

# 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

Monday, April 4, 1927.

Senate called to order by the President.

Prayer by the Rev. C. E. Young of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House, An Act to provide for the exportation of surplus power (S. D. 259.)

(In the Senate, March 30th, passed to be engrossed.)

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

In the Senate:

Mr. CARTER of Androscoggin: Mr. President, as I understand this bill it is the so-called Smith bill. It was amended in the House by three amendments and is either to be concurred in or some action taken in this body prior to its engrossment. I assume that the amendments would be satisfactory to the Senate. This bill, if the Senate concurs with the House, would be in the final form, ready for engrossment and after engrossment for final action in both branches of the Legislature on enactment. Under these circumstances I feel that the present stage of the bill's journey is in reality a formality and I would suggest that if satisfactory to the Senate the three House amendments to the Smith bill be adopted at this time in formal vote and the bill be passed to be engrossed in concurrence with the House.

The PRESIDENT: The Senator from Androscoggin, Senator Carter, moves the adoption in concurrence of House Amendment A—

Mr. OAKES of Cumberland: On account of my connection with the compact bill, Mr. President, I wish to second the suggestion of the Senator from Androscoggin (Senator Carter.)

Mr. MAHER of Kennebec: Mr. President, I missed what went previously but has the Senate voted to reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: We have not and the Chair was allowing discus-

sion of the three amendments solely for the purpose of expediting the business of the Senate as we may not wish to reconsider the vote whereby it was passed to be engrossed.

Thereupon, on motion by Mr. Carter of Androscoggin the rules were suspended and the Senate reconsidered its action whereby this bill was passed to be engrossed and on further motion by the same Senator, House Amendments A, B, and C, were adopted and the bill as so amended was passed to be engrossed in concurrence.

Mr. CARTER: Mr. President, simply for the record I would like to say that when this matter comes before the Senate for enactment I shall then oppose its passage but at this time consider it only a formal action.

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

#### Appropriations and Financial Affairs

By Mr. Bond of Lincoln, Resolve in favor of Joseph B. Campbell, clerk to the committee on counties. (S. P. 581.)

By Mr. Drake of Sagadahoc, Resolve in favor of Joseph B. Campbell, clerk to the committee on Mercantile Affairs and Insurance. (S. P. 582.)

By Mr. Miner of Washington, Resolve in favor of Philip Carroll, clerk of the committee on Public Health. (S. P. 583.)

By Mr. Perkins of Penobscot, Resolve in favor of Edith Bissett for services as clerk and stenographer of Committee on Pensions. (S. P. 584.)

#### Orders

On motion by Mr. Smith of Somerset, it was

ORDERED, that the Rev. L. W. Grundy, of North Anson, be invited to act as Chaplain of the Senate on Wednesday, April 6.

#### Bills in First Reading

An Act to amend the Revised Statutes, relating to the employment of children. (S. D. 318.)

An Act to amend Chapter 212 of the Public Laws of 1925 in relation to tax on internal combustion engine fuels. (S. D. 319.)

Resolve in favor of Mrs. Katie Jesseman of Monroe for damages. (S. D. 320.)

Resolve in favor of St. Louis' Home for Boys at West Scarborough. (S. D. 321.)

An Act to amend Chapter 209 of the Public Laws of 1925, relative to Zoning Ordinances. (S. D. 322.)

Resolve in favor of Henry A. Day of Bangor, County of Penobscot and State of Maine, compensating him for loss sustained in road construction upon State highway. (S. D. 323.)

An Act relating to qualification and licensing of agents of insurance companies. (S. D. 324.)

An Act to amend Chapter 163 of the Public Laws of 1925 relating to transfer from one sub-division of a department appropriation to another. (S. D. 325.)

An Act relating to State School Fund and especially relating to high school tuition by non-resident students. (S. D. 326.)

An Act relating to clerk hire in the office of the Register of Probate of Aroostook County. (S. D. 327)

An Act to increase the salary of the Clerk of Courts in Franklin County. (S. D. 328)

An Act relating to the salary of the Register of Probate of Franklin County. (S. D. 329)

An Act relating to the salary of the Clerk of Courts of Knox County. (S. D. 330)

An Act to increase the salary of the County Attorney of Sagadahoc County. (S. D. 331)

An Act relating to the salary of the Treasurer of Knox County. (S. D. 332)

An Act relating to the salary of the Register of Deeds for Sagadahoc County. (S. D. 333)

An Act to amend Section 34 of Chapter 24 of the Revised Statutes, as amended, relative to the abolishment of grade crossings. (S. D. 334)

The PRESIDENT: Will the Senator from Franklin, Senator Morrison, assume the Chair for a moment?

