

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

ERRATA:

**The following errata are
inserted because one or more pages
in this session day have errors
noticed and corrected here.**

ERRATA

- Page 73—An act to empower the County Commissioners of Hancock County to construct a highway and raise money for the same (S. P. 35, L. D. 11)—Should be (S. P. 35, L. D. 9)
- Page 75—Ordered, that there be printed one thousand additional copies each of L. D. No. 28, H. P. No. 39, and L. D. No. 10, H. P. No. 37—should be L. D. 10, S. P. No. 37.
- Page 105—Resolve in favor of the town of Prescott. (H. P. No. 282)—Should be town of Trescott.
- Page 106—Second resolve in favor of the town of Dixmont (H. P. 401)
- Page 114—Resolve to reimburse the town of Solon for support of Mrs. Ernest Cousins having no known settlement in the state.—Should be Salem.
- Page 120—Resolve to reimburse Hamlin Plantation for support and burial expenses of Ephrem Picard, a State Pauper (H. P. No. 895)—Should be (H. P. No. 805)
- Page 128—Resolve in favor of the town of Atkinson (H. P. No. 876)—Should be (H. P. No. 976)
- Page 129—Second resolve in favor of the town of Cornish to be deleted.
- Page 152—Resolve in favor of E. G. Hodgkins of Carmel, H. P. 364, L. D. 197—should be H. P. 364, L. D. 203.
- Page 152—An act relating to health certificates for teachers and janitors S. P. 207, L. D. 295—Should be S. P. 207, L. D. 395.
- Page 153—An act relating to inland fish and game wardens; powers, duties and service of processes, S. P. 193, L. D. 597—Should be S. P. 193, L. D. 397.
- Page 163—Bill "An Act relating to Stamping of Registered Boilers" (H. P. No. 1132)—Should be (H. P. No. 1131)
- Page 163—Bill "An Act relating to Towns and Town Officers" (H. P. No. 1136)—Should be (H. P. No. 1135)
- Page 184—"An act relating to motor vehicles carrying passengers for hire over regular routes" (S. P. 92, L. D. 105)—Should be (S. P. 92, L. D. 104)
- Page 193—An act relating to motor vehicle lights S. P. 217, L. D. 598—Should be S. P. 217, L. D. 398.
- Page 202—(Presented by Mr. Stevens of Pownal)—Should be Mr. Stover.
- Page 246—An act relating to Board of Censors of Maine Pictures—should read Moving Pictures.
- Page 259—Resolve opening Jaquity Pond in Brownville, to ice fishing—Should be Jaquith Pond.
- Page 260—Ordered, that there be printed 500 more copies of H. P. 1082, L. D. 571—Should be H. P. 1083, L. D. 571.
- Page 267—Resolve in favor of John E. Parker of Windsor, for State pension (H. P. 90, L. D. 672)—Should be (H. P. 99, L. D. 672)
- Page 273—Resolve opening Jacquith Pond, in Brownville, to ice fishing—Should be Jaquith Pond.
- Page 315—(H. P. No. 552) (L. D. No. 231) Resolve relating to rabbit hunting in Vinalhaven—Should be (H. P. No. 552) (L. D. No. 221)
- Page 321—An Act relating to partition of real estate (S. P. 327, L. D. 833)—Should be (S. P. 327, L. D. 533)
- Page 341—An Act permitting Dennis Plourde to Dump Sawdust in Wallagrass Stream—Should be Dennis Plourde.
- Page 343—(H. P. No. 39) (L. D. No. 776)—Should be (H. P. No. 739 (L. D. No. 776)
- Page 343—(H. P. No. 1476) (L. D. No. 778)—Should be (H. P. No. 1486) (L. D. No. 778)
- Page 358—An act to grant a new charter to the city of Rockland, S. P. 486, L. D. 788—Should be S. P. 486, L. D. 798.
- Page 383—An act to amend the banking laws by amending Sec. 91, of Chap. 57 of the Revised Statutes—Should be marked S. P. 548, L. D. 805.
- Page 417—An Act to provide for School Expenses in Towns having a Valuation of Less than \$200,000.00—Should be marked (H. P. 588, L. D. 235)
- Page 437—"An Act to amend Sections 48 to 54 of Chapter 28 of the Revised Statutes" (S. P. 358)—Should read Sections 48 to 51.
- Page 440—Resolve in favor of Henry McCroty of Farmingdale (H. P. 1502, L. D. 810)—Should be Henry McGroty.
- Page 442—Resolve regulating ice fishing in Tacoma Lakes (H. P. 1465, L. D. 736)—Should be (H. P. 1465, L. D. 756)

SENATE

Thursday, February 9, 1933.

