

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

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**SENATE**

Friday, February 24, 1933

Senate called to order by the President.

Prayer by the Rev. J. Reid Howes of Hallowell.

Journal of yesterday read and approved.

On motion by Mrs. Gay of Lincoln, out of order and under suspension of rules it was,

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, February 28th at ten o'clock in the forenoon.

Which was read and passed.

Sent down for concurrence.

Subsequently the foregoing order came back from the House read and passed in concurrence.

From the House, the following order:

Ordered, the Senate concurring, that the Committee on Legal Affairs be requested to return to the House (H. P. 1037, L. D. 476) "An Act creating a State Board of Registration for professional engineers and land surveyors." (H. P. 1452)

In the House, read and passed.

In the Senate, on motion by Mr. Page of Somerset, tabled temporarily pending passage in concurrence.

From the House:

Bill "An Act to grant a new charter to the City of Bangor" (H. P. 360, L. D. 302)

(In the Senate, on February 22nd referred to the Committee on Legal Affairs in non-concurrence.)

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

Messrs. Piper of Bangor  
O'Connor of Bangor  
Quine of Bangor

In the Senate, on motion by Mr. Blaisdell of Hancock, that body voted to insist and join in the Committee of Conference, the President appointing as Senate members of such a Committee:

Senators Jackson of Cumberland  
Blaisdell of Hancock  
Farnsworth of Aroostook

Papers from the House disposed of in concurrence.

**House Bills in First Reading**

An Act relating to the compensation of the Treasurer of the University of Maine (H. P. 571, L. D. 146)

Resolve providing for the payment of certain amounts due exhibitors at the Maine State Agricultural Society in 1932 on account of state stipend (H. P. 766, L. D. 711)

(On motion by Mr. Viles of Kennebec, tabled pending first reading.)

An Act relating to absentee voters (H. P. 1078, L. D. 435)

Resolve providing for an increase in state pension for Lester Patten of Hermon (H. P. 56, L. D. 706)

Resolve providing state pension for Georgia M. Sproul of Liberty (H. P. 223, L. D. 707)

Resolve providing state pension for Arria S. Sargent of Auburn (H. P. 383, L. D. 708)

Resolve providing for an increase in state pension for Horatio Lawrence of Pittston (H. P. 388, L. D. 709)

Resolve providing for a state pension for Ida S. James of Randolph (H. P. 389, L. D. 712)

Resolve providing for a state pension for Emma J. Brown of Belfast (H. P. 393, L. D. 710)

Resolve providing for a state pension for Rufus V. Libby of Thomaston (H. P. 1395, L. D. 713)

Resolve providing for a state pension for Ida G. Reed of Pittston (H. P. 1396, L. D. 714)

Resolve providing for an increase in state pension for Grace Griffin of Auburn (H. P. 1397, L. D. 715)

Resolve providing for a state pension for Eleanor C. Ryder of Newport (H. P. 1398, L. D. 716)

An Act to grant additional powers to North East Harbor Water Company (H. P. 653, L. D. 193)

From the House:

The Committee on Salaries and Fees on Bill "An Act relating to fees of jurors" (H. P. 79, L. D. 47) reported the same in a new draft (H. P. 1212, L. D. 612) under the same title and that it ought to pass.

In the House, House Amendment "A" offered and rejected, House Amendment "B" adopted, the bill given its several readings as amended by House Amendment "B" and passed to be engrossed.

In the Senate, on motion by Mr. Littlefield of York, the bill and report were tabled pending acceptance of the report, in concurrence.

From the House:

The Committee on Claims on "Resolve in favor of Leon W. Alley of Prospect Harbor" (H. P. 365) reported the same ought not to pass.

In the House acceptance of the report reconsidered and recommitted to the Committee on Claims.

In the Senate, on motion by Mr. Weatherbee of Penobscot, the bill and report were tabled pending acceptance of the report in concurrence.

