

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

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SENATE

Thursday, March 10, 1921.

Senate called to order by Hon. Charles E. Gurney, President pro tempore.

Prayer by Rev. W. J. Layton of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: H. 37. An Act to amend Chapter 201 of the Private and Special Laws of 1917, entitled "An Act to grant a new charter to the City of Auburn." The majority report of the Committee on Judiciary was "ought not to pass," the minority report of the same committee was "ought to pass."

Mr. FOLSOM of Somerset: Mr. President, may I ask what was done by the House with those reports, please.

The PRESIDENT: In the House, the report of the majority "ought not to pass" was accepted.

Mr. GILLIN of Penobscot: I move, Mr. President that the Senate concur with the House.

A viva voce vote being taken, the Senate concurred with the House in accepting the majority report "ought not to pass."

From the House: H. 35. An Act to amend the trustee process. The majority report of the Committee on Judiciary was "ought not to pass," the minority report of the same committee was "ought to pass."

In the House the majority report was accepted.

Mr. GILLIN of Penobscot: Mr. President, I move that the Senate concur with the House in accepting the majority report.

A viva voce vote being taken, the Senate concurred with the House in accepting the majority report.

House Bill in First Reading

H. 226: Resolve authorizing Michael Burns to bring suit against the State of Maine.

The PRESIDENT: The following Private and Special Bills have been received by the House under suspension of the rules, have been given their several readings and sent up for concurrence.

Resolve in favor of Grand Lake Stream Plantation.

Resolve in favor of Mrs. E. L. Robinson of Bangor, referred to the Committee on Claims.

Resolve in favor of the representative of the Passamaquoddy tribe of Indians.

Resolve for screening certain waters in Kennebec county.

Mr. THOMBS of Penobscot: Mr. President, I move that the several Acts and Resolves lie upon the table.

The motion was agreed to.

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

Legal Affairs

By Mr. Thombs of Penobscot: An Act to amend Section 10 of Chapter 83, Revised Statutes, relating to the duties of county commissioners.

By Mr. Thompson of Knox: An Act to amend Section 19 of Chapter 80 of the Revised Statutes, where a husband or a wife refuses to join in a conveyance.

By the same senator: An Act to amend Section 8 of Chapter 13 of the Revised Statutes, relating to law libraries.

State Lands and Forest Preservation

By Mr. Sprague of Piscataquis presented: Resolve authorizing the State Land Agent to sell certain public lots in Lakeville Plantation in Penobscot County.

By the same senator: Resolve authorizing the State Land Agent to sell certain public lots in Township No. 1, Range 7, W. E. L. S. Penobscot County.

By the same senator: Resolve authorizing the Land Agent to sell and convey a part of one of the school lots in Elliottsville Plantation, Piscataquis County.

Orders

On motion by Mr. Tuttle of Aroostook, it was

Ordered, that a message be sent to House proposing a joint convention to be held forthwith in the Hall of the House for the purpose of extending an invitation to the Governor to attend the convention and present such communication as he may be pleased to make.

The secretary conveyed the message and subsequently reported that he had delivered the message with which he was charged.

Message from the House

A message was received from the House informing the Senate that the House concurred in the proposition of a joint convention to be held forthwith in the Hall of the House for the purpose of extending an invitation to the Governor to attend the convention and present such communication as he may be pleased to make.

Thereupon the Senate retired to the Hall of the House for the purpose of holding a joint convention.

(For proceedings in joint convention see House report.)

Upon the return of the Senate to its Chamber it was called to order by the President.

Reports of Committees

Mr. Morison from the Committee on Indian Affairs, on Resolve appropriating money for the maintenance of Teachers' Old Home on Old Town Indian Island Number One, reported that the same ought not to pass as the subject matter is otherwise provided for.

Mr. Gillin from the Committee on Judiciary, on Bill An Act relative to the marking, sale and installation of range boilers; reported that the same ought not to pass.

Mr. Gillin from the Committee on Judiciary, on Bill An Act relating to release of sureties on official bonds, reported that the same ought not to pass.

Mr. Thombs from the Committee on Legal Affairs, on Bill An Act to incorporate and make legal the do-

ings of certain churches of the Congregational order, to be hereafter named, upon the fulfillment of certain herein named conditions, reported that the same ought not to pass.

Mr. Thombs from the Committee on Legal Affairs, on Bill An Act to establish the Status of Children relative to schooling whose parents work in State Institutions, reported that the same ought not to pass.

Mr. Thompson from the Committee on Legal Affairs, on Bill An Act to authorize counties, cities and towns, and municipal public service corporations, to pension employees after long and honorable service (Senate Doc. No. 17), reported that the same ought not to pass.