Senate called to order by the President.

Prayer by the Rev. L. L. Dunn of Gardiner.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

From the House:

Bill "An Act relating to sale of land for taxes." (H. P. 1036, L. D. 443)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Littlefield of York, tabled pending reference in concurrence.

From the House:

Bill, "An Act to facilitate motor vehicle traffic on highways." (H. P. 1046, L. D. 447)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Littlefield of York, tabled pending reference in concurrence.

From the House:

Bill "An Act relative to speed of passenger busses." (H. P. 1047, L. D. 448)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Littlefield of York, tabled pending reference in concurrence.

From the House:

"Resolve providing for a state pension for Will Howard of Union." (H. P. 1018)

(In the Senate on February 7th, referred to the 87th Legislature in non-concurrence.)

In the House, that body voted to insist on its former action in referring the resolve to the Committee on Pensions and asked for a committee of conference, the Speaker having appointed as House members of such a committee:

Messrs. Hussey of Augusta, Tompkins of Bridgewater, Walker of Rockport.

In the Senate, on motion by Mr. Weeks of Somerset, that body voted to insist on its former action whereby the resolve was referred to the 87th Legislature in non-concurrence and join with the House in a committee of conference.

The President appointed as members of such committee on the part of the Senate:

Senators Weeks of Somerset, Weatherbee of Penobscot, Kitchen of Aroostook.

From the House:

"Resolve providing for a state pension for Emma Anderson of Augusta." (H. P. 1019)

(In the Senate on February 7th, referred to the 87th Legislature in non-concurrence.)

In the House, that body voted to insist on its former action in referring the resolve to the Committee on Pensions and asked for a committee of conference, the Speaker having appointed as House members of such a committee:

Messrs. Hussey of Augusta, Tompkins of Bridgewater, Walker of Rockport.

In the Senate, on motion by Mr. Weeks of Somerset, that body voted to insist on its former action whereby the resolve was referred to the 87th Legislature in non-concurrence and join with the House in a committee of conference.

The President appointed as members of such committee on the part of the Senate:

Senators Weeks of Somerset, Weatherbee of Penobscot, Kitchen of Aroostook.

From the House:

The majority of the committee on Judiciary on "Resolve proposing an amendment to the Constitution changing the date of the biennial election." (H. P. 16, L. D. 4); reported that the same ought not to pass.

(Signed) Weeks of Somerset
Holman of Franklin
Farris of Augusta
Eldridge of Eastport
Hill of South Portland
Laughlin of Portland
Tompkins of Houlton

The minority of the same committee on the same subject reported that the same ought to pass.

(Signed) Holmes of Androscoggin
Goudy of South Portland
Fernald of Winterport

In the House, the minority report was accepted, resolve read twice and under suspension of the rules was passed to be engrossed.

In the Senate, on motion by Mr. Weeks of Somerset, tabled pending acceptance of either report and specially assigned for next Wednesday, February 15th.

House Bills in First Reading

Resolve relating to fishing in Pleasant Lake in Island Falls. (H. P. 63, L. D. 33).

Resolve regulating ice fishing in Mt. Blue Pond. (H. P. 119, L. D. 67).

Resolve opening Ware Pond to ice fishing. (H. P. 120, L. D. 68).

An Act regulating number of voting compartments. (H. P. 1017, L. D. 431).

An Act relating to the election of officers for the Van Buren Water District. (H. P. 101, L. D. 430).

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

Temperance

Mr. Murchie of Washington: Remonstrance of Fred E. Richards of Princeton, Maine and 28 others against the resubmission of the prohibitory amendment. (S. P. 360).

Mr. Littlefield of York: Remonstrance of Elsie N. Wakefield and 30 others East Waterboro against the resubmission of the prohibitory amendment. (S. P. 361).

Mr. Littlefield of York: Remonstrance of Rev. S. M. Thompson and 65 others of Waterboro against the resubmission of the prohibitory amendment. (S. P. 362).

Sent down for concurrence.

Inland Fisheries and Game

Mr. Bissett of Cumberland: Petition of W. A. Noyes and 29 others of Lewiston and Auburn in favor of An Act relating to protection of Wild life. (S. P. 363).

Sent down for concurrence.

Orders

On motion by Mr. Viles of Kennebec, it was

Ordered that there be paid to Leila E. Griffin the sum of Thirty Dollars for service in the organization of the 86th Legislature.

Bill in First Reading

"Resolve appropriating money for the expenses of the electoral college." (S. P. 53, L. D. 468).