#### Bills in First Reading

Resolve relating to ice-fishing in Peters pond. (S. P. 106, L. D. 726)

An Act relating to the West Bath Game Preserve. (S. P. 190, L. D. 725)

Resolve providing for a survey of proposed game preserve in Hancock County. (S. P. 191, L. D. 722)

Resolve relating to fishing in Demyers Brook. (S. P. 192, L. D. 724)

An Act to authorize the Old Town Herbert Gray School District to refund any of its bonds falling due in the years 1933 and 1934. (S. P. 215, L. D. 717)

Resolve in favor of Fort Knox. (S. P. 433, L. D. 723)

An Act relating to admission to normal schools. (S. P. 440, L. D. 718)

An Act to create and allocate a general highway fund for state aid and third class highway construction, and to temporarily suspend certain statutes. (S. P. 457, L. D. 727)

Resolve in favor of Lawrence Hahn. (S. P. 80, L. D. 729)

Resolve authorizing the Governor to convey certain land in Petersburg, Virginia, to the United States. (S. P. 163, L. D. 730)

Resolve authorizing payment of accident compensation to Leon P. Shepard. (S. P. 63, L. D. 731)

Resolve in favor of A. L. Dennison of Wilton. (S. P. 199, L. D. 728)

#### Reports of Committees

Mr. Page from the Committee on Legal Affairs on Bill "An Act amending the Workmen's Compensation Act" (S. P. 228, L. D. 400) reported that the same ought not to pass.

Mr. Harmon from the Committee

on Pensions on "Resolve in favor of Nancy Rankin" (S. P. 265) reported that the same ought not to pass as it is covered by other legislation. (H. P. 834)

Mr. Harmon from the Committee on Inland Fisheries and Game on Bill "An Act to prevent the loss of life and property in the wild lands" (S. P. 143) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act relating to beaver houses in the Greenleaf Cranberry Bog in the town of Farmington" (S. P. 146) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Harmon from the Committee on Inland Fisheries and Game on Bill "An Act relative to the pollution of waters of Chase's Pond" (S. P. 186) reported that the same ought to pass.

Mr. Angell from the same Committee on Bill "An Act relating to fishing in Little Jim Pond in Franklin County" (S. P. 50) reported the same in the form of a resolve and in a new draft (S. P. 434) under the title of "Resolve regulating the fishing in Little Jim Pond, in the County of Franklin" and that it ought to pass.

Mr. Schnurle from the same Committee on Bill "An Act relating to ice fishing in Sweet's Pond, or Porter Lake in the towns of New Vineyard and Strong in the County of Franklin" (S. P. 59) reported the same in the form of a resolve and in a new draft (S. P. 441) under the title of "Resolve regulating ice fishing in Sweet's Pond, or Porter Lake in the towns of New Vineyard and Strong in the County of Franklin and that it ought to pass.

Mr. Harmon from the same Committee on Bill "An Act relating to fishing in Tee Pond in Jim Pond in the County of Franklin" (S. P. 144) reported the same in the form of a resolve under the title of "Resolve regulating the taking of salmon in Tee Pond in Jim Pond Town in the County of Franklin" (S. P. 442) and that it ought to pass.

The same Senator from the same Committee on Bill "An Act relative to the taking of smelts in Panther Pond in the County of Cumberland" (S. P. 148) reported the same in the form of a resolve under the title of "Resolve relative to the taking of smelts in Panther Pond in the

County of Cumberland" (S. P. 443) and that it ought to pass.

Mr. Schnurle from the same Committee on Bill "An Act relative to fishing in the Mousam River" (S. P. 178) reported the same in the form of a resolve under the title of "Resolve extending open season on Mousam River" (S. P. 444) and that it ought to pass.

The same Senator from the same Committee on Bill "An Act relative to the fishing for white perch in Little River in the towns of Old Orchard Beach and Scarborough in the counties of York and Cumberland" (S. P. 181) reported the same in the form of a resolve under the title of "Resolve relative to the rules and regulations on the fishing for white perch in Little River in the towns of Old Orchard Beach and Scarborough in the counties of York and Cumberland" (S. P. 445) and that it ought to pass.

The same Senator from the same Committee on Bill "An Act relating to fishing on Soper Brook, Jordan Pond and Duck Pond in Townships 3, Range 11 and 4, Range 11 W. E. L. S., County of Piscataquis" (S. P. 183) reported the same in the form of a resolve under the title of "Resolve regulating the fishing in Soper Brook, Jordan Pond and Duck Pond in Township 3, Range 11 and 4, Range 11 W. E. L. S. County of Piscataquis" (S. P. 446) and that it ought to pass.

