

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
KENNEBEC JOURNAL PRINT
1919

HOUSE

Saturday, March 29, 1919.

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

Prayer by Mr. Seliger 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 31, at 4.30 P. M.

The order received a passage in concurrence.

Papers from the Senate disposed of in concurrence.

Communication from the Governor

Gentlemen of the 79th Legislature:

At the very time when the victory of national prohibition is being celebrated and Maine is rightly hailed as the pioneer in this great human welfare movement, we are in grave danger of stumbling into a pitfall which will bring us into unenviable notoriety throughout the country.

For lack of precise definition regarding the percentage of alcohol in non-malt alcoholic beverages, our courts have held the question whether such a beverage was intoxicating to be in each instance a question of fact. In the case of non-malt liquors containing less than three per cent of alcohol proof of actual intoxication has been required in order to show the beverage to be intoxicating liquor. In practice such evidence is always extremely difficult to secure especially in search and seizure cases and the result has been immunity for purveyors of various "near-beers" containing less than three per cent alcohol.

The places where such beverages are sold often center for distribution of stronger intoxicants whenever these can be smuggled into the state. The sale of such beverages,

even if confined strictly within the ostensible limits of "near-beers," tends to create the appetite for alcohol among boys and young men who would not otherwise acquire it.

So far as I know, Maine is now the only "dry" state which permits the sale of beverages containing so large a per cent of alcohol. In my address at the opening of the session I confidently appealed to you to take action which would make the definition of intoxicating liquors in this respect harmonize with that of other dry states and the Federal government. The New Hampshire legislature has just refused to legalize the sale of beer containing as much as two and three quarters per cent alcohol. You have had before you a bill defining the percentage of alcohol in intoxicating liquors. I hope that the unfavorable action taken on this bill in both branches may be reconsidered and the standard of our Maine law brought up to that of our neighboring state of New Hampshire.

(Signed) CARL E. MILLIKEN.

Governor.

Dated at the
Executive Chambers
March 29, 1919.

This communication comes from the Senate, that body extending a vote of thanks to the Governor for his communication, and ordering 500 copies printed.

Thereupon the House voted that the communication be placed on file.

From the Senate: Resolve in favor of the Augusta State hospital for the construction of a new building for patients.

This comes from the Senate, read twice under suspension of the rules, and passed to be engrossed without reference to a committee.

The House thereupon voted to suspend the rules, and the resolve was given it two several readings and passed to be engrossed in concurrence.

From the Senate: Resolve authorizing construction of a building for the care of tubercular soldiers, sailors and marines.

This comes from the Senate, read

twice under suspension of the rules, and passed to be engrossed without reference to a committee.

The House thereupon voted to suspend the rules, and the resolve was given its two several readings and passed to be engrossed in concurrence.

From the Senate: Ordered, the House concurring, that the chairman of the judiciary, the chairman of the legal affairs and the chairman of the committee on library, on the part of the Senate, and the chairmen of the same committees on the part of the House, be authorized to act as a special committee to examine certain manuscripts now in the custody of the secretary of state for examination, relating to the proceedings of various legislatures from the year 1820 to the year 1920, said committee to report to the present legislature by bill or otherwise.

This comes from the Senate indefinitely postponed.

In the House, indefinitely postponed in concurrence.

From the Senate: Final reports of the joint standing committees on education, inland fisheries and game, agriculture, banks and banking, State lands and forest preservation.

The reports were accepted in concurrence.

From the Senate: Report of the committee on judiciary on bill An Act to regulate the practice of the system, method or science of healing known as osteopathy, creating a board of examination and registration of those desiring to practice the same, and providing penalties for violation of this act, reporting same in a new draft under same title and that it ought to pass.

This comes from the Senate with the report accepted, and the bill in new draft given its two several readings under suspension of the rules.

Thereupon the House voted that the rules be suspended, the bill received its three several readings without printing, and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on legal affairs on bill An Act to amend Section 15 of Chapter 12 of the Revised Statutes, relating to indexes in the registries of deeds, reporting same in a new draft, under title of An Act amendatory of and in addition to Chapter 12 of the Revised Statutes, relating to indexes in registries of deeds, and that it ought to pass.

