. 514).

An Act to increase the salary of the sheriff of Piscataquis County (H. D. 513).

An Act to increase the salary of the County Treasurer for Oxford County (H. D. 524).

An Act relating to clerk hire in the office of Register of Deeds for Oxford County (H. P. 677).

An Act to increase the salary of County Attorney for Oxford County (H. D. 522).

An Act relative to clerk hire in the office of Clerk of Courts, Penobscot County (H. D. 521).

An Act to increase the salary of Clerk of Courts for Oxford County

An Act relating to the breaking of roads in winter (H. D. 38).

(On motion by Mr. Bragdon of Aroostook, tabled pending second reading.)

An Act relating to the construction of a raised road across the Bar between Deer Isle and Little Deer Isle, in the county of Hancock (H. D. 48).

(Under suspension of the rules, the foregoing bills and resolves were also given their second reading and passed to be engrossed.)

The following communication was received:

**"ANSWERS TO QUESTIONS PRO-
POUNDED TO THE JUSTICES
OF THE SUPREME JUDICIAL
COURT BY THE SENATE.**

To the Honorable Senate of the State of Maine:

The undersigned Justices of the Supreme Judicial Court having con-

sidered the questions on which their opinion was requested by the Senate order passed March 24th, 1927, relating to the verification of petitions under the initiative and referendum provisions of the Constitution of Maine respectfully submit their opinion in the following answers.

Question 1. If on hearing, the Legislature finds as a fact that one person wrote several names on a petition does that invalidate the verification of the petition and should the other names on that petition be counted?

Answer: A petition regular in form and duly verified and certified in accordance with the provisions of section 20 of Part 3 of Article IV of the Constitution as amended by the thirty-first amendment may be regarded as prima facie evidence of its validity and of the authenticity of the signatures. The provision of the Constitution, however, requires such petitions to be signed with the 'original signature of the petitioner.' If it appears from the petition, or by proof alinunde, that certain of the signatures thereon are not original, such signatures should not be counted; but we are of the opinion that the fact that some of the signatures are not original should not be held ipso facto to invalidate the verification as to the others, and the remainder of the names, no other reason to the contrary appearing, should be counted.

Question 2. If on hearing, the Legislature finds as a fact that one person wrote several names on a petition but did so in good faith, believing that he had a right to do so, does that invalidate the verification of the petition and should the other names on the petition be counted?

Answer: The answer to question number one also applies to question number two. The authority to sign such petitions can not be delegated, even if done in good faith.

Question 3. If a person verifies a petition that he did not circulate and did not see each petitioner sign but does so honestly believing that each name appearing on the petition is the true signature of the person whose name appears, is that a proper verification and should the names on the petition be counted?

Answer: A petitioner verifying as to the authenticity of the signatures appearing on a petition should have personal knowledge thereof. He can

not verify upon hearsay alone however honest his belief. The Constitution does not, however, require that the signatures be subscribed in his presence. He may verify upon his identification of the handwriting, or even have sufficient warrant for verification, although the signing was not done within his actual vision, if it was done under such circumstances that no reasonable person would doubt its authenticity. What constitutes personal knowledge sufficient to warrant verification is a matter within the sound judgment of the body, which much act upon the petition, which tribunal may also determine for itself the nature of the evidence it will receive upon this question and its weight.

Although it may appear that as to certain names the verification was based upon hearsay alone, that should not be held to invalidate the verification as to the remainder of the names which, no other objection appearing, may be counted.

Respectfully submitted,

(Signed)

SCOTT WILSON
WARREN C. PHILBROOK
CHARLES J. DUNN
LUERE B. DEASY
GUY H. STURGIS
CHARLES P. BARNES
NORMAN L. BASSETT
W. R. PATTANGALL."

March 29th, 1927.

The communication was read and placed on file.