The same Senator from the same Committee on Bill "An Act relative to fishing in Dole's Pond and Boyd's Pond in the town of Limington in the County of York" (S. P. 184) reported that the same in the form of a resolve under the title of "Resolve relative to opening of Dole's Pond and Boyd's Pond in the town of Limington in the county of York" (S. P. 447) and that it ought to pass.

The same Senator from the same Committee on Bill "An Act relating to fishing regulated in Milliken's Mill Pond and Tributaries thereto in the town of Old Orchard Beach" (S. P. 185) reported the same in the form of a resolve under the title of "Resolve regulating the fishing in Milliken's Pond in the town of Old Orchard Beach in the County of York" (S. P. 448) and that it ought to pass.

The same Senator from the same Committee on Bill "An Act relating to the legal length of trout in lakes and ponds in York County" (S. P.

187) reported the same in the form of a resolve under the title of "Resolve regulating the length of trout in lakes and ponds in York County" (S. P. 449) and that it ought to pass.

The same Senator from the same Committee on Bill "An Act relating to fishing in Lone Pond in the town of Waterboro in the county of York" (S. P. 188) reported the same in the form of a resolve under the title of "Resolve to regulate fishing in Lone Pond in the town of Waterboro in the County of York" (S. P. 450) and that it ought to pass.

Mr. Angell from the same Committee on Bill "An Act relative to the open season on brooks in the town of York in York County" (S. P. 189) reported the same in the form of a resolve under the title of "Resolve relative to the open season on brooks in the town of York in York County" (S. P. 451) and that it ought to pass.

Mr. Jackson from the Committee on Pensions on "Resolve providing for a state pension for Melissa M. Bailey of Portland" (S. P. 78) reported the same in a new draft (S. P. 458) under the same title and that it ought to pass.

The same Senator from the same Committee on "Resolve providing a state pension for Hattie A. Harris, Auburn" (S. P. 87) reported the same in a new draft (S. P. 459) under the same title and that it ought to pass.

Mr. Seavey from the same Committee on "Resolve providing for a state pension for Katherine L. Prescott of Wilton" (S. P. 88) reported that it ought to pass.

Mr. Harmon from the same Committee on Bill "An Act relating to police pensions in the City of Portland" (S. P. 233) reported that the same ought to pass.

Mr. Schnurle from the Committee on Maine Publicity on Bill "An Act designating a certain road as The Arnold Trail" (S. P. 231) reported that the same ought to pass.

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

Mr. Towle from the Committee on Public Utilities on Bill "An Act relating to abolishment of grade crossings" (S. P. 337, L. D. 541) reported that the same ought to pass.

Which report was read and accepted, the bill read once and Tues-

day next assigned for second reading.

#### Passed to be Engrossed

An Act relating to nuisances. (S. P. 159, L. D. 209)

(On motion by Mr. Weatherbee of Penobscot, tabled pending second reading.)

An Act granting preference to Maine bidders. (H. P. 153, L. D. 85)

(On motion by Mr. Robie of Cumberland, tabled pending second reading.)

An Act relating to taxation of motor vehicles. (H. P. 665, L. D. 299)

(On motion by Mr. Littlefield of York, tabled pending second reading.)

An Act to amend the Charter of the Mutual Fire Insurance Company of Saco, Maine (H. P. 866, L. D. 310)

An Act authorizing Knox County to issue bonds." (H. P. 875, L. D. 312)

An Act relating to the taking of land by the State Highway Commission, and the taking or discontinuing of a public highway. (H. P. 1007, L. D. 423)

An Act to provide a penalty for circulating false reports concerning banks, loan and building associations and insurance companies. (H. P. 1025, L. D. 473)

An Act relating to criminal costs. (H. P. 1035, L. D. 442)

An Act relating to election returns in plantations. (H. P. 1044, L. D. 445)

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

(On motion by Mr. Holmes of Androscoggin, tabled pending second reading and specially assigned to be taken up under Orders of the Day.)

An Act relating to taking of smelts. (H. P. 1390, L. D. 699)

An Act permitting small town polls to close at five o'clock in regular elections. (H. P. 1394, L. D. 704)

#### Orders of the Day

On motion by Mr. Hathaway of Piscataquis, the Senate voted to reconsider its former action of yesterday whereby, Resolve in favor of Charles L. Lindsey (H. P. 76, L. D. 691) was passed to be engrossed in concurrence; and on further motion by the same Senator the re-

solve was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Page of Somerset, the Senate voted to take from the table, Joint Order (H. P. 1452) recalling to the House from the Committee on Legal Affairs "An Act creating a State Board of Registration for professional engineers and land surveyors" (H. P. 1037, L. D. 476), tabled by that Senator earlier in today's session pending passage in concurrence.

