

# MAINE STATE LEGISLATURE

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# Legislative Record

OF THE

# Eightieth Legislature

OF THE

# State of Maine

1921

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**HOUSE**

Thursday, Feb. 10, 1921.

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

Prayer by the Rev. Mr. Perry of Hallowell.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills in First Reading**

Senate 28. An Act to amend Section one and three of Chapter 116 of the Revised Statutes, relating to duties payable by public officers.

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

**Agriculture**

By Mr. Pennell of Rumford: Petition of Edwin Abbott of Oxford County and 198 others in favor of the law on standardization of milk.

By Mr. Trefethen of Wilton: Petition of C. M. Ash of Franklin County and 174 others in favor of same.

By Mr. Smith of Skowhegan: Bill "An act to amend Section eight, Chapter 36 of the Revised Statutes, relating to adulterated, misbranded or inferior commercial fertilizers. (1000 copies ordered printed).

**Appropriations and Financial Affairs**

By Mr. Rounds of Portland: Resolve in favor of the Childrens' Hospital of Portland.

By Mr. Gerrish of Lisbon: Resolve in favor of the Maine School for the Deaf.

By Mr. Audibert of Ft. Kent: Resolve appropriating money to aid the town of Fort Kent for the construction of a stone work on the Fish River to prevent it from wearing out any more land.

**Claims**

By Mr. Larrabee of Lewiston: Resolve in favor of Francois X. Marcotte for services and expenses as po-

lice commissioner for the city of Lewiston.

By the same gentleman: Resolve in favor of Alfred William Anthony for services and expenses of police commissioner of the city of Lewiston.

By the same gentleman: Resolve in favor of Ralph W. Crockett for services and expenses of police commissioner for the city of Lewiston.

By Mr. Rounds of Portland: Resolve to pay the Commissioners of Pharmacy the fees allowed by law and expenses incurred during 1919 and 1920.

**Education**

By Mr. Croxford of Newport: Resolve to grant a pension to Ida E. Davis of Dixmont.

**Inland Fisheries and Game**

By Mr. Leighton of Dennysville: Bill "An act relating to the dipping of alewives, shad and salmon in Dennys River, in Edmunds and Dennysville, in the county of Washington.

**Judiciary**

By Mr. Croxford of Newport: Petition of Eleanor F. N. Briggs and 12 others in favor of bill relating to Maine Medical School.

By Mr. Gerrish of Lisbon: Bill "An act to increase the limit of real and personal estate of the Worumbo Manufacturing Company from one million to five million dollars."

By Mr. Cram of Portland: Bill "An act to authorize the Boston and Maine Railroad to acquire the property and franchises of, or to consolidate with any of its subsidiaries not already acquired by or consolidated with it under and by virtue of Chapter 186, Private and Special Laws of 1915, and acts amending and extending the same."

By Mr. Wilson of Presque Isle: Bill "An act to provide for the creation of water storage on the Aroostook River. (500 copies ordered printed).

**Legal Affairs**

By Mr. Wadsworth of Winthrop: Bill "An act to incorporate the Monmouth Water and Sewer District."

By Mr. Oram of Bristol: Bill "An act to extend the charter of the Boothbay Harbor Water District."

### Legal Affairs and Labor

By Mr. Smith of Skowhegan: Bill "An act amending the public laws of 1915, Chapter 350, entitled 'An act relative to the hours of employment of women and children.'" (500 copies ordered printed).

By the same gentleman: Bill "An act to amend Chapter 238 of the Public Laws of 1919, relative to Workmen's Compensation. (500 copies ordered printed).

### Military Affairs

By Mr. Oram of Bristol: Resolve appropriating money for the care, maintenance and repairs of Fort William Henry in the town of Bristol.

### Pensions

By Mr. Roberts of Lyman: Resolve in favor of Annie M. Welch of Kennebunk.

By Mr. Nickerson of Swanville: Resolve in favor of Mary Edwards for State Pension.

### Portland Delegation

By Mr. Spear of Rockport: Bill "An act to amend Section eight of the charter of the city of Portland relating to the appointment of assistant assessors."

By the same gentleman: Bill "An act to repeal the limitation on medical inspection in public schools (affecting the city of Portland only)."

### Public Health

By Mr. Phillips of Bar Harbor: Resolve in favor of the State Department of Health. (1000 copies ordered printed).