The following resolve was received and on recommendation by the committee on reference of bills were referred to the following committee:

Appropriations and Financial Affairs

By Mr. Miner of Washington, Resolve in favor of Walter E. Wade, for services as Clerk of the Committee on State Sanatoriums. (S. P. 558)

Mr. DRAKE of Sagadahoc: Mr. President, I would like the unanimous consent of the Senate to introduce a bill out of order and in explanation of the same I will say I have been handed this afternoon a bill to amend the charter of the Union Mutual Life Insurance Company. They do just life and accident insurance. They would like to have their charter amended so that they

can do disability and health insurance. This has the full approval of the Insurance Commissioner.

Thereupon, under suspension of the rules, consent was given to Senator Drake to introduce An Act to amend the charter of the Union Mutual Life Insurance Company as amended by Chapter 526 of the Private and Special Laws of Maine, 1889, (S. P. 564), and upon motion by the same Senator, the rules were suspended and the bill was given its two several readings without reference to a committee and was passed to be engrossed.

Orders

On motion by Mr. DRAKE of Sagadahoc, it was

Ordered, the House concurring, that a joint select committee consisting of the President of the Senate, two members on the part of the Senate, appointed by the President, the Speaker of the House and three members on the part of the House, appointed by the Speaker, together with the Governor and Council and the Kennebec Bridge Directors, shall arrange for an appropriate dedication of the Kennebec Bridge at Bath, Maine, upon its formal opening to the public; the expenses of said dedication to be defrayed from any funds available and designated by the Governor and Council for that purpose.

The PRESIDENT: The Chair appoints the Senator from Sagadahoc, Senator Drake and the Senator from Somerset, Senator Smith.

Mr. OAKES of Cumberland: Mr. President, I have been asked to introduce this bill under suspension of the rules. It is an act which provides for the protection of roads from trucks during the muddy season. It has been suggested that it has been covered by other legislation, but nobody is certain, and in order that this may go to the committee tonight, I request that I may be allowed to introduce it and have it referred to the Ways and Bridges Committee.

The PRESIDENT: The Chair would inquire if the Senator wishes this bill to go to the committee, be advertised in the paper and have a hearing.

Mr. OAKES: The request is, Mr. President, that it be referred to the Committee on Ways and Bridges.

Thereupon, under suspension of the rules, consent was given to Senator Oakes to introduce An Act conferring authority upon municipal officers and road commissioners to enforce the laws and the rules and regulations relating to trucks upon the highways, (S. P. 565), and upon motion by the same Senator, the bill was referred to the Committee on Ways and Bridges.

Mr. Carter, from the committee on judiciary, on bill an act relating to the protection of children (S. D. 227), reported that the same ought not to pass.

The report was read and accepted.

Mr. Smith, from the committee on claims, on resolve in favor of Arthur L. Thayer of Bangor for use of his private car while chairman of the Maine Industrial Accident Commission (S. D. 71), reported that the same ought to pass.

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

The same senator, from the same committee, on resolve in favor of Henry A. Day, Bangor, Maine, compensating him for loss sustained in road construction on the State highway in Orono (S. P. 22), reported the same in a new draft, under the same title (S. P. 559), and that it ought to pass.

The same senator, from the same committee, on resolve in favor of Mrs. Katie Jesseman of Monroe for damages (S. P. 238), reported the same in a new draft, under the same title (S. P. 560), and that it ought to pass.

Mr. Speirs, from the committee on education, on resolve in favor of St. Louis Home for Boys (S. P. 209), reported the same in a new draft, under the title of resolve in favor of St. Louis' Home for Boys, at West Scarborough (S. P. 561), and that it ought to pass.

Mr. Oakes, from the committee on judiciary, on bill an act to amend Chapter 209 of the Public Laws of 1925 relating to zoning ordinances (S. D. 167), reported the same in a new draft, under the same title (S. P. 562), and that it ought to pass.

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

Mr. Carter, from the same commit-

tee, on bill an act to incorporate the Marshall Dam and Improvement Company (S. D. 117), reported that the same ought to pass.