Mr. PAGE of Somerset: Mr. President, this document is not in the hands of the Legal Affairs Committee. It was reported out yesterday "Legislation Inexpedient" and is now in the possession of the House. I think the proper way to handle this now will be to move to indefinitely postpone.

The PRESIDENT: The Senator from Somerset, Senator Page, moves that this order be indefinitely postponed in non-concurrence with the House.

The motion prevailed and the order was indefinitely postponed in non-concurrence.

Sena down for concurrence.

On motion by Mr. Viles of Kennebec, the Senate voted to take from the table, Resolve providing for the payment of certain amounts due exhibitors at the Maine State Agricultural Society in 1932 on account of state stipend (H. P. 766, L. D. 711), tabled by that Senator earlier in today's session pending first reading in concurrence; and on further motion by the same Senator the resolve was given its first reading and next Tuesday assigned for second reading.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act relating to taxation of motor vehicles (H. P. 665, L. D. 299), tabled by that Senator earlier in today's session pending second reading; and on further motion by the same Senator the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Holmes of Androscoggin, the Senate voted to take from the table, An Act relative to the speed of passenger busses (H. P. 1047, L. D. 448), tabled by that

Senator earlier in today's session pending second reading and specially assigned under Orders of the Day.

Thereupon, that Senator offered Senate Amendment "A":—

"Amend said bill by striking out all of said bill after the enacting clause and inserting in place thereof the following: 'Section 69 of Chapter 29 of the Revised Statutes is hereby amended by adding at the end of paragraph A thereof the following sentence: 'No passenger bus having a seating capacity of more than seven passengers shall be driven or operated at a rate of speed in excess of 45 miles per hour.' "

Mr. HOLMES of Androscoggin: Mr. President, a word of explanation. This is offered at the suggestion and on the advice of our Revisor of Statutes. The bill was reported "Ought to Pass" by the Committee on Judiciary and if the Senate will refer to the printed bill they will find that it does not violate the rule, that it does not make a change in substance but merely verbal changes. It was found, when it got along its legislative course to bills in the second reading, that the bill as reported did not fit in to paragraph six of sub-division B of Section 69 of Chapter 29 of the Revised Statutes, but it would fit in to sub-section or paragraph A, I think, and then, since that change was believed by the Revisor of Statutes to be unnecessary at the same time it seemed advisable to drop off the second paragraph of the bill as unnecessary.

In the printed bill you will see that the last paragraph said, "This section shall not be construed to authorize the operation of any such bus at a speed in excess of that legal for other vehicles under like circumstances." It was believed to be unnecessary and that it might create ambiguity.

Mr. President, I move the adoption of Senate Amendment "A".

Thereupon, Senate Amendment "A" was adopted, the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Mr. LITTLEFIELD of York: Mr. President, I think that possibly I may be a little dull regarding this matter but I would like to know, if the Senator from Androscoggin

(Senator Holmes) can tell me, how much this changes the speed as it is now.

The PRESIDENT: The Senator from York, Senator Littlefield, asks a question through the Chair of the Senator from Androscoggin, Senator Holmes, which that Senator may answer if he desires.

Mr. HOLMES: Mr. President, in reply to the question of the Senator from York (Senator Littlefield) I will say that I would have to refer to the Revised Statutes as being a lawyer I am unable to carry them all in my head and therefore I can not answer the Senator's question.

Mr. LITTLEFIELD: Mr. President, if I may be permitted, could I have the bill and the amendment lie upon the table?

The PRESIDENT: The Senator could. Would it clear the situation if the Chair said to the Senator from York (Senator Littlefield) that in conversation with the Revisor of Statutes this morning we examined the statute and the only effect of this bill would be to impose, on top of all present speed regulations, an absolute 45 mile limit for passenger busses with a seating capacity of more than seven. It does not in any respect change the speed.

Mr. LITTLEFIELD: And, Mr. President, as I understand it now the speed limit for pleasure cars is 35 miles per hour?