Thereupon, Mr. Morrison of Franklin assumed the Chair.

#### Reports of Committees

Mr. Harriman, from the Committee on Claims, on Resolve in favor of Wallace W. Yates, of Grand Lake

Stream, Washington County, (S. D. 202) reported that the same ought not to pass.

Mr. Speirs, from the Committee on Education, on Resolve in favor of Erskine Academy for general maintenance (S. P. 214) reported that the same ought not to pass.

Mr. Dunbar, from the Committee on Public Utilities, on bill An Act relating to telegraph and telephone companies (S. D. 223) reported that the same ought not to pass.

The same Senator, from the same Committee, on bill An Act relating to laying out of highways for the purpose of diverting traffic from grade crossings (S. D. 224) reported that the same ought not to pass.

Mr. Granville, from the same Committee, on bill An Act to provide for the inspection of internal combustion engine fuel shipments (S. D. 108) reported that the same ought not to pass.

Mr. Granville, from the Committee on Salaries and Fees, on bill An Act to increase the salary of the sheriff of York County (S. P. 342) reported that the same ought not to pass.

Mr. Perkins, from the same Committee, on bill An Act relating to Judges of Probate (S. P. 343) reported that the same ought not to pass.

Mr. Smith, from the Committee on Ways and Bridges, on bill An Act in relation to the distribution of the mill tax (S. P. 435) reported that the same ought not to pass.

The reports were severally read and accepted.

At this point the President resumed the Chair.

The majority of the Committee on State Prison, on bill An Act to consolidate the general superintendence, management and control of the State Prison, the Reformatory for Men and the Reformatory for Women, under one board of trustees (S. D. 185) reported that the same ought not to pass.

(Signed)

PINKHAM  
BOSTON  
CARLETON  
COLE  
MORRISON  
BOND

The minority of the same Committee, on the same subject matter, re-

ported that the same ought to pass.  
(Signed)

VARNUM  
HEATH  
STURGIS  
BREWSTER

(On motion by Mr. Morrison of Franklin, the majority report "ought not to pass" was accepted.)

The majority of the same Committee, on bill An Act authorizing officials in charge of penal or correctional institutions to institute a system of compensation (S. D. 195) reported that the same ought not to pass.

(Signed)

BOND  
VARNUM  
STURGIS  
MORRISON  
HEATH  
CARLETON  
PINKHAM

The minority of the same Committee, on the same subject matter, reported that the same ought to pass.

(Signed)

COLE  
BOSTON  
BREWSTER

(On motion by Mr. Morrison of Franklin, the majority report "ought not to pass" was accepted.)

The majority of the Committee on Ways and Bridges, on resolve appropriating money to aid in building a highway from Eustis in Franklin County to the boundary line between the state of Maine and the Dominion of Canada, at a place near the village of Woburn in said Canada (S. D. 67) reported the same in a new draft, under the same title (S. P. 585) and that it ought to pass.

(Signed)

BOND  
CASE  
KITCHEN  
PIKE  
MARDEN  
METCALF  
AYER  
LOWELL  
MERRILL

The minority of the same Committee, on the same subject matter, reported that the same ought not to pass.

(Signed)

SMITH

(On motion by Mr. Morrison of Franklin the majority report "ought to pass" was accepted, the bill re-

ceived its first reading, the rules were suspended, the bill received its second reading and was passed to be engrossed).

Mr. Smith, from the Committee on Claims, on resolve in favor of Murtagh Hughes of Bangor, to reimburse him for loss sustained in construction of State highway at Edgecomb, Me., (S. P. 170) reported the same in a new draft, under the same title (S. P. 586) and that it ought to pass.

The same Senator, from the same Committee, on resolve to reimburse the town of Phippsburg for expenses incurred in fighting forest fires by the State Militia (S. P. 237) reported the same in a new draft, under the same title (S. P. 587) and that it ought to pass.

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

Mr. Crafts, from the Committee on Inland Fisheries and Game, on bill an act relating to the employment of guides by non-residents (S. D. 180) reported that the same ought to pass.