Mr. Thombs from the Committee on Legal Affairs, on Bill An Act additional to and amendatory of Revised Statutes, Chapter 12, Section 14, relating to drafting of certain legal instruments by county officials (Senate Doc. No. 33), reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

The Majority Report (ought not to pass) and the Minority Report (ought to pass in a new draft) from the Committee on Judiciary, on Bill An Act to regulate the cold storage of certain articles of food (Senate Doc. No. 12).

On motion by Mr. Gillin of Penobscot the majority report, ought not to pass, was accepted in concurrence.

The Majority Report (ought to pass) from the Committee on Judiciary, on Resolve in favor of Austin W. Jones Company, Veazie, Me., reimbursing for property destroyed by fire (Senate Doc. No. 14), and the Minority Report (submitting a new draft entitled "Resolve authorizing Austin W. Jones Company to bring a suit at law against the State of Maine" and that it ought to pass.)

On motion by Mr. Gillin of Penobscot the report was tabled.

Mr. Thompson from the Committee on Claims, on Resolve in favor of Lena I. Sanborn, an employee of

the State Board of Assessors in 1918, reported that the same ought to pass.

Mr. Farrington from the Committee on Judiciary, on Resolve proposing an amendment to Section 5, Article 4, part first, of the Constitution, as amended by the 23rd amendment, relative to absent voting (Senate Doc. No. 1), reported that the same ought to pass.

Mr. Hall from the Committee on Pensions, on Resolve in favor of Rena Cooley, reported that the same ought to pass.

Mr. Folsom from the Committee on Public Utilities, on Bill An Act to extend the charter of the R. and T. Cement Railroad, reported that the same ought to pass.

Mr. Folsom from the Committee on Public Utilities, on Bill An Act to amend Section 37 of Chapter 24 of the Revised Statutes, relating to the appropriation for the abolishment of grade crossings, reported the same in a new draft under the title of "An Act to amend Section 37 of Chapter 24 of the Revised Statutes, relating to the appropriation for the abolishment of grade crossings" (Senate Doc. No. 85) and that it ought to pass.

The reports were accepted and the bills tabled for printing under the joint rules.

Passed to Be Engrossed

S. 31: An Act for the improvement of sanitary conditions in school building toilets.

S. 50: An Act to amend Section 23 of Chapter 78, of the Revised Statutes, relating to acknowledgment of deeds.

S. 100: An Act to amend Chapter 134 of the Public Laws of 1834 as amended by Chapter 167 of the Public Laws of 1835, as amended by Section 11 of the city charter of the city of Bath, as amended by Chapter 135 of the Public Laws of 1895, relating to a Municipal Court in the city of Bath.

S. 102: An Act authorizing the Orono Pulp and Paper Company to erect and maintain booms and piers at and near Bunker Landing on the

Passadumkeag River, all in the county of Penobscot.

(On motion by Mr. Gould of Aroostook, tabled pending second reading.)

H. 1: An Act to authorize the City of Lewiston to issue bonds.

H. 2: An Act to authorize the City of Lewiston to issue bonds.

H. 228: An Act validating and making legal a meeting of the stockholders of the American Warp-Drawing Machine Company in amending and enlarging the purposes of the corporation.

H. 229: An Act to authorize the Boston & 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.

H. 230: An Act relating to the dipping of alewives and shad in Dennys river, in Edmunds and Dennysville, in the county of Washington.

H. 231: An Act to amend Section 51 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917 and by Chapters 196 and 249 of the Public Laws of 1919, relating to the placing of bear traps.

H. 232: An Act to incorporate the Great Pond Railway Company.

H. 233: An Act amending Section 55 of Chapter 62 relating to payment of deposits upon liquidation of Savings Banks.

H. 234: An Act to incorporate the Ashland Electric Light and Power Company.

(On motion by Mr. Gould of Aroostook, tabled.)

H. 235: An Act to increase the bounty on bears, in Penobscot and Washington counties.

(On motion by Mr. Holt of Hancock, tabled.)

Passed to Be Enacted

An Act to amend Section 10 of Chapter 182 of the Public Laws of

1919, relating to inmates escaping from the Reformatory for Men.

An Act to extend the provisions of Chapter 155 of the Private and Special Laws of 1917, as extended and amended by Chapter 9 of the Private and Special Laws of 1919, entitled "An Act to authorize the Town of Yarmouth to supply gas and electricity."

An Act relating to the catching of Smelts in the Piscataqua river.

An Act for the better protection of clams within the limits of the town of Brunswick.

Finally Passed

(Emergency Measure)

Resolve in favor of Helen Vaun Bangs.