The PRESIDENT: If the Chair is not wrong the understanding of the Senator from York (Senator Littlefield) is incorrect. The speed law, as the Chair understands it, allows such a rate of speed anywhere as is reasonable and proper under all the circumstances with a recital of varying rates of speed as prima facie lawful speed in given circumstances. Does the Senator (Senator Littlefield) desire that the bill lie upon the table?

Mr. LITTLEFIELD: I do, Mr. President.

Thereupon, on motion by Mr. Littlefield of York, the Senate voted to reconsider its action taken earlier in today's session whereby the bill as amended by Senate Amendment "A" was passed to be engrossed in non-concurrence; and on further motion by the same Senator the bill as so amended was laid upon the table pending passage to be engrossed.

On motion by Mr. Holmes of

Androscoggin, the Senate voted to take from the table, House Report from the Committee on Legal Affairs, "Ought to Pass in a New Draft" on An Act Relating to the Counting and Sealing of Ballots, (H. P. 1305) (L. D. 669), tabled by that Senator on February 17th, pending acceptance of the report, and on further motion by the same Senator, the report was accepted and the bill was given its first reading.

Mr. HOLMES of Androscoggin: Mr. President, I should like to ask a parliamentary question of the Chair as to whether it would be advisable to offer an amendment at this stage or to wait until the bill has had its second reading?

The PRESIDENT: As the Chair understands it, it is proper to offer an amendment at either time, if the Senator wishes.

Thereupon, Mr. Holmes of Androscoggin offered Senate Amendment "A".

"Senate Amendment A to An Act Relating to the Counting and Sealing of Ballots, (H. P. 1305) (L. D. 669). Legislative Document 669 is hereby amended by deleting in the seventh line thereof the word 'each' and inserting in place thereof the word 'the', and by deleting in the eighth and tenth lines thereof the word 'officer' and inserting in place thereof the word 'officers', and by deleting in the ninth line thereof the word 'official' and inserting in place thereof the word 'officials', and by deleting in the tenth line thereof the word 'each' and inserting in place thereof the word 'all', and by deleting in the eleventh line the word 'his' and inserting in place thereof the word 'their'."

Mr. HOLMES: Mr. President, in explanation, I will say first that I am offering the amendment because it slipped along from the House to here. I wish that it had been amended in the House by its friends because I am offering this amendment now at the request of some of its friends in the House, and I want to say now for the record that I reserve the right to oppose the passage of it later in its legislative course if I choose.

The purpose of the printed bill seems to be that after the counting of ballots in a precinct, an official shall make a secure package, and the name of the official count-

ing the ballots shall be signed on the package and the official, that is, the election officer, shall sign and file a sworn statement of his count. Let me read that sentence,—“The ballots counted by each election officer shall be made up into a secure package and each such package shall have plainly written or stamped thereon the name of the official counting the ballots in such package and each election officer shall sign and file a sworn statement of his count.” The way that is worded, as reported out by the Committee on Legal Affairs, would seem to make it possible and probable that in a busy count in a busy election precinct, one election officer might count and seal up the ballots into a package and then fill out and sign his sworn statement and no other election officer get a chance to check that count of that package. Therefore the suggested changes in the amendment offered are in the nature of changing the singular to the plural so that this sentence would read this way, “The ballots counted by the election officers (plural) shall be made up into a secure package and each such package shall have plainly written or stamped thereon the name of the officials (plural) counting the ballots in such package and all election officers (plural) shall sign and file a sworn statement of their (plural) count.”

Mr. President, I move the adoption of this amendment, Senate Amendment "A".

Thereupon, Senate Amendment "A" was adopted, the bill as amended, was given its first reading, and next Tuesday assigned for second reading.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, Report of committee, "ought to pass in new draft" on An Act relating to fees of jurors, (H. P. 1212) (L. D. 612) tabled by that Senator earlier in today's session pending acceptance of the report in concurrence, and on further motion by the same Senator, the report of the committee, "ought to pass" was accepted and the bill was given its first reading; House Amendment "A" was read and indefinitely postponed in concurrence, House Amendment "B" was read and adopted in concurrence, and the bill as so amended was next

Tuesday morning assigned for second reading.

The PRESIDENT: Is there anything further that can be accomplished under Orders of the Day?

On motion by Mr. Jackson of Sagadahoc,

Adjourned, until Tuesday morning, February 28th, at ten o'clock.