Reports of Committees

Mr. Towle from the Committee on Public Utilities on "An Act relating to motor vehicles carrying passengers for hire over regular

routes." (S. P. 92, L. D. 105) reported that the same ought to pass.

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

Mr. Bissett from the Committee on Public Utilities on "An Act relating to the incorporation of the Hebron Water Company." (S. P. 115) reported that the same ought to pass.

Which report was read and accepted and the bill laid on the table pending printing under joint rules.

Passed to be Engrossed

Resolve relating to ice fishing in Eagle Square and St. Froid Lakes. (H. P. 121, L. D. 69).

An Act validating the election of the City Assessor of Eastport. (H. P. 1004, L. D. 274).

An Act relating to appointment of agent by non-resident mortgage. (H. P. 28, L. D. 18).

An Act relating to the Board of Directors of European & North American Railway. (H. P. 159, L. D. 86).

Passed to be Enacted

An Act accepting from Percival Proctor Baxter the conveyance and deed of gift of Mount Katahdin. (S. P. 274).

An Act to extend the charter of the Quebec Extension Railway Company. (H. P. 77, L. D. 106).

(On motion by Mr. Kitchen of Aroostook, tabled pending enactment).

At this point a message was received from the House of Representatives, through Mr. Pease, its Clerk, proposing a joint convention of the two branches of the Legislature to be held in the hall of the House of Representatives on Thursday, February 16th, at two o'clock in the afternoon for the purpose of holding a public hearing on the report of the Committee on State Budget presented to the 86th Legislature.

The PRESIDENT: The Senate hears the message.

Orders of the Day

On motion by Mr. Weatherbee of Penobscot, the Senate voted to take from the table, Resolve for investigating lighting costs in York County (H. P. 654, L. D. 194) tabled by that Senator on February 2nd pending reference in concurrence;

and on further motion by the same Senator the resolve was referred to the Committee on Public Utilities in concurrence.

The PRESIDENT: The Chair will state that we have remaining on our table, exclusive of matters tabled this morning, nineteen items most of which are awaiting reference to a committee.

On motion by Mr. Blaisdell of Hancock, the Senate voted to take from the table, An Act relating to lobster fisherman's licenses (S. P. 340), tabled by that Senator on February 8th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Sea and Shore Fisheries.

Sent down for concurrence.

On motion by Mr. Blaisdell of Hancock, the Senate voted to take from the table, An Act to protect the propagation and cultivation of quahaugs (S. P. 341), tabled by that Senator on February 8th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Sea and Shore Fisheries.

Sent down for concurrence.

On motion by Mr. Blaisdell of Hancock, the Senate voted to take from the table, An Act relating to measurement of lobsters (S. P. 342), tabled by that Senator on February 8th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Sea and Shore Fisheries.

Sent down for concurrence.

Mr. BLAISDELL of Hancock: Mr. President, if in order, I will ask unanimous consent of the Senate to introduce an emergency bill validating the loans made by the County of Hancock and consolidating them from present notes into bond issues. By way of statement of fact, it so happens that the reasons which bring this about have occurred since our rule went into effect which forecloses the Senate from receiving private and special legislation. Perhaps there may be a question as to whether this might be considered private and special legislation as it is decidedly a public matter and affects very vitally the finances of Hancock County. It

seems that our county has \$67,500 in outstanding notes. Some \$37,000 of them are now and immediately due. Our county was unable to pay that note, it being due, and the banks which held it immediately raised the rate of interest from $4\frac{1}{2}\%$ to $5\frac{1}{2}\%$, which in itself causes a substantial loss to our county.

This bill will permit the county to consolidate its outstanding loans into a bond issue which we are informed by our bankers will be taken at a far lower rate than now exists and it will enable us to put into the future a bit the cost which must be paid this year if the bill does not pass; and the money is borrowed for the purpose of rebuilding our court house which was burned and building the bridges made necessary by legislative action.

I regret the necessity for asking your consent but I trust you will realize the importance of it; and so I offer a bill validating and consolidating loans in Hancock County.

The PRESIDENT: The Senator from Hancock, Senator Blaisdell, moves that the rules be suspended that he may now introduce a bill out of order, and the bill being barred by the closing rule he asks unanimous consent of this body for its introduction at this time. Is it the pleasure of the Senate that unanimous consent be granted?

The Chair will rule that unanimous consent is granted if no objection is voiced from the floor.

The Chair hears no objection. The rules are suspended, unanimous consent is granted and the bill is introduced.

Mr. BLAISDELL: I move, Mr. President, that it be referred to the Committee on Legal Affairs.

The President: Does the Senator from Hancock (Senator Blaisdell) desire the bill to be printed?