This resolve carrying the emergency clause required a two-thirds vote of the Senate on its passage. Twenty-three senators voting in the affirmative and none in the negative the resolve was finally passed.

Orders of the Day

Mr. MORRILL of Cumberland: Mr. President, yesterday, under a misapprehension I voted for Amendment A to the bill increasing the pay of Jurors. Four dollars was what I wanted but I voted for the amendment, and I move now to reconsider the vote whereby we voted to accept Amendment A increasing it to five dollars a day.

Mr. COBB of Kennebec: Mr. President, I wish to second that motion. I would like, Mr. President, to say a few words, but as it is getting late I move that we table it until tomorrow morning.

Mr. THOMPSON of Knox: Mr. President, I understand that matter is in the House now, isn't it?

The PRESIDENT: The papers are before us for second reading.

Mr. THOMBS of Penobscot: Mr. President, I would suggest whether or not it would not be too late to-morrow to reconsider?

The PRESIDENT: The Chair will state that the motion to reconsider is before the Senate and Senator

Cobb moves that it be tabled for consideration tomorrow.

Mr. COBB: Mr. President, I feel and know that we are beaten and when I am beaten I wish to acknowledge it, but I did want to explain in a few words a few things. If it is unparliamentary to wait until tomorrow, why it is all right.

The PRESIDENT: No, the Chair rules that the question on the motion for reconsideration is debatable.

Mr. SPRAGUE: Mr. President: If the Senator will kindly bear with me—

The PRESIDENT: The Senator from Kennebec has the floor.

Mr. SPRAGUE: I wanted some information. I was out for a few moments.

The PRESIDENT: The Chair will inform the Senator from Piscataquis, Senator Sprague, that on motion of the Senator from Cumberland, Senator Morrill, seconded by the Senator from Kennebec, Senator Cobb, the question of reconsideration of the fees for jurors bill is now before the Senate. They are moving that it be tabled for consideration tomorrow morning.

Mr. SPRAGUE: I have no objection to that.

Mr. COBB: Mr. President, I feel in a way that what I was going to say does not have much weight on the question and I will withdraw my motion:

Mr. FOLSOM of Somerset: Mr. President, I rise to a point of order. I understand a motion to table is before the House, is it not?

The PRESIDENT: The Senator from Kennebec had moved to table it until tomorrow but that motion has just been withdrawn. Now the Senator from Cumberland, Senator Morrill, has moved that the matter be reconsidered which motion has been seconded by the Senator from Kennebec, Senator Cobb.

Mr. SPRAGUE: Mr. President, I now move that that lie upon the table.

The PRESIDENT: The rules require that a time for consideration be

specified on a motion a lay a motion for reconsideration upon the table.

Mr. SPRAGUE: I move it be tabled until tomorrow morning.

The PRESIDENT: The question is on laying upon the table for consideration tomorrow morning the question of reconsideration of the fees for jurors.

A viva voce vote being taken, the Chair was in doubt and a rising vote was had and the motion was lost.

The PRESIDENT: The question is now on the question of reconsideration made by the Senator from Cumberland, Senator Morrill, seconded by the Senator from Kennebec, Senator Cobb.

Mr. COBB: Mr. President, since my very earliest boyhood I have always been told about the great respect which is shown to the Senators of the State of Maine. From my early boyhood I have been taught to respect and to admire and honor Senators of the State of Maine.

As I was going through the lobby yesterday afternoon I was shocked, surprised and mystified to feel that this great and honorable Senate, after a few words spoken by the members of the Senate, should be influenced the other way.

So many inconsistencies of this Senate! From my earliest boyhood I have been taught the great goodness of our railroads! Many of our men of the State have travelled over them for a very nominal sum, many times for nothing. A few days ago we refused to give them the pitiful sum of three million dollars that they might continue their work, and still, at the same time, we are building State highways through our State in order that the great corporations and companies can build trucks and travel over those roads for nothing, and I wonder about my early teaching.

Then I think of the friends that we associate with here in the Senate; I have a friend on my right that I have considered perfect because of his association so near me for the last two sessions. I have

two other Senator friends. Senator Sargent and Senator Bemis, men whom I trusted, men whom I honored, and we travelled over that great northern county of Aroostook this winter; got in at midnight, and we learned a good deal of each other. We went to Hebron together, and then we three together visited that great institution, the home, school for feeble minded, and then I wondered about their friendship when they voted against me.

