

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

SENATE

Thursday, March 2, 1933

Senate called to order by the President.

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

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

House Bills in First Reading

An Act relating to milk containers (H. P. 1082, L. D. 558)

An Act relating to damage to poultry by dogs or wild animals (H. P. 1084, L. D. 572)

An Act relating to testing of live-stock for tuberculosis (H. P. 1085, L. D. 573)

Resolve in favor of Bernard Andrews of Canton (H. P. 746, L. D. 412)

Resolve granting Teachers' Pension to Miss Nancy Rankin of Hiram (H. P. 834)

An Act relating to tuition in secondary schools (H. P. 1075, L. D. 458)

An Act relating to schools in plantations and unorganized territory (H. P. 1091, L. D. 578)

Resolve regulating the fishing in Parlin Stream (H. P. 1463, L. D. 754)

Resolve relating to fishing in Pleasant Pond (H. P. 1460, L. D. 752)

Resolve regulating the fishing in Bog Brook in Minot and Mechanic Falls (H. P. 1464, L. D. 755)

Resolve regulating ice fishing in Tacoma Lakes (H. P. 1465, L. D. 756)

Resolve authorizing negotiations for screening the outlet of Eastern Grand Lake (H. P. 1461, L. D. 753)

An Act relating to sterilization in certain cases (H. P. 610, L. D. 241)

An Act to amend the absent voting law (H. P. 1051, L. D. 482)

An Act authorizing the town of Bristol to raise money for the purpose of helping keep in repair the cemeteries in said town (H. P. 638, L. D. 296)

An Act to incorporate the Maine Reinsurance Company (H. P. 877, L. D. 313)

Resolve providing for a state pension for Hannah L. Batchelder of Belfast (H. P. 394, L. D. 747)

Resolve providing for a state

pension for George L. Harvey of Belfast (H. P. 396, L. D. 748)

Resolve providing for a state pension for Frank G. Downer of Palermo (H. P. 1466, L. D. 757)

Resolve providing for an increase in state pension for Kate Bird of Farmingdale (H. P. 987, L. D. 750)

Resolve providing for an increase in state pension for Ellen Bird of Farmingdale (H. P. 988, L. D. 751)

An Act to provide for the regulation of the practice of podiatry and for the examination of podiatrists (H. P. 1467, L. D. 746)

From the House:

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to grant a new charter to the City of Bangor (H. P. 860, L. D. 302)" reported that the Senate recede and concur with the House in referring the Bill to the Committee on Judiciary.

In the House, report read and accepted.

In the Senate, report read and accepted and that body voted to recede and concur with House.

From the House:

The Majority of the Committee on Judiciary on Bill "An Act authorizing the City of Lewiston to enlarge its municipal electric plant, and to sell light, heat and power to its inhabitants and creating the Lewiston Electric Authority." (H. P. 68, L. D. 46) reported that the same ought not to pass.

(Signed)

Weeks of Somerset
Holman of Franklin
Goudy of South Portland
Eldridge of Eastport
Laughlin of Portland
Tompkins of Houlton
Farris of Augusta
Hill of South Portland

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

(Signed) Holmes of Androscoggin
Fernald of Winterport

In the House, the Majority Report was accepted.

In the Senate, on motion by Mr. Weeks of Somerset, the Majority Report "Ought Not to Pass" was accepted in concurrence.

Communications

The following communication from the Secretary of State:

DEPARTMENT OF STATE

Augusta, March 1, 1933

To the President of the Senate and the Speaker of the House of Representatives of the Eighty-sixth Legislature:

I have the honor to herewith transmit the Revised county estimates of the county of Hancock within the State for the years 1933 and 1934, the same having been filed in this office according to the provisions of the Revised Statutes, Chapter 13, Section 67.

(Signed) ROBINSON C. TOBEY,
Secretary of State.

Which communication was sent to the House.