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

Mr. Oakes, from the same committee, on bill an act to incorporate the Bangor Bridge District (S. D. 36), reported the same in a new draft, under the same title (S. P. 563), 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. Smith, from the committee on labor, presented its final report.

The report was read and accepted.

Passed to Be Enacted

An act to authorize the county of Washington to issue its bonds in an amount not exceeding four hundred seventy-five thousand dollars for the purpose of refunding its bonds now outstanding and maturing in the year one thousand nine hundred and twenty-eight (S. D. 60).

An act to extend the charter granted to the Sandy River and Rangeley Lakes Railway Company (S. D. 94).

An act relating to the authorization of issue of stocks, bonds and notes by public utilities (S. D. 164).

An act relating to the State department of health (S. D. 225).

(On motion by Mr. Carter of Androscoggin, tabled pending passage to be enacted.)

An act to establish a board of police of the city of Waterville (S. D. 266).

An act to provide for the filling of vacancies in the office of constable in cities (S. D. 271).

An act relating to closed time on greater and lesser yellowlegs (S. D. 275).

An act relating to salaries of registers of probate (H. D. 39).

An act making the father and mother joint natural guardians of their minor children with equal powers and rights (H. D. 139).

An act relating to increase or decrease of capital stock, or stock, bond or scrip dividend of public utilities (H. D. 176).

An act to secure completion of the topographic mapping of Maine, in cooperation with the United States Geological Survey (H. D. 401).

An act to incorporate the Franklin Water Company (H. D. 442).

An Act to amend the act incorporating the Livermore Falls Water district. (H. D. 443.)

An Act relating to Robert W. Traip Academy. (H. D. 444.)

An Act to extend the charter of the Central Heating Company of Portland. (H. D. 445.)

An Act to amend act entitled "The Insolvent Law." (H. D. 448.)

An Act relating to Winterport Ferry Company. (H. D. 460.)

An Act relating to requiring children between certain ages to attend school unless excused or excluded by the committee. (H. D. 461.)

An Act to repeal a law to establish a board of road commissioners for the town of Mount Desert, in the County of Hancock. (H. D. 472.)

An Act to regulate the taking of pickerel in Union river in the County of Hancock. (H. D. 480.)

An Act relative to the salary of the mayor of the City of Augusta. (H. D. 490.)

An Act to name the State Park at Kittery, in the County of York. (H. D. 494.)

An Act relating to salary and expenses of the county commissioners of Lincoln County. (H. D. 497.)

An Act relating to the Lincoln Municipal Court. (H. D. 498.)

An Act to renew the Charter of the R. and T. Cement Railroad (S. D. 265).

An Act in favor of Frank J. Durgin of West Forks Plantation (S. D. 239).

Finally Passed

Resolve, appropriating money to reimburse the town of Orland for support of George Savoy. (S. D. 264.)

Resolve to appropriate money for the purpose of operating fish hatcheries and feeding stations for fish, for the protection of fish, game and birds and for printing the report of the commissioner of Inland Fisheries and Game, and for maintenance of the Maine State Museum and for other expenses incident to the administration of the Department of Inland Fisheries and Game. (S. D. 274.)

(On motion by Mr. Crafts of Piscataquis, pending final passage.)

Resolve, in favor of Mary Louise Wilcox of Caribou compensating her for personal injuries. (S. D. 277.)

Resolve, to reimburse the committee on State sanatoriums for expenses. (S. D. 278.)

Resolve, to reimburse the town of Kingman for support of Ed. Priest, a State pauper. (H. D. 440.)

Resolve, in favor of the town of Medway, for reimbursement of amount expended for the care and maintenance of Martin Reardon, a pauper. (H. D. 441.)

Resolve, in favor of the purchase of Maine physicians members of the Massachusetts Medical Society at the separation. (H. D. 447.)

Resolve, in favor of the town of Cherryfield, in the County of Washington, for reimbursement for moneys expended in defense of three actions at law brought against it. (H. D. 449.)

Resolve, to designate the State bird, (H. D. 477.)