This comes from the Senate, report accepted and the bill later indefinitely postponed.

On motion by Mr. Barnes of Houlton the report and bill were tabled, pending acceptance of the report.

From the Senate: Bill An Act to amend Section 2 of Chapter 56 of the Private and Special Laws of 1895, as amended by Chapter 203 of the Private and Special Laws of 1903, relating to water supply of Boothbay Harbor.

This was passed to be engrossed in the House March 26.

It comes from the Senate report ought not to pass of the committee on public utilities on same accepted in non-concurrence.

On motion by Mr. Barnes of Houlton, tabled pending concurrence.

From the Senate: Report of the committee on judiciary, on joint resolution relating to League of Nations, reporting that the same be placed on file.

In the House placed on file in concurrence.

On motion by Mr. Clason of Lisbon, unanimous consent being given, the following two special road resolves were finally passed out of order:

Resolve for the repair and construction of roads and bridges, and for other purposes.

Resolve for the repair and construction of roads.

On motion by Mr. Clason of Lisbon it was voted that these two resolves be immediately sent to the Senate.

Unanimous consent being given, An Act to amend Sections 60 and 61 of Chapter 9 of the Revised Statutes, relating to taxation of savings banks, was passed to be enacted out of order.

The **SPEAKER**: This will be signed by the Speaker and sent to the Senate at the present time with the two resolves finally passed.

Reports of Committees

Mr. Flint, from the committee on inland fisheries and game, on remonstrances of W. N. Bran and 16 others; Vernon H. Boyd and 201 others; M. W. Howard and 111 others; A. H. Andrews and 89 others; Ernest M. Gross and 15 others; Neal E. Brennan and 21 others; Fred P. Ray and 59 others; Charles W. Clark and 33 others; James A. Dunning and 22 others; George R. Townsend and 13 others; Roland Withee and 87 others; Herbert S. Miller and 5 others; William Cherry and 35 others; D. H. Peavey and 14 others; C. Gardiner Chalmers and 26 others; Gustavus A. Youngs and 28 others; H. C. Longfellow and 9 others; N. V. Harris and 45 others; Howard Crosby and 22 others; W. W. White and 14 others; J. Wilbur Day and 20 others; S. W. Shannon and 48 others; Wilfred Thompson and 19 others; John Dudley and 14 others; Samuel C. Tibbets and 50 others; James T. Croft and 12 others; M. S. Clarey and 19 others; William H. Chapples and 28 others; John Mattabel and 5 others; Frank E. Pratt and 5 others; Omar Carr and 24 others; D. J. Sprague and 27 others; Charles D. Freeman and 76 others; H. W. Johnston and 13 others; Herbert A. Prouty and 38 others, against the resident hunting license, reported that the same be placed on file, as the subject matter has been reported by this committee.

Mr. Garcelon, from the committee on legal affairs, reported ought not to pass on bill An Act to amend Chapter 80, Section 21, relating to distribution of life insurance made payable to an estate.

Same gentleman, from same committee, on bill An Act relative to the appointment of deputy sheriffs and their compensation; reported ought not to pass as the same subject is covered by another bill.

Mr. Hinckley, from same committee, reported ought not to pass

on bill An Act prohibiting untrue, deceptive misleading assertions, representations or statements in advertisements.

Mr. Hussey, from same committee, reported same on bill An Act to amend Sections 94 and 95 of Chapter 4 of the Revised Statutes, relating to street sprinkling.

Same gentleman, from same committee, reported same on bill An Act to amend Section 27 of Chapter 84 of the Revised Statutes of Maine; (relating to admission to the bar).

Mr. Brown, from the committee on salaries and fees, reported same on bill An Act to increase the salary of the recorder of the Piscataquis municipal court.

Same gentleman, from same committee, reported same on bill An Act to amend Section 38 of Chapter 117 of the Revised Statutes, as amended by Chapters 167, 152 and 290—two of the Public Laws of 1917, increasing the salary of the judge of probate of Hancock county.