The following petitions were received and on recommendation by the committee on reference of bills were read and placed on file:

Mr. McDonald of Washington presented the following petitions signed by

Oscar H. Emery and 92 others (S. P. 539)

William Jones and 127 others of Somerset County (S. P. 540)

Chas. A. Garcelon, Jr. and 40 others (S. P. 541)

Hugh A. Murphy and 35 others of Fort Fairfield (S. P. 542)

D. A. Chadbourne and 19 others of Bridgton and Portland (S. P. 543)

H. E. Bradley and 127 others of Bar Harbor (S. P. 544)

Albert L. Clark and 30 others (S. P. 545)

Victor Carey and 8 others of Richmond (S. P. 546)

Adolph J. Dyer and 35 others of Dexter (S. P. 538) in favor of submitting to the people of Maine a referendum on the repeal or retention of the twenty-sixth amendment to the Constitution.

Sent down for concurrence.

Orders

On motion by Mr. Weeks of Somerset, it was

Ordered, the House concurring, that the Superintendent of Buildings be authorized to furnish accommodations for Blank & Stoller to use in taking photographs of members of the Legislature and other officials. (S. P. 547)

Sent down for concurrence.

On motion by Mr. Story of Aroostook, it was

Ordered, that the use of the Senate Chamber be accorded to the Legislative Farmers' Club on the evening of March 2 to listen to Howard W. Selby who will speak of New England Dairy interests. The Hon. Frank W. Washburn will preside.

Bills in First Reading

Resolve to repeal a resolve providing for a state pension for Charles Brown. (S. P. 164, L. D. 794)

Resolve to repeal a resolve providing for a state pension for Nellie Buck. (S. P. 166, L. D. 793)

An Act to confer additional rights and powers upon East Branch Improvement Company. (S. P. 216, L. D. 795)

An Act to incorporate the town of Lincoln School District. (S. P. 230, L. D. 796)

An Act relating to bids for supplies to institutions. (S. P. 485, L. D. 792)

An Act to grant a new charter to the City of Rockland. (S. P. 486, L. D. 798)

Reports of Committees

Mr. Weymouth from the Committee on Taxation on Bill "An Act relating to taxation of motor vehicles" (S. P. 346, L. D. 695) reported that the same is covered by other legislation and that it ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Jackson of Cumberland from the Committee on Education on Bill "An Act relating to Teachers' Retirement" (S. P. 103, L. D. 211) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act relating to health certificates for teachers and janitors" (S. P. 207, L. D. 395) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act relative to the conveyance of pupils" (S. P. 208, L. D. 277) reported that the same ought to pass.

The same Senator from the Committee on Taxation on Bill "An Act relative to rate of interest on taxes" (S. P. 352, L. D. 510) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act relative to collection of taxes" (S. P. 353,

L. D. 511) reported that the same ought to pass.

Which reports were read and accepted, the bills read once and tomorrow assigned for second reading.

Mr. Page from the Committee on Banks and Banking on Bill "An Act to amend the banking laws by amending Section 57 of the Revised Statutes" (S. P. 306, L. D. 518) reported the same in a new draft (S. P. 548) and that it ought to pass.

Mr. Jackson of Cumberland from the Committee on Education on Bill "An Act relative to state aid to academies" (S. P. 278) reported that the same ought to pass.

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

Mr. Holmes from the Committee on Judiciary to which was referred the initiative petitions relative to an act entitled "An Act to raise an excise tax on corporations organized for making, generating, selling, distributing and/or supplying current for power, lighting, heating, manufacturing or mechanical purposes" (I. B. 1) have had the same under consideration, and ask leave to report that the petitions are correct in form and seem to contain the signatures of more than 12,000 electors and no person or persons having challenged any petition or petitions or any signature or signatures thereon, that the same are valid and sufficient and that said bill is properly before the Legislature under the provisions of Article 31 of the Constitution.

The report of the committee was read and accepted.

Thereupon, on motion by Mr. Weeks of Somerset, the petitions were placed on file, the bill was referred to the Committee on Taxation and 500 copies ordered printed.

Sent down for concurrence.