### Public Utilities

By Mr. Cram of Portland: Bill "An act to authorize the proprietors of Portsmouth Bridge to discontinue the public use of its bridges and to sell its property and franchises to and merge the same to the Boston and Maine railroad.

### Towns

By Mr. Kerswell of St. George: Remonstrance of Flora J. Baum of South Thomaston and 51 others against bill entitled "an act to divide the town of South Thomaston."

### Ways and Bridges

By Mr. Roberts of Lyman: Re-

solve in favor of town of Kennebunk for road construction.

By Mr. Daigle of Madawaska: Resolve in favor of the town of Frenchville to cut down a steep hill.

By Mr. Mains of Woolwich: Resolve appropriating money to aid in the repair and construction of the "River Road," so-called, in the town of Woolwich.

By Mr. Wentworth of Berwick: Resolve appropriating money to aid in the repair and construction of a road in the town of Lebanon, York county.

By Mr. Granville of Parsonsfield: Resolve in favor of the towns of Cornish and Parsonsfield for aid in constructing a road.

By Mr. Porter of Pittsfield: Resolve appropriating money for the purpose of repairing the highway between the Skowhegan line and Athens town line in the town of Cornville.

### Orders

On motion by Mr. Hinckley of South Portland, it was

Ordered, that the State Highway Commission shall within one week furnish to this House a statement showing the location and mileage of all roads contracted for during the year, 1920, under supervision of said Commission, the dates of making contract, type of several roads, and cost per mile of same.

On motion by Mr. Hunton of Oakland, it was

Ordered, that use of the hall of the House of Representatives be granted to the joint standing committee on library on Thursday evening, February 17th, for an illustrated lecture by Dr. Warren K. Morehead of Phillips Academy, Massachusetts, on the subject of archaeological research in the State of Maine.

On motion by Mr. Davis of Freeport, it was

Ordered, the Senate concurring, that the joint committee on Insane Hospitals investigate the escape of Peter Valis from the State Hospital for the Insane at Augusta on July 22,

1920, and report their findings to the House.

Read and passed and sent up for concurrence.

On motion by Mr. Buzzell of Belfast, it was

Ordered, the Senate concurring, that the Superintendent of Public Printing, for purpose of convenience and economy, require of the printer of the House and Senate documents that any document not exceeding two pages in length be printed on a single sheet of uniform size with other legislative documents.

Read and passed and sent up for concurrence.

On motion by Mr. Carroll of Norway, it was

Ordered, that the use of the hall of the House of Representatives be granted the joint committees of Legal Affairs and Labor on the afternoon and evening of March 1.

#### Reports of Committees

Mr. Small from the Committee on Interior Waters reported "Ought to pass" on Bill "An Act to authorize the American Realty Company to construct and maintain a dam across the St. John River in Township 9, Range 18, W. E. L. S., Somerset County, Maine, and to locate, erect and maintain piers and booms in said River above said dam."

Report was read and accepted and the bill was ordered printed under the Joint Rules.

Mr. Wing from the Committee on Judiciary on Bill "An Act to amend Section 3, Chapter 21 of the Revised Statutes, as amended by Chapter 166 of the Public Laws of 1917, relating to burying grounds" reported same in a new draft under same title and that it "Ought to pass."

Report was accepted, and the new draft ordered printed under the Joint Rules.

Mr. Hinckley from the Committee on Judiciary reported "Ought to pass" on Bill "An Act additional to and amendatory of Chapter 7 of the Revised Statutes relating to elections."

Report was accepted and as the bill had already been printed (House

Document No. 1) the rules were suspended, and the bill given its two several readings.

#### Orders of the Day

The SPEAKER: Under orders of the day the Chair presents the following communication:

Old Town, January 17, 1921.

The Honorable Senate and House of Representatives,  
Augusta, Maine.

This is to certify that an election duly held on November 2, 1920, on Old Town Indian Island, Horace Nelson was elected to represent the Penobscot Tribe of Indians before your Honorable Bodies.

Respectfully yours,

PERCY A. HURD,

Agent Penobscot Indians.

The credentials were accepted and ordered placed on file.

The SPEAKER: The Chair extends the welcome of the House of Representatives to the representative from the Penobscot Tribe of Indians, who is now seated in your body.