Orders of the Day

The President laid before the Senate, Resolve to appropriate money for compiling and advertising the agricultural, industrial and recreational resources of the state (S. D. 1) tabled on March 30th by Mr. Oakes of Cumberland pending consideration and today assigned.

Mr. OAKES: Mr. President, I yield to the Senator from Cumberland, Mr. Spear.

Mr. SPEAR: Mr. President, I move that this matter be re-tabled.

A viva voce vote being doubted

A division of the Senate was had.

Thirteen senators having voted in the affirmative and eight in the negative the resolve was retabled.

The PRESIDENT: Under Orders of the Day is there anything on the calendar that is unassigned that any Senator feels he can take from the table?

On motion by Mr. Bragdon of Aroostook, the Senate voted to take from the table An Act with relation to the breaking of roads in winter (H. D. 38), tabled by that Senator earlier in today's session pending second reading, and on further motion by that Senator the rules were suspended and the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Maher of Kennebec, the Senate voted to take from the table Joint order relative to welfare conditions in the state (H. D.

365), tabled by that Senator on March 30th pending adoption of Senate Amendment A, and on further motion by the same Senator, Senate Amendment A and the order as so amended was given passage.

On motion by Mr. Foster of Kennebec, the Senate voted to take from the table An Act relating to the charter of the City of Waterville (H. D. 446), tabled by that Senator on March 30th, pending passage to be engrossed, and on further motion by the same Senator, the bill was passed to be engrossed.

Mr. CARTER of Androscoggin: Mr. President, I retabled a matter this morning, Senate Document 279, and when I retabled it, in the absence of the Senator from Cumberland, Senator Spear, who introduced the order, I did so for the reason that I did not wish to make a motion to finally dispose of the order in the absence of the Senator. I now move that it be taken from the table.

The motion prevailed.

Mr. CARTER: Mr. President, may we have the secretary read the order again?

(The Secretary read the order.)

Mr. CARTER: Mr. President, I now move the order be indefinitely postponed.

Mr. SPEAR of Cumberland: Mr. President, I move this order be retabled and especially assigned for tomorrow morning for the purpose of an amendment. I know that the Senator from Androscoggin, Senator Carter, stands for clean primaries and I think he would be interested in the amendment I will have to offer.

The motion to retable and assign prevailed.

On motion by Mr. Perkins of Penobscot, the Senate voted to take from the table House Report from the Committee on Salaries and Fees "ought to pass" on An Act relating to clerk hire in the office of the county attorney in Penobscot County (H. D. 452), tabled by that Senator on March 30th pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill received its first reading, the rules were suspended and the bill received its second reading and was passed to be engrossed.

On further motion by the same Senator, the Senate thereupon reconsidered its action whereby this bill was passed to be engrossed, House Amendment A was adopted in concurrence and the bill as so amended was passed to be engrossed.

On motion by Mr. Woods of Penobscot, the Senate voted to take from the table Resolve in favor of Northern Maine Sanatorium for sprinkler system and standpipe (S. D. 208), tabled by that Senator on March 30th pending passage to be engrossed; and on further motion by the same Senator the resolve was passed to be engrossed.

Further Paper from the House disposed of in concurrence.

On motion by Mr. Carter of Androscoggin, the Senate voted to take from the table Senate Report from the Committee on Judiciary, Report A "ought not to pass", report B, "ought to pass" in new draft, on An Act to provide for safety of life and property and create a board of boiler rules, etc. (S. D. 200), tabled by that Senator on March 30th pending acceptance of Report B.

Mr. CARTER of Androscoggin: Mr. President, may I be reassured on the parliamentary situation that the pending question is acceptance of Report B, a minority report of "ought to pass"?

The PRESIDENT: The Chair will state that the paper appears to have been tabled by the Senator from Androscoggin, Senator Carter, the pending motion at the time being acceptance of Report B, having been made by the Senator from Cumberland, Senator Oakes.