Mr. Holmes from the Committee on Judiciary to which was referred the initiative petitions relative to an Act entitled "An Act establishing a low rate tax on intangible personal property in accordance with Constitutional Amendment permitting the same" (I. B. 2) have had the same under consideration and ask leave to report that the petitions are correct in form and seem to contain the signatures of more than 12,000 electors and no person or persons having challenged any petition or petitions or any

signature or signatures thereon, that the same are valid and sufficient and that said bill is properly before the Legislature under the provisions of Article 31 of the Constitution.

The report of the committee was read and accepted.

Thereupon, on motion by Mr. Weeks of Somerset, the petitions were placed on file, the bill was referred to the Committee on Taxation and 500 copies ordered printed.

Sent down for concurrence.

Mr. Abbott in behalf of the Committee on Mines and Mining submitted its final report.

Which report was read and accepted.

Sent down for concurrence.

Passed to be Engrossed

An Act to Amend the Law Relating to Savings Bank Investments. (S. P. 307) (L. D. 520)

An Act Validating Loans made by County of Hancock. (S. P. 364) (L. D. 609)

Sent down for concurrence.

Resolve for State Pension in Favor of Mary Barton Redlon of Augusta. (H. P. 398) (L. D. 733)

Resolve providing for an increase in state pension for Mary J. French of Carmel. (H. P. 399, L. D. 734)

Resolve Opening Crystal Lake to Ice Fishing. (H. P. 553) (L. D. 222)

Resolve Relating to Fishing in Baker Stream. (H. P. 555) (L. D. 224)

Resolve Relating to Fishing in George Durgin Pond. (H. P. 558) (L. D. 226)

Resolve Relating to Fishing in Big King and Bartlett Lakes. (H. P. 559) (L. D. 227)

Resolve Relating to Fishing in Tributaries of Sturtevant Pond. (H. P. 564) (L. D. 230)

Resolve Providing for a State Pension for Oscar Lund of East Machias. (H. P. 567) (L. D. 735)

Resolve Providing for a State Pension for Susie May Harding of Hampden. (H. P. 569) (L. D. 736)

Resolve Providing for a State Pension for Leland Palmer of Carmel. (H. P. 645) (L. D. 737)

An Act Relating to Prepayment of Taxes. (H. P. 662) (L. D. 205)

(On motion by Mr. Weeks of Somerset, tabled pending passage to be engrossed.)

An Act Relating to Closed Sea-

sons in the Several Waters of the State. (H. P. 710) (L. D. 371)

An Act Relative to Search and Seizure of Fish and Game and Equipment used in Hunting, Trapping and Fishing. (H. P. 712) (L. D. 373)

An Act Relative to Night Hunting. (H. P. 714) (L. D. 324)

An Act Relative to the Taking of Salmon in Certain Waters. (H. P. 716) (L. D. 326)

An Act Relative to the Revocation of Licenses after Violation of the Fish and Game Laws. (H. P. 718) (L. D. 307)

An Act Prohibiting the use of Partridge as Bait for Trapping. (H. P. 719) (L. D. 328)

An Act Relating to the Penalties for Violations of the Fish and Game Laws. (H. P. 722) (L. D. 330)

An Act Relative to the Use of Live Decoys and Power Boats in Hunting Waterfowl. (H. P. 724) (L. D. 332)

An Act Relating to Ice Fishing in Sandy Pond in Freedom and Montville, in the County of Waldo. (H. P. 731) (L. D. 338)

An Act Prohibiting the Horning of Deer. (H. P. 733) (L. D. 340)

An Act Relative to Fees for Trapping Licenses, Resident and Non-resident. (H. P. 734) (L. D. 403)

An Act Relating to Definitions Under Fish and Game Laws. (H. P. 738) (L. D. 407)

Resolve Regulating the Taking of Muskrats on Massacre Pond in Scarborough. (H. P. 740) (L. D. 254)

Resolve in Favor of the Kennebec Journal Company for Printing Public Laws of the State of Maine. (H. P. 775) (L. D. 738)

(On motion by Mr. Towle of Kennebec, tabled pending second reading.)