Same gentleman, from same committee, reported same on bill An Act to amend Section 26 of Chapter 117 of the Revised Statutes, relating to the adjutant general and the chief clerk in the office of the adjutant general.

Same gentleman, from same committee, reported same on bill An Act to amend Section 20 of Chapter 118 of the Revised Statutes, with reference to the fees of town and city clerks for recording vital statistics.

Mr. Chamberlain, from same committee, reported same on bill An Act to amend Paragraph 15, Section 39, Chapter 117 of the Revised Statutes, relative to compensation of registers of probate.

Same gentleman, from same committee, reported same on bill An Act to amend Section 39 of Chapter 117 of the Revised Statutes, relating to compensation of registers of probate.

Same gentleman, from same committee, reported same on bill An Act to amend Section 41 of Chapter 117 of the Revised Statutes of Maine, relating to salaries of sheriffs.

Same gentleman, from same com-

mittee, reported same on bill An Act to amend Section 43 of Chapter 117 of the Revised Statutes, increasing the salary of the register of deeds of York county.

Mr. Orff from same committee, reported same on bill An Act to amend Section 38 of Chapter 117 of the Revised Statutes, increasing the salary of the judge of probate of Lincoln county.

Same gentleman, from same committee, reported same on bill An Act to amend Section 43 of Chapter 117 of the Revised Statutes, increasing the salary of the register of deeds for the county of Lincoln.

Same gentleman, from same committee, reported same on bill An Act to amend Section 19 of Chapter 117 of the Revised Statutes, as amended by Chapter 220 of the Public Laws of 1917, increasing the salary of the bank commissioner and one examiner.

Mr. Perkins, from the committee on sea and shore fisheries, on bill An Act to render lobster licenses non-revokable, reported that the same ought not to pass, as subject matter is covered in another bill.

Same gentleman, from same committee, on petition of H. R. Barlow and 116 others of Boothbay Harbor, Reuben S. Brewer and 117 others of Boothbay, M. S. Newdick and 16 others of Georgetown, Fred E. Newcomb and others of Boothbay Harbor, W. E. Sawyer and 28 others of Boothbay Harbor, Fred B. Higgins and 23 others of Boothbay Harbor, John R. Earter and 24 others of Isle au Haut, James E. Macy and 43 others of Stonington, Edwin H. Knowlton and 41 others of Stonington, praying that the lobster license law be repealed, reported that the same be placed on file.

Same gentleman, from same committee, on petition of J. W. Hanna and 32 others of Bristol, praying that all present lobster laws and amendments thereto be repealed, reported that the same be placed on file.

Mr. Allan, from the committee on taxation, reported ought not to pass on bill An Act to amend Sections 76.

78 and 80 of Chapter 11 of the Revised Statutes, relating to redemption of real estate sold at tax sales.

Same gentleman, from same committee, reported same on bill An Act establishing a uniform tax on certain personal property.

(On motion by Mr. Pike of Eastport, the bill and report were tabled, pending acceptance of the report, and specially assigned the first matter upon the calendar Wednesday, April 2.)

Mr. Clason, from the committee on ways and bridges, on petition of Lydia A. Bodfish and 23 others, residents of Piscataquis county, praying that an appropriation be made for repairs on a road in Elliottsville plantation, reported that the petitioners have leave to withdraw.

Same gentleman, from same committee, on the following resolves:

Resolve in favor of repair and construction of a part of the lower bridge across Belfast bay in the city of Belfast.

Resolve for the aid of the town of Howland for rebuilding piers and abutments under the Piscataquis river bridge in the town of Howland.

Resolve in favor of the town of Jonesboro (repairing bridge).

Resolve in favor of bridge across the Penobscot river between the towns of Orono and Bradley.

Resolve in favor of the towns of Parsonsfield and Porter to aid in the construction of a bridge.

Resolve in favor of rebuilding a bridge in the town of Trescott, reported that same be referred to the New Bridge Law.

Reports were read and accepted and sent up for concurrence.

Majority report of the committee on education, on bill An Act to provide for distribution of state school funds available for support of common schools, reporting that the same be referred to the next Legislature, with the accompanying order.