Mr. BLAISDELL: Yes, Mr. President, I think it should be printed because there is an emergency clause attached to it.

Thereupon, the motion prevailed and the bill was referred to the Committee on Legal Affairs, and five hundred copies ordered printed.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act relating to taxation of motor vehicles (S. P. 346), tabled by that Senator on February 8th pending reference; and on further motion by the same

Senator the bill was referred to the Committee on Taxation.

Sent down for concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act relating to dealer's registration fees for plates, etc. (S. P. 347), tabled by that Senator on February 8th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Taxation.

Sent down for concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act relating to payment of tax must precede registration (S. P. 348), tabled by that Senator on February 8th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Taxation.

Sent down for concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act relative to speed of passenger busses (H. P. 1047, L. D. 448), tabled by that Senator earlier in today's session pending reference in concurrence; and on further motion by the same Senator the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act relating to sale of land for taxes, (H. P. 1036, L. D. 443), tabled by that Senator earlier in today's session pending reference in concurrence; and on further motion by the same Senator the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act to facilitate motor vehicle traffic on highways (H. P. 1046, L. D. 447), tabled by that Senator earlier in today's session pending reference in concurrence; and on further motion by the same Senator the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Bissett of Cumberland, the Senate voted to take from the table, An Act relating to weights and measures (S. P. 296) tabled by that Senator on February

8th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Agriculture.

Sent down for concurrence.

On motion by Mr. Robie of Cumberland, the Senate voted to take from the table, An Act relating to Back Bay sanctuary (S. P. 312), tabled by that Senator on February 8th pending reference, and on further motion by the same Senator the bill was referred to the Committee on Inland Fisheries and Game.

Sent down for concurrence.

On motion by Mr. Angell of York, the Senate voted to take from the table, An Act relative to business and recreation prohibited on the Lord's day (H. P. 864, L. D. 286), tabled by that Senator on February 7th pending reference in concurrence; and on further motion by the same Senator the bill was referred to the Committee on Legal Affairs in concurrence.

On motion by Mr. Viles of Kennebec, the Senate voted to take from the table, An Act amending Chapter 306, Public Laws of 1929 relating to auxiliary state forests (S. P. 343, L. D. 545), tabled by that Senator on February 8th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Taxation.

Sent down for concurrence.

On motion by Mr. Story of Aroostook, the Senate voted to take from the table, An Act relating to tax foreclosures (S. P. 317), tabled by that Senator on February 8th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Judiciary.

Sent down for concurrence.

The PRESIDENT: Is there anything further to come before the Senate at this time?

Mr. VILES of Kennebec: Mr. President, I wish to state that I do not understand the proposal of the House in regard to a joint convention to be held on February 16th.

The PRESIDENT: The Chair thinks that perhaps it will be advisable to take a short recess but before the recess wishes to say that because of the death of the late Senator from Androscoggin, Sena-

tor Lawless, it seemed advisable to some members of the Senate with whom the Chair has conferred that the places on committees to which the Senator from Androscoggin, Senator Lawless, had been appointed should be filled in order that each of those four committees may have its full complement of three members from the Senate. The Chair therefore appoints the following members: To the place on the Committee on Library, the Senator from Kennebec, Senator Pillsbury; to the place on the Committee on Maine Publicity, the Senator from Cumberland, Senator Schnurle; to the place on the Committee on Manufacturers, the Senator from Waldo, Senator Cooper; to the place on the Committee on Pownall State School, the Senator from Androscoggin, Senator Winn.

If there is no further business to come before the Senate at the moment, the Senate will take a recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Senate received this morning from the House a message proposing a joint convention to be held in the House a week from this afternoon. No action has been taken in connection with that message and the Chair—that the matter may be before the Senate—will read the message. The House order reads as follows: "Ordered, that a message be sent to the Senate proposing a convention of the two branches of the Legislature to be held in the hall of the House of Representatives, Thursday, February 16th, at two o'clock in the afternoon for the purpose of holding a public hearing on the report of the Committee of State Budget presented to the 86th Legislature." What action does the Senate desire to take, if any, in connection with this message?

Thereupon, on motion by Mr. Weeks of Somerset, the rules were suspended and that Senator presented out of order the following order and moved its passage:

Ordered, that a message be sent to the House in reply to the order proposing a joint convention of the two branches of the Legislature to be held in the hall of the House of Representatives Thursday, February 16th at two o'clock in the afternoon for the purpose of holding

a public hearing on the report of the Committee on State Budget presented to the 86th Legislature as follows:

"Recognizing fully the desirability of courtesy between the two branches of the Legislature, the Senate regrets that it cannot concur in the proposal made for a joint convention.