Mr. CARTER: And, Mr. President, Report B is the minority report?

The PRESIDENT: Report B is the "ought to pass" report and Report A is the "ought not to pass", a divided report. Does the Senator wish to have the names read of the committee who signed the report?

Mr. CARTER: I do, Mr. President.

The PRESIDENT: The Secretary will read the two reports.

(The Secretary read: "Report A is the report 'ought not to pass' and is signed by Carter, Aldrich, Bartlett, Hale, and Wing of Kingfield. Report B 'ought to pass' is signed by Maher,

Oakes, Dudley, Patterson, Wing of Auburn.")

The PRESIDENT: The pending question is acceptance of Report B.

Mr. CARTER: Mr. President, I now move that we indefinitely postpone Senate Document 200 and the report.

Mr. OAKES of Cumberland: Mr. President, I did not expect this to come off the table tonight and I have not the detail of the bill absolutely in mind but the general nature of it is this, that inspectors under the Department of Labor shall inspect all steam boilers in the state to determine whether they are safe and an amendment was added in the committee to eliminate those boilers that are covered by insurance, those boilers being inspected by the insurance companies and it seeming to the Committee that it was unnecessary to duplicate that inspection. My feeling is that there are a large number of these portable boilers throughout the State and there are in addition a large number of boilers in small factories that have not been inspected for a great many years. I feel that this matter having come before our attention, recommended by the Commissioner of Labor, that I do not wish to take the responsibility on my shoulders of having this matter brought to my attention and then having an explosion from an uninspected boiler and possibly a large number of people killed when an inspection would meet the situation. That is my reason for having voted for the inspection.

Mr. CARTER: Mr. President, in support of my motion to indefinitely postpone I will say that this is a bill which I understand has been before the different Legislatures a great many times. It is a bill which calls, as my colleague has said, for the inspection of all boilers other than those insured by insurance companies. The State of Maine, in my recollection, is very free from boiler explosions of all sorts and I think it would be safe to say that practically every factory that uses a boiler has it insured. Therefore, this bill affects only boilers used, practically, other than in factories. It calls for some appropriation the first year or two but with the expectation that the fees to be charged, which I think is \$15.00 for the inspection of a boiler

will make this bill self-supporting, and I don't know but that it may be income producing to the Department of Labor. The State having gotten along so well without this burden on the individual owners and having been so free from accidents, with all of the larger boilers, practically, protected, it seems to me that this is unnecessary legislation. This bill called originally for the establishment of a department with a very considerable expense attached. That was cut out by amendment in the committee, and now, coming in a new draft, it is for the inspection of certain classes of boilers not otherwise inspected by insurance companies and it seemed to me that it was adding a burden of expense upon the State and also an added burden of expense upon the individual who owns and operates a small boiler. To me, the danger is not in the boiler; the danger is in the inexperienced engineer and fireman who is operating the boiler. I think it would be much more consistent to pass a law which called for the examination of stationary engineers so that we might have competent men to operate the boilers because a man who does not know how to operate a boiler is just as dangerous on a safe boiler as he would be on an unsafe one and, on the other

hand, a man who knows his business can nurse along an old boiler much more safely than an inexperienced man.

Mr. SMITH of Somerset: Mr. President, I had really hoped that the first labor matter that came before our body would not be opposed as has been the custom of so many years. However, I presented this matter in behalf of labor, was unable to attend the session in which it was reported and was not aware that it was on the table. For this reason, I will ask to have it retabled that I may have a chance to give it proper consideration.

The PRESIDENT: Does the Senator from Somerset, Senator Smith, care to assign a date?

Mr. SMITH: Mr. President, I will assign Monday afternoon, next.

The PRESIDENT: The Senator from Somerset, Senator Smith moves that this matter lie upon the table and be assigned for Monday afternoon next. Is this the pleasure of the Senate?

The motion to table and assign prevailed.

On motion by Mr. Harriman of Kennebec

Adjourned until tomorrow morning at ten o'clock.