(Signed) Messrs. WALKER.
ALLEN.
WILLIAMS.
RICKER.
BREWSTER.
COCHRANE.

Minority report of same committee, on same subject matter, reporting ought to pass.

(Signed) Messrs. VARNEY.
ALDEN.
PATTEE.
AMES.

(On motion by Mr. Washburn of Perry the bill and accompanying reports were tabled, pending the acceptance of either report, and the reports ordered printed.)

Majority report of the committee on legal affairs, on bill An Act relating to appeal of cases from supreme judicial and superior courts, reporting that it ought not to pass.

(Signed) Messrs. MASON.
THOMBS.
LANPHER.
HUSSEY.
GARCELON.

Minority report of same committee, on same subject matter, reporting same in a new draft, under same title, and that it ought to pass.

(Signed) Messrs. HINCKLEY.
GURNEY.

(On motion by Mr. Lanpher of Sebec, the bill and accompanying reports were tabled, pending the acceptance of either report, and the reports ordered printed.)

Majority report of the committee on sea and shore fisheries on bill An Act to establish the legal length for lobsters in York county, reporting ought not to pass.

(Signed) Messrs. PEACOCK,
COLE,
PERKINS,
STACEY,
HOLT,
FULLER,
WYMAN,
CLEMENT.

Minority report of same committee, on same subject matter, reporting ought to pass.

(Signed) Messrs. STEVENS,
JORDAN,

(On motion by Mr. Williams of Wells, tabled pending acceptance of either report.)

Majority report of same committee on bill An Act to amend Sections 35 and 38 of Chapter 45 of the Revised Statutes,

determining the measurement of lobsters and establishing a maximum and minimum length, reporting ought not to pass.

(Signed) Messrs. PEACOCK,
COLE,
PERKINS,
HOLT,
WYMAN,
CLEMENT.

Minority report of same committee, on same subject, reporting ought to pass.

(Signed) Messrs. JORDAN,
STEVENS,
STACEY,
FULLER,

(On motion by Mr. Williams of Wells, tabled pending acceptance of either report.)

Mr. Garcelon, from the committee on legal affairs, on bill An Act to amend Section 2 of Chapter 70 of the Revised Statutes, relating to the payment of unclaimed pecuniary legacies, reported same in a new draft, under title of An Act relative to unclaimed shares of estates in any savings bank or like institution, deposited by direction of the probate court, and that it ought to pass.

Mr. Hinckley, from same committee, on bill An Act to provide for the reconstruction of the bridge between Portland and South Portland, reported same in a new draft, under title of An Act for repairing and maintaining Portland bridge, and that it ought to pass.

Mr. O'Connell, from the committee on labor, reported ought to pass on bill An Act to amend Sections 20, 21 and 23 of Chapter 49 of the Revised Statutes, as amended by Chapter 146 of the Public Laws of 1917, relating to the employment of children.

Reports were read and accepted and sent up for concurrence.

(On motion by Mr. O'Connell of Millinocket the rules were suspended and the bill given its three several readings and passed to be engrossed.)

Same gentleman, from same committee, reported same on bill An Act to amend Chapter 350 of the Public Laws of 1915, relating to the employment of women and minors.

The report was accepted.

(On motion by Mr. Barnes of Houlton, tabled for amendment of title.)

Mr. Orff, from the committee on salaries and fees, reported same on bill An Act to amend Section 15 of Chapter 9 of the Revised Statutes, to provide for additional assistance for the Board of State Assessors.

Mr. Rounds, from same committee, on bill An Act to amend Section 3 of Chapter 325 of the Private and Special Laws of 1897, as amended by Chapter 17 of the Private and Special Laws of 1909 increasing the salary of the judge of the municipal court of Waterville, reported same in a new draft, under title of,

An Act to amend Section 3 of Chapter 325 of the Private and Special Laws of 1897, as amended by Chapter 17 of the Private and Special Laws of 1909, increasing the salary of the judge of the municipal court of Waterville; and to amend Section 13 of Chapter 368 of the Private and Special Laws of 1909 relating to the judge of the police court of Rockland, and to amend Section 14 of Chapter 368 of the Private and Special Laws of 1909, relating to the recorder of the police court of Rockland, and that it ought to pass.

