

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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HOUSE

Saturday, March 22, 1919.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Fr. O'Meara of Augusta.

Journal of previous session read and approved.

By unanimous consent the rules were suspended, and the following Senate order was received out of order:

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Monday, March 24, at 4.30 P. M.

The order received a passage in concurrence.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading

Senate 175: Resolve in favor of the Bangor State Hospital for purposes herein enumerated for the years 1919 and 1920.

Final Report

From the Senate: The following committees submitted final reports stating that they had acted on all matters referred to them:

The joint standing committee on claims.

The joint standing committee on pensions.

The reports were accepted in concurrence.

A message was received from the Senate, through its Secretary, announcing that the Senate had convened today with the choice of the Hon. John P. Deering as President, pro tem.

Senate 230: An Act to amend Section 1 of Chapter 319 of the Public Laws of 1915 as amended by Chapter 304 of the Public Laws of 1917, entitled "An Act to provide for State and county aid in the construction of highway bridges."

Reports of Committees

Mr. Alden, from the committee on agriculture reported ought not to pass, on bill, An Act requiring that creameries, condensed milk factories and certain other dealers in dairy products be licensed and give bond before transacting business.

Mr. Gray, from same committee, reported same on bill, An Act for better protection against adulterated, misbranded or inferior commercial fertilizer.

Mr. Grinnell, from same committee, reported same on bill, An Act to prohibit exposing for sale, offering for sale, or selling butter unless contained in a wrapper or other container having printed or written thereon the name of the maker or manufacturer thereof.

Mr. McLeary, from same committee, reported same on bill, An Act to amend Section 8, Chapter 36, Revised Statutes, relating to the registration of fertilizers.

Mr. Washburn, from the same committee, reported that the same be referred to the next Legislature on bill, An Act to regulate and license operators of slaughter houses.

(Tabled by Mr. Garcelon of Auburn, pending acceptance of report, and specially assigned for Tuesday, March 25.)

Mr. Baxter, from the committee on judiciary, reported ought not to pass on bill, An Act relating to lands reserved for public uses, commonly called public lots, and the water powers and storage reservoirs and basins located thereon and in connection with the same.

Mr. Conary, from the same committee, reported the same on bill, An Act relating to the duties of officers and agents of towns.

Mr. Parnes, from same committee, reported that same be referred to the next Legislature on bill, An Act concerning conditional sales and to make uniform the law relating thereto; An Act concerning fraudulent conveyances and to make uniform the law relating thereto; An Act to make uniform the law of transfer of shares of stock in corporations; An Act to make uniform the law of partner-

ships; and An Act to make uniform the law of sales of goods.

Mr. Hinckley, from the committee on legal affairs, reported ought not to pass as subject matter is covered by another bill, on bill, An Act to amend the 22d paragraph of Section 5 of Chapter 118 of the Revised Statutes, relating to the compensation of court officers; also to amend the 23d paragraph of Section 5 of Chapter 118 of the Revised Statutes, relating to remuneration of superior court officers.

Same gentleman, from the same committee, reported ought not to pass, on bill, An Act relating to portable sawmills.

Mr. Lanpher, from same committee, reported same on bill, An Act to amend Section 48 of Chapter 6 of the Revised Statutes, relating to the enrollment of voters at political caucuses.

Same gentleman, from same committee, reported same on bill, An Act to provide a penalty for wounding or killing a human being by the negligent or careless driving of a motor vehicle.

Mr. Mason, from same committee, reported same on bill, An Act to create the office of commissioner of decisions and laws and to abolish the office of reporter of decisions.

Same gentleman from same committee, reported same on bill An Act to amend Section 6 of Chapter 125 of the Revised Statutes relating to complaint and warrant.

Mr. Thomas from the committee on mercantile affairs and insurance, reported that the same be referred to next Legislature on bill An Act relating to the cancellation, non-renewal or restriction of health and accident policies

Mr. Jordan, from the committee on ways and bridges, reported ought not to pass on bill An Act to amend Section 1 of Chapter 319 of the Public Laws of 1915 as amended by Chapter 304 of the Public Laws of 1917, entitled "An Act to provide for State and county aid in the construction of highway bridges."

Same gentleman from same committee, on petition of William J. Chase and 25 others, and of William M. Glover and 10 others, praying that an appropriation

be made for repairing a highway in the towns of Sebec, Bowerbank and the plantations of Barnard, reported that the same be placed on file.

Same gentleman from same committee, reported same on petitions of O. H. Fletcher and 98 others, E. E. Frederick and 86 others, and county commissioners, representatives to Legislature and State senators of Somerset county, praying that an appropriation be made in favor of Anson and Starks for repair of road.

Mr. Pattee from same committee, reported ought not to pass on bill An Act to amend Chapter 25 of the Revised Statutes as amended relative to the State Highway Commission.

Mr. Stanley from same committee, reported same on bill An Act to provide for a highway equalization fund.