But now, Senators, to come down to some actual facts connected with this question which we are about to decide today—if I had more time I might paint you a picture to illustrate, to enlarge—but we can think of two men trying to get to be Senators for this State, one a fine man, had a great education, was admired and respected by all. The other was a man whose morals were not of the best, but because of political work he had done he became a candidate. By his criticism he caused the other man to become over-vexed and irritated and he did something to the other candidate for which he was tried. Now we hear the lawyers on each side telling the jurors what they should do; we hear the judge tell the jury what they must do, and he says at last "Gentlemen, it all depends upon you. It is up to you, gentlemen, whether this man whom the whole people of the State consider so great, so grand, shall go to State prison; it is up to you twelve men."

If you men have a vast amount of money at stake, two of you men who may have money, a hundred thousand dollars or more, the judge tells that jury at last "Gentlemen, it is up to you." Now does not the judgment of those twelve men amount to something? Should they not be more than three dollar men? Should they not be more than four dollar men? Should they not have five dollars? Gentlemen, I say yes.

Mr. MORRILL: Mr. President, just a moment. I said under misapprehension — sometimes I don't catch every word that I wish that I might. I was listening to Senator Cobb and I couldn't get what he said,

and it wouldn't have affected anything that I am going to say at this time. Perhaps you may think that I do not pay the attention that I ought to. It struck me like this, it was either three dollars or five dollars yesterday, that is where I got caught, and I thought we ought to have a little increase, and in fact under normal conditions five dollars would be easy; but under all the conditions, taking everything into consideration, four dollars was acceptable, although I voted for the amendment, thinking it was either three or five. That is my position, gentlemen. I am in favor of the four.

Mr. BAXTER of Sagadahoc: Mr. President, I do not like to be in a position, or having us in this position that we change our votes after we have once made them. The distinguished Senator from Cumberland convinced me yesterday that the jurors should have five dollars per day and according to the record he says "Now it seems to me that under the conditions that five dollars a day even, it would be as much as a man can do to break even and get a man to do his work, especially if he was a farmer or laborer." I do not know what change has taken place in his mind that he objects to this today. I am heartily in favor of the five dollar juror fee; I haven't heard any arguments against the jurors receiving this compensation and I would like to be enlightened.

Mr. MORRILL: Mr. President, it is true, as the Senator from Sagadahoc says, but I hope that you will believe me when I say that I was not influenced in this direction by anybody, it is only my reconsideration in my mind of the facts, of the conditions all taken into consideration. Nobody influenced me in that direction at all.

Mr. BAXTER: Mr. President, would it be unbecoming in me to ask the Senator, after his delightful speech of yesterday, what occasioned this change in mind?

Mr. MORRILL: I have not changed my mind only in this way, as I explained before. I wish the

conditions were favorable. I thought it was a matter between three and five. I didn't understand the four. If I had, I should have readily acceded to the four yesterday.

The PRESIDENT: The question is on the question of reconsideration of the vote of yesterday by which the Senate adopted Senate Amendment A, changing the bill as reported by the committee changing from the fees four dollars to five dollars. The question now is—shall we reconsider the vote whereby we adopted Senate Amendment A.

A viva voce vote being taken, the Chair was in doubt; a rising vote was had and the motion for reconsideration was carried.

Mr. FOLSOM of Somerset: Mr. President, I move we concur with the House.

Mr. COBB: I second the motion. The motion was agreed to.

On motion of Mr. Spencer of York, under suspension of the rules, it was Ordered, that the Senate Chamber be reserved for the use of the committee on Railway Rate Increase from 1.30 to 4.30, March 18.

Mr. HOLT of Hancock: Mr. President, I move that we reconsider the vote whereby we passed to be enacted, An Act to amend Section 1 of Chapter 66 of the Private and Special Laws of 1907, as amended by Chapter 210 of the Private and Special Laws of 1909, relating to the lobster industry within two miles of the shore of Monhegan Island.

A viva voce vote being taken, the motion was agreed to, and on further motion by the same Senator the bill was tabled.

Mr. FARRINGTON of Kennebec: Mr. President, I move we reconsider the action of the Senate whereby the Resolve authorizing the State land agent to sell certain lots in Dennystown Plantation was finally passed.

The motion was agreed to, and on further motion by the same Senator the resolve was tabled.

Mr. FARRINGTON of Kennebec: Mr. President, I move the Senate re-

consider its action whereby it finally passed Resolve authorizing the land agent to sell Public Lot 85 in Mero Plantation, Aroostook County.

The motion was agreed to, and on further motion by the same Senator the resolve was tabled.

Mr. FARRINGTON of Kennebec: Mr. President, I make the same motion in regard to Resolve authorizing the State land agent to sell Lot

93 in the town of St. Agatha in the county of Aroostook.

The motion was agreed to, and on further motion by the same Senator the resolve was tabled.

On motion by Mr. Clark of Lincoln,

Adjourned until tomorrow morning at 10 o'clock.