Mr. Stevens, from the committee on sea and shore fisheries, on bill, An Act additional to Chapter 45 of the Revised Statutes relating to sea and shore fisheries, reported same in a new draft, under same title, and that it ought to pass.

The reports were read and accepted and sent up for concurrence.

Mr. BARNES of Houlton: Mr. Speaker, I shall have to recur to three measures that I am informed had better be tabled. The first one is in the report of the committee on salaries and fees relative to sheriffs' compensation, already handled this morning. The second was from legal affairs relative to deceptive advertising, and the third was relative to the salary of the deputy bank commissioner.

On motion by Mr. Barnes, the House voted to reconsider its action whereby it accepted the report of the committee on salaries and fees, ought not to pass, on bill An Act to

amend Section 41 of Chapter 117 of the Revised Statutes of Maine, relating to salaries of sheriffs; and on further motion by the same gentleman, the bill and report were tabled pending acceptance of the report.

On motion by Mr. Barnes of Houlton, the House voted to reconsider its action whereby it accepted the report of the committee on legal affairs, ought not to pass, on bill, An Act prohibiting untrue, deceptive, misleading assertions, representations, or statements in advertisements; and on further motion by the same gentleman the bill and report were tabled pending acceptance of the report.

On motion by Mr. Barnes of Houlton, the House voted to reconsider its action whereby it accepted the report of the committee on salaries and fees, ought not to pass, on bill An Act to amend Section 19 of Chapter 117 of the Revised Statutes, as amended by Chapter 220 of the Public Laws of 1917, increasing the salary of the deputy bank commissioner and one examiner; and on further motion by the same gentleman the bill and report were tabled pending acceptance of the report.

Mr. FORBES of Paris: Mr. Speaker, referring to the deceptive advertisement matter, I have an amendment which I would like to present at the proper time; and I move you that it be specially assigned for Tuesday, April 1.

The motion prevailed.

On motion by Mr. Pike of Eastport the House voted to reconsider its action whereby it voted to place on file in concurrence the report of the judiciary committee in reference to the resolution on the League of Nations.

Mr. PIKE: Mr. Speaker, I rise to a point of parliamentary inquiry—whether or not a committee may report that a bill or resolution be placed on file? Must they not report in favor or against?

The SPEAKER: The Chair rules without hesitation that the committee may do so.

On motion by Mr. Pike, the report was tabled pending acceptance and

specially assigned for Tuesday, April 1.

On motion by Mr. Maher of Augusta it was voted to take from the table report of the committee on labor on bill, An Act to amend Chapter 350 of the Public Laws of 1915, relating to the employment of women and minors, tabled for apparent correction in title.

Mr. MAHER: Mr. Speaker, this was tabled to clear an apparent ambiguity in the title, but this title is correct. The act relative to the employment of women and minors, not having been in the Revision of 1916, save in the appendix, where it appears under the title of Public Laws of 1915, Chapter 350. The same will be found on Page 1,650.

On motion by Mr. O'Connell of Millinocket, the rules were suspended and the bill given its three several readings, and passed to be engrossed.

Passed to Be Engrossed

Senate 241: An Act to appropriate moneys for the expenditures of the government and other purposes for the year 1919.

Senate 240: An Act to enable towns or cities to procure State Aid in the construction of armories.

Senate 247: An Act relating to the Surety Bond business of trust companies and domestic corporations and amending Section 90 of Chapter 52 of the Revised Statutes.

Senate 251: An Act to amend Section 67 of Chapter 92 of the Revised Statutes relating to the appointment of assistants and deputies to the attorney-general.

(Tabled by Mr. Holley of Anson pending its third reading.)

Senate 242: An Act to amend Section 1 of Chapter 6 of the Revised Statutes, relating to the assessment and collection of inheritance tax.