Mr. Williams from same committee, reported same on bill An Act to amend Section 33 of Chapter 25 of the Revised Statutes as provided in Section 8 of Chapter 258 of the Public Laws of 1917, providing for the creation of a mill tax highway fund and the expenditure thereof.

Same gentleman from same committee, reported that same be placed on file, on petition of Bertrand L. Smith and 34 others of Patten and vicinity, in favor of Resolve in favor of the town of Crystal for the purpose of repairing a road.

Same gentleman from same committee, reported same on petition of John M. Brown and others in favor of an appropriation for building a road in the town of Eagle Lake for the purpose of opening farm lands for settlement.

Reports were read and accepted and sent up for concurrence.

Mr. Austin from the committee on agriculture, reported ought to pass on bill An Act to authorize the payment of additional sums for co-operative agriculture.

Mr. Plummer from same committee, reported same on bill An Act to amend Section 3 and Section 12 of Chapter 36 of the Revised Statutes, relating to marking packages of agricultural seeds.

Mr. Washburn from same committee, reported same on bill An Act additional

to Chapter 48 of the Revised Statutes relating to the State sealer of weights and measures.

Mr. Mason from the committee on legal affairs, reported ought to pass in new draft under same title on bill An Act to amend Section 32 of Chapter 67 of the Revised Statutes concerning probate appeals.

Same gentleman from same committee, reported same on bill An Act granting Bradbury Smith the right to establish and maintain a ferry between the towns of Sullivan and Hancock.

Mr. Hinckley from the committee on legal affairs, on bill An Act authorizing the Penobscot Development company to construct and maintain booms and piers in Aroostook river in the town of Ashland, reported same in a new draft, under same title and that it ought to pass.

Mr. Barnes from the committee on judiciary, reported ought to pass on bill An Act to prevent and punish desecration, mutilation or improper use of the flag of the United States of America, and of this State, and of any flag, standard, color, ensign or shield authorized by law, and to make uniform the law relating thereto.

Mr. Maher from same committee, reported same on bill An Act to amend Section 49 of Chapter 117 of the Revised Statutes, relating to the board of registration in medicine.

Mr. Thomas from the committee on mercantile affairs and insurance, reported same on bill An Act relating to life insurance and providing for validity of written orders by beneficiary directing payment of sums for funeral expenses.

Same gentleman from same committee, on Resolve to permit the insurance commissioner to provide for a refund to foreign life insurance companies of taxes unlawfully collected from them reported the same in three new resolves under the titles of Resolve in favor of the Fidelity Mutual Life Insurance Company of Philadelphia, Pennsylvania, Resolve in favor of the Provident Life and Trust Company of Philadelphia, Pennsylvania and Resolve in favor of the Penn Mutual Life Insurance Com-

pany of Philadelphia, Pennsylvania," and that they ought to pass.

Mr. Crane from the committee on State lands and forest preservation, on bill An Act for the care and preservation of shade and ornamental trees, reported same in a new draft under same title, and that it ought to pass.

Mr. Pattee, from the committee on ways and bridges, reported ought to pass on bill An Act to amend Chapter 154 of the Public Laws of 1917, entitled "An Act to provide State aid for the construction of highways extending continuously through three or more towns."

Reports were read and accepted and bills and resolves ordered printed under joint rules.

Mr. Washburn from the committee on agriculture, reported ought to pass on bill An Act to provide for the collection of agricultural statistics by assessors.

The bill having been printed was read twice under suspension of the rules and Monday assigned for third reading.

Same gentlemen from same committee, reported same on Resolve making an appropriation for the control of contagious diseases among domestic animals.

The resolve having been printed was read once under suspension of the rules and Monday assigned for second reading.

Mr. Garcelon from committee on legal affairs, reported same on bill An Act relating to inspection and recount of ballots cast at primary elections.

The bill having been printed was read twice under suspension of the rules and Monday assigned for third reading.

Passed to be Engrossed

Senate 193: Resolve providing for the care, support and medical or surgical treatment of dependent persons in or by certain charitable and benevolent institutions and organizations not owned or controlled by the State.

Senate 227: Resolve appointing a committee to revise, collate, arrange and consolidate the collateral inheritance tax and probate laws of the State of Maine.

Senate 228: Resolve in favor of Ed-

ward A. Parent, in payment of witness fees, counsel fees and disbursements made by him in the contested senatorial election case from Androscoggin county, county.

Senate 229: Resolve in favor of Dr. Henry L. Irish, in payment of witness fees, counsel fees and disbursements made by him in the contested senatorial election case from Androscoggin county.

An Act for the protection of claims within the limits of Capitol Island Village Corporation in the county of Lincoln.

House 453: An Act amendatory and additional to Chapter 197 of the Public Laws of 1917, and Chapter 301 of the Public Laws of 1917, relating to the State department of health.

House 454: An Act to amend Sections 1, 2, 3 and 4 of Chapter 297 of the Private and Special Laws of 1907, relating to the Fort Kent Village Corporation.

House 456: An Act to enlarge the powers of trust companies.