"It is the considered opinion of the Senate that progress can best be made by following orderly procedure and having all legislative hearings conducted before joint committees. A precedent abandoning our established procedure of many years' standing would be not only undesirable but dangerous.

"The individual items contained in the Budget have been properly introduced and are now pending before appropriate committees. Individual citizens desiring to be heard will be given ample opportunity to appear before such committee. The Governor enjoys the privilege of addressing the Legislature in joint convention on matters of pending legislation. The Senate feels that that privilege should be preserved to the Governor alone."

Mr. WEEKS of Somerset: Mr. President, I do not know as there is much more that I could add to the words that are contained in that order. During my legislative experience and in study of legislative procedure I have never known of a convention being addressed by an individual or individuals who wished to further, as I believe in this case, their own personal desire. I realize that the citizens of the State of Maine could if they so wished appear before this convention and be heard. That procedure has never been had, to my knowledge, and I certainly hope that this Senate will not feel that it must give to an individual or individuals now a greater right than they have in attending before committees. It is almost a "slam," I might say against committees, a "slam" against procedure which we have already carried on and adopted and a "slam" against the Governor with whom I stand absolutely in this matter. I hope that this order will receive passage.

Mr. JACKSON of Sagadahoc: Mr. President, I fully appreciate the remarks of our distinguished colleague, the Senator from Somerset, Senator Weeks. I very much ap-

preciate the hard and painstaking work of the Budget Committee. I realize that they put in many arduous hours and much study, and I appreciate it. I am not analyst enough to dissect and analyze the State Budget but I disagree with the distinguished Senator in his opinion that to hold a public hearing in this manner would be establishing a dangerous precedent.

If there is anything to be gained, if there is anything about this Budget that any individual member of the assembly or any citizen does not understand, why, I believe he is entitled and they are entitled to have it explained. I hold no brief for any member of the Budget Committee, neither do I hold any brief for the gentleman in the House who introduced this order or for anybody connected with it. Here is an order that comes up from the House asking for a joint convention or caucus to discuss this matter of State-wide public interest and importance, and personally I see no objection to granting the House the courtesy of acceding to their request. I shall feel constrained to vote against the order and if it is in order, Mr. President, I would like the Yeas and Nays.

The PRESIDENT: The Senator from Sagadahoc, Senator Jackson, moves that when the vote is taken on this order it be taken by the Yeas and Nays. As many as are in favor of calling the Yeas and Nays on this vote when it is taken will rise and stand until they are counted.

A sufficient number not having risen the Yeas and Nays are not ordered.

Mr. HOLMES of Androscoggin: Mr. President, this Legislature has been in existence for considerably more than a hundred years. Therefore, in the course of that long period it has built up a procedure, and even a system of parliamentary law, of its own which the course of years has demonstrated to be most efficient for the transacting of public business. When it is proposed to vary that procedure the proposal is naturally serious and there should be some serious reason to induce the Legislature to vary a custom, a procedure, sanctified by many years.

I am not able to say from research—and I am not such a scholar—that the method of holding public hearings upon proposed legislation before committees and

not before joint conventions is a hundred years old, but I agree with the Senator from Somerset, Senator Weeks, and will go further and say that I do not believe that there is a member of this Senate who has any recollection that that procedure and established custom has ever been varied. There have been joint conventions to listen to addresses from distinguished citizens, especially from other states, from governors, from ex-governors and from men whom the Legislature considered able to give it valuable information, but in my recollection there was no such joint convention at which any distinguished citizen was invited to appear for the purpose of trying to influence the Legislature in legislation pending.

No one doubts that the Governor may, under the Constitution, address a joint convention, but nowhere in the Constitution is there any provision that a member of the Governor's Council has the right or has ever been accorded the privilege of addressing a joint convention.

I am not very conservative in saying that I think these precedents which the Legislature has built up in the course of its many years of existence are valuable and should be sustained and followed until very great cause is shown to the Legislature to abandon a precedent and take the chances of starting a new one. None has been shown in this instance. None appears in the House proposal calling for a joint convention.

I heartily support, Mr. President, the order of the Senator from Somerset, Senator Weeks.

The PRESIDENT: The question before the Senate is the passage of the order introduced by the Senator from Somerset, Senator Weeks. As many as are in favor of the passage of the order and the sending of the message called for in the order will manifest it by saying Aye. Those contrary-minded will say No.

A viva-voce voted being had
The order received a passage.

The PRESIDENT: Is there any further business to come before the Senate this morning?

On motion by Mr. Hathaway of Piscataquis,

Adjourned, until tomorrow morning at ten o'clock.