Orders of the Day

The SPEAKER: Under orders of the day the Chair will state that yesterday we failed to adopt Senate amendment A on the Porter resolve. Is it the pleasure of the House that

we reconsider the vote whereby the resolve was passed to be engrossed as amended by Senate Amendment B?

The House thereupon voted to reconsider its action whereby the resolve was passed to be engrossed as amended by Senate amendment B. It then voted to adopt Senate Amendment A in concurrence; and the bill was passed to be engrossed as amended by Senate amendments A and B in concurrence.

The SPEAKER: The Chair will announce the special committee on the order to consolidate the bank laws. The Senate members are Senators Baxter of Sagadahoc and Gannett of Kennebec. The Chair will appoint on that committee, Messrs. Eaton of Rumford, Fagan of Portland, and Murchie of Calais.

Mr. MURCHIE of Calais: Under the special assignments of today is House Document No. 475, An Act for the care and preservation of shade and ornamental trees, tabled by the gentleman from Sebec, Mr. Lanpher, pending third reading. With that gentleman's consent I will take it from the table, and offer House amendments A, B and C and move their adoption.

The SPEAKER: The Clerk will read the three amendments.

House Amendment A to House Document 475, entitled An Act for the care and preservation of shade and ornamental trees.

Section 1 is hereby amended by striking out the word "less" in the tenth line of said section and substituting in place thereof the word "more" and by striking out the words "two inches" in the same line and substituting in place thereof the words "one inch" and striking out the words "shall be painted red and" in the 11th line and the words "not less than one inch in height" in the 12th line, so that said section, as amended, shall read as follows:

Section 1. All trees within or upon the limits of any highway marked as hereinafter provided are hereby declared to be public shade trees. The

tree wardens in the several cities and towns, as soon as may be after they are appointed as hereinafter provided, shall carefully examine the trees along the highways under their jurisdiction and plainly mark such trees as they consider should be controlled by the municipality. The forest commissioner shall furnish to the municipal officers of the several cities and towns, at cost, galvanized iron disks not more than one inch in diameter, which disks shall have stamped on them the letter "M." Said disk shall be inserted in each tree selected as above provided, at a point not less than three feet nor more than six feet from the ground on the side toward the highway. It shall be the duty of the tree warden, if any tree marker shall be destroyed or defaced, to renew or replace the same.

House Amendment B to House Document 475, entitled An Act for the care and preservation of shade and ornamental trees.

Section 3 is hereby amended by striking out the words "and of all shrubs and other growths" in the 7th line, so that said section as amended shall read as follows:

Section 3. The municipal officers of cities and towns not having elected park commissioners as provided by Section 84 to 93 inclusive of Chapter 4 of the Revised Statutes, may at any annual meeting or meetings called for that purpose appoint one or more tree wardens, who shall have the care and control of all public shade trees upon and along such highways and in the parks thereof and all streets within any village limits and shall enforce all laws relative to the preservation of the same.

House Amendment C to House Document 475, entitled An Act for the

care and preservation of shade and ornamental trees.

Section 4 is hereby amended by striking out all of said section and substituting in place thereof the following:

Public shade trees may be trimmed, cut down, or removed by the owner of the soil only with the consent of a tree warden or park commissioner, but such trees shall not be trimmed, cut down, or removed in any case by a tree warden or park commissioner except with the consent of such owner. Nothing in this section, however, shall be construed to prevent the trimming, cutting or removal of trees where such trimming, cutting or removal is ordered by proper authority to lay out, alter or widen the location of highways, to lessen the danger of travel on highways or to suppress tree pests or insects.

On motion of Mr. Flint of Monson, a viva voce vote being taken, the amendments and bill were tabled, pending adoption of the amendments, and the amendments were ordered printed.

The SPEAKER: There was especially assigned for today bill, An Act relating to fees of sheriffs and their deputies, House Document No. 452, tabled by the gentleman from Portland, Mr. Rounds, pending third reading.

On motion by Mr. Barnes of Houlton, the bill was re-tabled by reason of the absence of the gentleman from Portland, Mr. Rounds.

On motion by Mr. Barnes of Houlton,

Adjourned until Monday afternoon, March 31, at 4.30 P. M.