House 457: An Act to amend Paragraph 1 of Section 7 of Chapter 19 of the Public Laws of 1917, relating to industrial banks.

House 458: An Act to amend Section 44 of Chapter 14 of the Revised Statutes, relative to the sale of timber on Indian township.

House 461: An Act to amend Section 25 of Chapter 18 of the Revised Statutes, relating to appointments of members of board of dental examiners.

House 460: Resolve in favor of Esther M. Giles of Boothbay for State aid.

Orders of the Day

On motion by Mr. Barnes of Houlton, it was voted to take from the table House Document No. 214, An Act to amend Section 85 of Chapter 33 of the Revised Statutes, as amended by Chapters 210 and 214 of the Public Laws of 1917, relating to the disposition of money collected under the provisions of the inland fish and game laws; and on further motion by the same gentleman it was voted to reconsider the vote whereby this bill was passed to be engrossed.

Mr. BARNES of Houlton: Mr. Speaker and gentlemen: This is the act which provides that when at any time in the future the fines and penalties

recovered under fish and game prosecutions in excess of \$50,000 shall be paid over to the commissioner of inland fisheries and game to be used for the purposes of the department. In its draft up to the present time the construction of the sentence was wrong. The amendment which I shall propose merely puts the bill in the form that was intended. I move the adoption of House Amendment B to House Document 214, being An Act to amend Section 85 of Chapter 33 of the Revised Statutes, as amended by Chapters 219 and 244 of the Public Laws of 1917, relating to the distribution of money collected under the provisions of the inland fish and game laws.

House Document 214 is amended by striking out Section one and inserting in place thereof the following:

"Section 1. Section 85 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 and 244 of the Public Laws of 1917, is hereby amended by striking out all of said section and by substituting therefor the following section:

'Section 85. All fines and penalties recovered and money received or collected under any provision of this Chapter, in excess of \$50,000, after the deduction of legal taxable costs, together with all fees collected under the provisions of chapter 86 of the Public Laws of 1917 shall be paid forthwith by the person receiving the same to the commissioner of inland fisheries and game, at Augusta, Maine, to be paid by him to the treasurer of State the same to be credited to the appropriation for the operation of fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the report of the commissioner of inland fisheries and game, and other expenses incident to the administration of the department of inland fisheries and game, shall be expended by the said commissioner for the purposes for which the above named appropriation is made.

'Provided further that if any of such fines, penalties or other moneys are not expended during the year in which they are collected, the unexpended balance shall not lapse but shall be available for the purposes herein specified until expended. Any officer or other person

who shall receive any fine or penalty, or any part thereof, for the violation of any inland fish or game law, or any fees for licenses issue by virtue of this Chapter, and shall neglect for more than thirty days to pay the same to the commissioner of inland fisheries and game, as herein provided, shall pay a fine of not less than \$50 nor more than \$100 dollars, and costs of prosecution for each offence."

The SPEAKER: The Chair will call the attention of the gentleman from Houlton, Mr. Barnes, to the fact that this bill was originally amended by House Amendment A, which amended by inserting after the word "costs" in the third line of the second paragraph thereof, the words "in excess of \$50,000, together with all fees collected under the provisions of Chapter 66 of the Public Laws of 1917."

Mr. BARNES: It is my idea, Mr. Speaker, that if we amend this bill by House Amendment B, striking out all but the amending clause, it will enact it in the new form.

The SPEAKER: The Chair understands that this wipes out the first amendment.

Mr. BARNES: It does, Mr. Speaker. The first amendment said "Costs in excess of \$50,000." We want the net produced instead.

Thereupon the House voted to reconsider its action whereby it adopted House Amendment A, the House then voted to indefinitely postpone the original Amendment A.

On motion by Mr. Barnes of Houlton, it was voted to adopt House Amendment B, and the bill was passed to be

engrossed as amended by House Amendment B.

Mr. BARNES of Houlton: Mr. Speaker, I move that we reconsider the vote last taken yesterday on a resolve in relation to employment of discharged soldiers. This is an emergency measure, and I do not propose to ask that it be finally considered today. I ask that the vote be reconsidered in order that the emergency clause may be attached.

The House thereupon voted to reconsider its action whereby it passed to be engrossed resolve in relation to employment of discharged soldiers.

Mr. BARNES: I move the adoption of House Amendment A as follows:

Resolve in relation to employment of discharged soldiers is hereby amended by adding the following paragraph:

"In view of the emergency cited in the preamble, this resolve shall take effect when approved."

The House thereupon voted to adopt the amendment; and on further motion by Mr. Barnes of Houlton the resolve and amendment were tabled.

The SPEAKER: The Chair will announce at this time the conference committee on bill an Act amending the Revised Statutes, relating to placing names on the primary ballots by lot, Messrs. Holley of North Anson, Hinckley of South Portland and Garcelon of Auburn.

On motion by Mr. Perkins of Boothbay Harbor,

Adjourned until Monday afternoon at 4.30 P. M.