

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

Special Session, December 4, 1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, December 6, 1933.

Senate called to order by the President.

Prayer by the Rev. William R. Wood of Augusta.

Journal of yesterday read and approved.

Communication from the Secretary of State.

DEPARTMENT OF STATE

December 4, 1933.

To the Honorable Royden V. Brown:
I herewith transmit a copy of a letter of resignation from the Honorable Herbert E. Holmes as a member of the Senate of the Eighty-sixth Legislature.

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

November 20, 1933.

The Secretary of State
Augusta, Maine.

Dear Sir:

Having been appointed to a position in the judicial department of the State, and having been confirmed by the Executive Council, and having accepted the position,

I hereby resign as a member of the Senate of the Eighty-sixth Legislature, the resignation to be effective at once.

Respectfully yours,

HERBERT E. HOLMES,
Senator from Androscoggin County.

Which communications were read and ordered placed on file.

The following bills and resolves were received and on recommendation by the Committee on Reference of Bills were referred to the following committees:

Banks and Banking

Mr. Robie of Cumberland presented Bill An Act authorizing savings banks to acquire, and hold securities not authorized by law to avoid loss. (S. P. 18)

The same senator presented Bill An Act relating to the authority of bank commissioner over trust companies. (S. P. 19)

The same Senator presented Bill An Act limiting loans and investments by trust companies on mortgages on real property. (S. P. 20)

The same Senator presented Bill An Act providing for annual examination of trust companies by directors. (S. P. 21)

The same Senator presented Bill An Act restricting the ownership of realty by trust companies. (S. P. 22)

Mr. Jackson of Sagadahoc presented Bill An Act to provide for the authority of a receiver in possession. (S. P. 23)

The same Senator presented Bill An Act relating to filing of financial statements by applicants for loans. (S. P. 24)

The same Senator presented Bill An Act to provide for issuing capital notes and debentures by mutual savings banks and institutions for savings. (S. P. 25)

The same Senator presented Bill An Act to provide for issuing preferred stock by trust companies. (S. P. 26)

The same Senator presented Bill An Act relating to adjustment and disposition of loans and investments of trust companies. (S. P. 27)

Mr. Robie of Cumberland presented bill An Act relating to liquidation of banks. (S. P. 30)

The same Senator presented bill An Act providing for the merger or consolidation of banks. (S. P. 31)
(500 copies of each ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Weeks of Somerset presented bill An Act creating a board of Emergency Municipal Finance. (S. P. 32)

(500 copies ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Kitchen of Aroostook presented bill An Act to incorporate the Presque Isle Water District. (S. P. 33)

Sent down for concurrence.

Pensions

Mr. Winn of Androscoggin presented Resolve granting a state pension to Gertrude C. Coffin of Lisbon. (S. P. 28)

Sent down for concurrence.

Taxation

Mr. Jackson of Sagadahoc presented remonstrance of Lewis E. Wilson of Bath and 999 others against the Sales Tax. (S. P. 29)

Sent down for concurrence.

On motion by Mr. Weeks of Somerset,
Recessed until two forty-five this afternoon.

After Recess

The Senate was called to order by the President.

Papers from the House, out of order, disposed of in concurrence.

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

Mr. BLAISDELL of Hancock: Mr. President, I move that we recess until three-thirty o'clock in order that we may complete the questions which we wish to present to the Senate for the purpose of sending to the Supreme Judicial Court for answers covering certain emergency preambles; and I move that we recess for that purpose.

The motion to recess prevailed.

After Recess

The Senate was called to order by the President.

Out of order and under suspension of the rules Mr. Blaisdell of Hancock presented the following order:

WHEREAS, it appears to the Senate of the 86th Legislature that the following is an important question of law and the occasion a solemn one; and

WHEREAS, bills are before the Senate for consideration providing for the creation of school districts and water districts which carry emergency clauses and, for explanation of the emergency, set forth the need of immediately obtaining federal aid or grants which may be lost if immediate action is not taken and setting forth that immediate re-employment of needy citizens is of the utmost importance, and setting forth in the cases of the school

districts, the overcrowded condition of the schools as being a menace to the health of the children; and setting forth in the cases of water districts the danger from the lack of adequate fire protection and proper sanitation; and

WHEREAS, questions have arisen as to the constitutionality of these acts because of the possible infringement of the right to home rule for municipalities,

ORDERED: That the Justices of the Supreme Judicial Court are hereby requested to give to the Senate according to the provisions of the Constitution on this behalf, their opinion on the following questions, to wit:

Question I. Does the bill now before the 86th Legislature, entitled, "An Act to Incorporate the Town of Orono School District," H. P. 24, L. D. 39, constitute an infringement of the right to home rule for municipalities as is contemplated in Section 16 of Article IV of the Constitution contained in Article XXXI of the amendments thereof?

Question II. If said act constitutes such an infringement, has the Legislature the power and authority to pass such a bill under the emergency clause in the form of an enabling act to become effective only by vote of the people within the municipality?

On motion by the same Senator, the order was laid upon the table pending passage and especially assigned for tomorrow morning.

(500 copies ordered printed.)

On motion by Mr. Weeks of Somerset,

Adjourned until tomorrow morning at ten o'clock.