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

The same Senator, from the same Committee, on bill an act to regulate camping within the limits of game preserves, or sanctuaries (S. D. 181) reported the same in a new draft, under the same title (S. P. 601) and that it ought to pass.

Mr. Lord, from the same committee, on bill an act relating to the trapping of fur-bearing animals (H. D. 164) reported the same in a new draft, under the same title (S. P. 588) and that it ought to pass.

Mr. Morrison, from the Committee on Legal Affairs, on bill an act relating to advertising signs upon public highways (S. D. 222) reported the same in a new draft, under the same title (S. P. 589) and that it ought to pass.

The same senator, from the same committee, on bill an act to amend Section 23 of Chapter 176 of the Public Laws of 1925, relating to recording of instruments and conveyances (S. D. 98) reported the same in a new

draft, under the same title (S. P. 590) and that it ought to pass.

The same Senator, from the same committee, on bill an act relating to consent required to be given in adoption of children (S. D. 189) reported the same in a new draft, under the same title (S. P. 591) and that it ought to pass.

Mr. Granville, from the committee on salaries and fees, on bill an act to amend Section 45 of Chapter 219 of the Public Laws of 1921, relating to clerk hire in the Registry of Deeds for the southern district of Aroostook county (S. P. 31) reported the same in a new draft, under the title of an act relating to clerk hire in the office of Register of Deeds, Southern District of Aroostook County (S. P. 592) and that it ought to pass.

The same Senator, from the same Committee, on bill an act to amend Section 40 of Chapter 117 of the Revised Statutes, as amended, relating to the salary of the clerks of the Supreme Judicial Court (S. P. 32) reported the same in a new draft, under the same title (S. P. 593) and that it ought to pass.

The same Senator, from the same committee, on bill an act to increase the amount to be paid for clerk hire in the office of Clerk of Courts in the county of Cumberland (S. P. 93) reported the same in a new draft, under the same title (S. P. 594) and that it ought to pass.

The same Senator, from the same Committee, on bill an act relating to the salary of the Clerk and Deputy Clerk of Courts in Cumberland county (S. P. 94) reported the same in a new draft, under the same title (S. P. 595) and that it ought to pass.

The same Senator, from the same Committee, on bill an act relating to increase in clerk hire in the office of Registry of Deeds in Franklin County (S. P. 114) reported the same in a new draft, under the same title (S. P. 596) and that it ought to pass.

The same senator, from the same committee, on bill an act to amend Section 45 of Chapter 219 of the Public Laws of 1921, as amended, relating to clerk hire in the Registry of Probate for Franklin County (S. P. 111) reported the same in a new draft, under the title of an act relating to clerk hire in the office of register of Probate for Franklin County (S. P. 597) and that it ought to pass.

Mr. Perkins from the same Committee, on bill An Act relating to the

salary of the Judge of Probate of Knox County (S. P. 18) reported same in a new draft, under the same title (S. P. 598) and that it ought to pass.

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

The same Senator, from the same Committee, on bill An Act to increase the clerk hire in the Registry of Deeds of Waldo County (S. P. 256) reported that the same ought to pass.

(On motion by Mr. Nickerson of Waldo the report was tabled pending acceptance and the bill ordered printed.)

The same Senator, from the same Committee, on bill An Act relative to an increase in the salary of the Judge of the Houlton Municipal Court (S. P. 308) reported that the same ought to pass.

The same Senator, from the same Committee, on bill An Act to increase the salary of the Register of Deeds in Franklin County (S. P. 113) reported that the same ought to pass.

The same Senator, from the same Committee, on bill An Act to increase the salary of the Register of Deeds in the county of Aroostook, Northern District (S. P. 80) reported that the same ought to pass.

The same Senator, from the same Committee, on bill An Act increasing the allowance for clerk hire in the office of the Register of Deeds in the County of Aroostook, Northern District (S. P. 81) reported that the same ought to pass.

The same Senator, from the same Committee, on bill An Act to increase the salaries of the clerks in the offices of the Clerk of Courts, the Register of Probate and the Register of Deeds for Sagadahoc County (S. P. 153) reported that the same ought to pass.

The same Senator, from the same Committee, on bill An Act relating to the clerk hire in the office of the Probate Court in Knox County (S. P. 307) reported that the same ought to pass.