Resolve in Favor of Gerald Lund. (H. P. 806) (L. D. 739)

Resolve Providing for a State Pension for Fred E. Stevens of Chelsea. (H. P. 991) (L. D. 740)

An Act Relating to Protection at Grade Crossings. (H. P. 1149) (L. D. 599)

Resolve in favor of Bion M. Rhoades of Topsfield. (H. P. 1418, L. D. 741).

Resolve in favor of George Mawhinney of Jonesboro. (H. P. 1419, L. D. 742).

In the House, resolve passed to be engrossed.

In the Senate:

Mr. Weatherbee of Penobscot pre-

sented Senate Amendment "A" and moved its adoption: Senate Amendment "A" to House Paper 1419, Legislative Document 742, Resolve in favor of George Mawhinney of Jonesboro. "Amend said resolve by adding at the end thereof the following: 'Said sum to be paid from the general highway funds.'"

Thereupon, Senate Amendment "A" was adopted and the resolve as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

An Act relative to the use of power boats in hunting waterfowl. (H. P. 1420, L. D. 732).

Resolve regulating fishing in Heald Ponds. (H. P. 1421, L. D. 743).

Resolve providing for an increase in State Pension for Hannah C. McLaughlin. (H. P. 1422, L. D. 744).

Resolve providing for a State Pension for Alida Jackson of Waldo. (H. P. 1423, L. D. 745).

Orders of the Day

On motion by Mr. Bissett of Cumberland, the Senate voted to take from the table, An Act Relating to Employers of Labor. (H. P. 873) (L. D. 311), tabled by that Senator on March 1st, 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. Weeks of Somerset, the Senate voted to take from the table, House Report from the Committee on Judiciary, "Ought Not to Pass" on An Act Providing for Removal of Paupers to Town of Settlement. (H. P. 849) (L. D. 261), tabled by that Senator on March 1st, pending recommitment to the Committee on Judiciary.

Mr. WEEKS of Somerset: Mr. President, this matter was heard before the Committee on Judiciary and was discussed, I think, quite thoroughly at the hearing, and also in executive session. It seems useless to me to have this bill recommitted and I trust that the motion will not prevail.

The PRESIDENT: The pending question is on the motion to recommit to the Committee on Judiciary.

A viva voce being had

The motion to recommit failed.

Thereupon, on motion by Mr. Weeks of Somerset, the report of the Committee on Judiciary, "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Weatherbee of Penobscot, the Senate voted to take from the table, An Act Relating to the Use of Automobiles in Islesboro, (H. P. 19) (L. D. 7), tabled by that Senator on February 22nd pending first reading.

Thereupon, on motion by Mr. Page of Somerset, the bill was retabled pending first reading.

The PRESIDENT: Is there any further business to come before the Senate under Orders of the Day? We have the longest calendar we have had for any day, for a printed calendar, with one exception. The Chair feels we are making reasonably good progress but we will be making better progress if we can shorten our calendar somewhat each day, or at least, keep it from lengthening. Is there any matter that can be disposed of at this session?

On motion by Mr. Holmes of Androscoggin, the Senate voted to take from the table, An Act designating a certain road as "The Arnold Trail" (S. P. 231, L. D. 770), tabled by that Senator on March 1st pend-

ing second reading; and on further motion by the same Senator the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Viles of Kennebec, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to Pass" on "An Act relating to non-residents kindling fires and employment of guides" (H. P. 732, L. D. 339, tabled by that Senator on March 1st pending acceptance of the report in concurrence; and on further motion by the same Senator the report was accepted in concurrence, the bill was given its first reading and tomorrow assigned for second reading.

The PRESIDENT: May the Chair urge before adjournment that every member having matters on the table con a little, if you will, the situation between now and tomorrow morning and take off, if you can, anything that can be taken off without improper rushing; and may the Chair also urge that the committees, following their executive sessions, promptly send in their reports on proposed legislation.

On motion by Mr. Fernandez of Penobscot,

Adjourned, until tomorrow morning at ten o'clock.