Mr. GARDINER of Gardiner: Mr. Speaker, I move to take from the table the act and resolve concerning the Maine Medical School tabled yesterday, and I further move that 1000 copies of each be printed and that they be referred in accordance with the recommendation of the committee on reference of bills to the Judiciary committee.

Mr. BREWSTER of Portland: Mr. Speaker, I would like to inquire whether the resolve is not simply the appropriation of money for the benefit of the school, if created?

The SPEAKER: The gentleman from Gardiner (Mr. Gardiner) may reply through the Chair.

Mr. GARDINER: The two measures are depending one upon the other. You have correctly described the resolve, but it is dependent upon the act.

The SPEAKER: Would the gentleman from Portland (Mr. Brewster) care to have it read? It is very short.

(Resolve read).

Mr. GARDINER: Mr. Speaker, there is a statement of facts attached to that.

The SPEAKER: Which the Chair declines to read.

Mr. BREWSTER: Mr. Speaker: I have no question as to the judgment of the Judiciary upon any problem that may be presented to it; but I should consider that a resolve simply carrying the appropriation of money for almost any object could more properly go to the committee on appropriations and financial affairs where such things are usually referred and considered with relation to the entire expenditures of the State. For that reason I should oppose reference to the Judiciary.

Mr. GARDINER: Mr. Speaker, I am not familiar with the motives of the committee on reference of bills in referring the resolve under discussion to the committee on Judiciary; but I assume they thought that it would be of advantage to have these two matters together during their first consideration. Under the rules of the House, as I understand it, it would be necessary for any measure carrying appropriation of money to go before the appropriation committee at a later time. I think, therefore, that the request of the gentleman from Portland (Mr. Brewster) will be finally satisfied.

The SPEAKER: The Chair was probably in error in refusing to read the statement of facts accompanying the bill. The Clerk will read.

(Statement of facts read.)

Mr. BREWSTER: Mr. Speaker, simply in reply to what the gentleman from Gardiner (Mr. Gardiner) has said that this will go before the appropriation and financial affairs committee, I do not understand that that is anything more than for the formal endorsement of that committee of the fact that they have known of the existence of the bill, under the rule which we passed early in the session; so it does not appear that it would be a matter which they would at all consider, as I gather the gentleman from Gardiner (Mr. Gardiner) intended to imply.

Mr. HINCKLEY of South Portland: Mr. Speaker, it seems to me that these matters, the bill and the resolve, are so closely linked together

that it is perfectly proper that they should go together. It is immaterial to me whether they go to the Judiciary or what committee, but I think they should go together. There seems to be a very general impression—I never could realize its reason—that matters pertaining to money should not go before a committee of lawyers. I hope the distinguished attorney from Portland (Mr. Brewster) will not press this point, and raise this question.

Thereupon bill an act amendatory of and additional to Chapter XVI of the Private and Special Laws of Maine, 1820, and for the incorporation of the trustees of the Medical School of Maine and the resolve in favor of the Medical School of Maine established by Chapter XVI of the Private and Special Laws of Maine, 1820, as amended, were taken from the table and referred to the committee on Judiciary, and 1000 copies of each ordered printed.

On motion by Mr. Holley of North Anson it was voted to take from the table the resolve in favor of Leavitt Institute in Turner and the resolve in favor of Wilton Academy; and on further motion by the same gentleman these resolves were referred to the committee on education.

On motion by Mr. Cram of Portland it was voted to take from the table bill an act to amend Chapter 51 of the Revised Statutes, as amended by Chapter 144 of the Public Laws of 1917, relating to the formation of corporations having stock without par value; and on further motion by the same gentleman the bill was referred to the committee on Judiciary.

On motion by Mr. Cram of Portland it was voted to take from the table bill an act to amend Section 41 of Chapter 51 of the Revised Statutes, so as to provide for the amendment of corporate purposes; and on further motion by the same gentleman the bill was referred to the committee on Judiciary.

On motion by Mr. Cram of Portland it was voted to take from the

table bill an act to re-enact Section 24 of Chapter 69 of the Revised Statutes, relating to when no succession tax shall be assessed on the stocks, bonds and evidences of debt of Maine corporations, and on further motion by the same gentleman the

bill was referred to the committee on Judiciary.

On motion by Mr. Cordwell of Westbrook,

Adjourned until tomorrow morning at 10 o'clock.