Mr. Bond, from the Committee on State Lands and Forest Preservation, on bill An Act for the preservation, perpetuation and increase of the forests of the State of Maine (S. D. 194) reported the same in a new draft, under the same title (S. P. 599) and that it ought to pass.

The reports were severally read and accepted and the bills and resolves ordered printed under the joint rules.

Mr. Roberts, from the same Committee, on bill An Act relating to forest land exempted from taxation (S. D. 171) reported that the same ought to pass.

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

Mr. Case, from the Committee on Ways and Bridges, on Resolve providing for the construction of an international bridge over St. John River between the town of Fort Kent, Aroostook County, Maine and the Parish of St. Francis, Madawaska County, New Brunswick (S. P. 317) reported the same in a new draft, under the same title (S. P. 600) and that it ought to pass.

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

Mr. Harriman, from the Committee on Commerce, submitted its final report.

Mr. Miner, from the Committee on Public Health, submitted its final report.

Mr. Roberts, from the Committee on State Lands and Forest Preservation, submitted its final report.

The reports were severally read and accepted.

#### Passed to Be Engrossed

Resolve providing for a State pension for Ivanilla Nute of Lewiston. (S. D. 314)

An Act providing compensation for court stenographers, upon retiring by reason of disability (S. D. 315).

An Act authorizing the Treasurer and County Commissioners of York County to procure a loan and issue bonds of said county therefor for the purpose of erecting additions to the court house (S. D. 316)

The President laid before the Senate, Veto message of Governor Brewster on "Resolve making an appropriation for a nurses' home at the Augusta State Hospital" (S. D. 134), as follows:—

#### STATE OF MAINE Office of the Governor

Augusta, April 4, 1927.

To the Honorable Senate and House of Representatives:

This is returned, herewith, without my approval, a Resolve in Favor of the Augusta State Hospital, providing for the construction of a Nurses' Home at an expense of \$135,000.

From discussion of the situation at the Augusta State Hospital with the President of the Board of Trustees in charge of its administration, it seems to me that the need is not so serious as to require this construction at this time.

At the opening of the session he advised me that the need for a building at Bangor to house one hundred and fifty patients was most urgent. That has now been provided. He regarded the Nurses' Home at Augusta as very desirable but not imperative. If a comprehensive building program was determined upon, this unit would be entitled to consideration for a place on the list. If strictest economy were necessary it would be possible to get along without it without too serious prejudice to the interests of the patients or the State.

It is contemplated that forty to fifty patients may soon be transferred from Augusta to Bangor and relieve the pressure at Augusta to that extent.

It is the opinion of the Superintendent and the President of the Board of Trustees that from fifty to one hundred of the patients now at Augusta may be properly cared for outside and that changes that have been recommended in the system of support may accomplish the removal of certain of these cases without prejudice to anyone concerned and may tend to check somewhat the increase in the number of cases that are being sent from the various municipalities in the State.

The rated capacity of the Augusta State Hospital is 1045 with an average of 1168 inmates this past year. The prospects of an improvement in this condition as a result of these various factors seems to warrant its being considered not imperative at this time.

All are agreed in the necessity of the strictest economy. All are agreed in desiring to make provision for the

imperative needs of the unfortunates of the State. An honest balancing of all the considerations that are involved in any given case is our only duty.

Executive responsibility in connection with legislation is provided for in the Constitution and contains no implication of dictation. Suggestions of usurpation are not made by interests that are concerned with the welfare of the State. All of us are equally obligated to act in accordance with our conscience under our official oath.

The present Budget recommends \$700,000 more for the departments and institutions of the State than the appropriation of \$16,500,000 two years ago which exceeded all previous records. Especially large increases are provided for the care of unfortunates. More than \$200,000 additional is recommended in one department alone.

This is an indication of the generosity with which provision has been made for the various activities of the State.

Changes in the Budget have now been made, or are proposed, that will add \$3,500,000 to the direct tax that must be levied upon the citizens of Maine for the next two years.

This would mean adding approximately four mills to the state tax recommended by the Budget Committee, or an increase of 33--1-3 per cent.

The State is making steady progress in its care for the mentally deficient. Within the past two years there has been completed a new unit at Pownal caring for one hundred and fifty patients.

The provision of \$295,000 for an additional unit of one hundred and fifty beds at Bangor, in view of all the circumstances, seems a respectable provision for this administration to make for the hospital needs of the State at this time.

Respectfully submitted,

(Signed) RALPH O. BREWSTER,  
Governor of Maine.

Thereupon, on motion by Mr. Maher of Kennebec the veto message of the Governor and the bill were tabled and specially assigned for Wednesday next.

### Orders of the Day

The President laid before the 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 Mr. Smith of Somerset on March 31st pending motion to indefinitely postpone and to-day assigned.

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

Mr. CARTER of Androscoggin: Mr. President, I am about to make the motion to ask leave of the Senate to withdraw the motion for the indefinite postponement of this matter. Since making that motion I have looked into the matter much further and I believe it is the initial step of building up a program which leads eventually to the examination of stationary engineers and the proper protection of the lives of people who might be in danger from stationary engines. I therefore ask leave to withdraw the motion made by me to indefinitely postpone the measure.

Therefore permission was given Senator Carter to withdraw his motion to indefinitely postpone.

Mr. CARTER: Mr. President, I now yield to Senator Smith.

Mr. SMITH of Somerset: Mr. President, believing that there is no opposition, I will not take the Senate's time for a discussion, and therefore move—what is the status of this measure, may I ask?

The PRESIDENT: The Chair will state that there are two reports; Report A is "ought not to pass," report B is "ought to pass" in new draft. If the Senator wishes the bill to pass in the new draft, he will move for the acceptance of Report B.

Mr. SMITH: Then, Mr. President, I so move, for the acceptance of Report B.

The motion to accept Report B, prevailed, and the bill was laid on the table for printing under the joint rules, the new draft not being printed.

Mr. GRANVILLE of York: Mr. President, is there in the possession of the Senate an act which was pass-



ed to be engrossed last Saturday in relation to portable mills?

The PRESIDENT: There was no Saturday session.

Mr. GRANVILLE: Then at the Friday session, the last session.

The PRESIDENT: There is such an Act in the possession of the Senate; An Act relating to portable sawmills, (S. D. 252).

Mr. GRANVILLE: If it is the proper motion, I move it lay on the table, in the absence of my colleague, Senator Roberts.

The PRESIDENT: The Chair would suggest that the proper motion would be to reconsider the vote whereby we passed to be engrossed the amended bill, and then table it.

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

The PRESIDENT: Is it the pleasure of the Senate that we reconsider our vote whereby we passed to be engrossed the amended bill?

The motion to reconsider prevailed.

Thereupon, on further motion by the same Senator the amended bill was tabled pending passage to be engrossed.

Mr. CASE of Washington: Mr. President, I move we reconsider our vote whereby we passed Senate Document 279, Senate Order relative to investigation of elections. The Spear order, so-called.

Mr. SPEAR of Cumberland: What order is that, Mr. President?

The PRESIDENT: It is an order introduced by the Senator from Cumberland, Senator Spear, who now has the floor, relative to investigation of elections.

Mr. SPEAR: Mr. President, I move that that lie on the table.

The PRESIDENT: The Senator from Cumberland, Senator Spear moves to table Senate Document 279,

the pending question being reconsideration of the order. Is this the pleasure of the Senate?

The motion to table pending reconsideration prevailed.

Mr. CASE: Mr. President, does that prohibit reconsideration?

The PRESIDENT: The Chair will say that it does not. The pending question, whenever the matter is taken from the table is automatically reconsidered unless some other motion is made which takes precedence.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table, Senate Report from Committee on Legal Affairs, "ought not to pass" on An Act relating to registration of voters, tabled by that Senator on March 30th pending acceptance of the report.

Mr. SLOCUM of Cumberland: Mr. President, I have learned from members of the Legal Affairs Committee that the selectmen of the various towns were mistaken in their assumption that all three selectmen had to be at their various town houses the three secular days prior to each and every election. The selectmen of several towns had requested this bill be put in but they were under the misapprehension that they all had to be on duty on each three secular days. I find they are in error and I therefore move that this bill take its regular course.

The PRESIDENT: Is it the pleasure of the Senate that we accept the report of the Committee on Legal Affairs, "ought not to pass" on Senate Document 190?

The motion to accept the report prevailed.

On motion by Mr. Dwinall of Knox Adjourned until tomorrow morning at ten o'clock.