

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

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SENATE

Tuesday, March 29, 1921.

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

Prayer by Prof. Frank E. Woodruff, of Bowdoin College, a member of the House of Representatives.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

Mr. THOMBS of Penobscot: Mr. President and Senators, before the date is set for the meeting tomorrow morning I should like to make a motion that when the Senate adjourns today that it adjourn to meet tomorrow morning at 9 o'clock, for the reason that we have quite a congested calendar now, and it will be a busy week. There are many matters for debate, and I think this will help. I notice during the sessions when 12 o'clock is reached that the senators are not inclined to tarry. And it seems to me that we might expedite the business of the Senate if we should meet an hour earlier for the remainder of the week, or tomorrow, any way, and I make that motion.

The motion was agreed to.

Mr. PARENT of Androscoggin: Mr. President, I move that the rules be suspended in order that I may take up a matter out of order.

The motion was agreed to.

Mr. PARENT: Mr. President, I now move that we take from the files An Act to incorporate the United Mutual Exchange of Lewiston.

The PRESIDENT: The Chair will state for the information of the Senate the report of the committee on banks and banking on this bill was that it ought not to pass. The report was accepted by the House and by the Senate.

Mr. PARENT: Mr. President, I now move that we reconsider the vote whereby we accepted the report of the committee.

The motion was agreed, and on further motion by the same senator the bill was recommitted to the committee on banks and banking.

House Bills in First Reading

H. 389. Resolve appropriating money to pay for the preparation of the Maine Book.

H. 382. Resolve in favor of Cary Hospital, Caribou, Aroostook County, to aid in the construction of a hospital. (House amendment B adopted in concurrence.)

H. 401. Resolve in favor of Bert Allard of Richmond for damages caused by highway work.

H. 399. An Act to regulate boxing exhibitions within the State of Maine.

(Tabled on motion by Mr. Parent of Androscoggin.)

H. 378. An Act to provide for the creation of water storage on the Aroostook river.

(On motion by Mr. Gillin of Penobscot, the rules were suspended and the bill was read twice and passed to be engrossed.)

H. 391. An Act additional to Chapter 33 of the Revised Statutes, as amended, prohibiting fishing in the tributaries to Lake Annabessacook, in the county of Kennebec.

H. 392. An Act to amend Section 20 of Chapter 68 of the Revised Statutes, relating to administration granted without bond.

H. 393. An Act to amend Section 85 of Chapter 82 of the Revised Statutes, relating to the terms of Superior Court for the county of Kennebec.

H. 387. Resolve in favor of the Nasson Institute.

H. 355. An Act to incorporate the South Portland High school district.

H. 379. An Act to authorize the division of towns having less than 4,000 inhabitants into convenient polling places. (On motion by Mr. Thombs of Penobscot tabled pending action on House Amendment A.)

H. 380. An Act authorizing the appointment of assistant assessors when public exigency requires.

H. 397. An Act to amend the charter of the Kennebec Water District.

H. 396. An Act to amend the charter of the Kennebec Water District.

H. 398. An Act authorizing the town of Bar Harbor to lay out and maintain paths within its limits.

H. 386. Resolve in favor of Meldon Neally for State pension.

H. 385. Resolve increasing the State pension of Vinnie E. Saunders of Trescott.

H. 384. Resolve in favor of Catharine Nelligan of Brewer.

H. 383. An Act to amend Section 6 and 14 of Chapter 59 of the Revised Statutes of 1916, in relation to the appointment of steamboat inspectors.

H. 395. An Act to control the establishment of sanatoriums and hospitals for infectious and contagious diseases within the populous districts of cities and towns.

H. 394. An Act for the better protection of clams within the limits of the towns of Yarmouth, North Yarmouth and Cumberland.

The following bill was received and on recommendation of the committee on reference of bills was referred to the following committee:

Appropriations and Financial Affairs

By Mr. Farrington of Kennebec: Resolve in favor of F. G. Farrington, chairman of the committee on insane hospitals.

Reports of Committees

Mr. Farrington from the committee on insane hospitals, on Resolve in favor of the Bangor State Hospital for the erection of a carpenter shop during the years 1921 and 1922, reported that the same ought to pass.

The report was accepted and the bill tabled for printing under the joint rules.

Passed to be Engrossed

S. 160. Resolve authorizing the State land agent to sell certain public lots in Lakeville Plantation in Penobscot county. (Tabled on motion by

Mr. Thombs of Penobscot, pending second reading).

S. 163. Resolve in favor of the town of Sorrento, to reimburse the town for expenses of a law suit regarding dependents of soldiers and sailors.

S. 166. An Act to amend Section 2, Chapter 16 of the Revised Statutes to provide for the improvement of conveyance of pupils to common schools.

S. 167. An Act to amend Revised Statutes Chapter 33, section 57, relating to the killing of sea gulls.

S. 168. An Act to create the Hancock-Sullivan Bridge District.

H. 375. An Act to amend Section 13 of Chapter 117 of the Revised Statutes, relating to the duties of the secretary of the Senate.

H. 120. An Act to change the time of holding the annual meeting of the town of East Livermore, to enlarge the powers and duties of the selectmen, to abolish certain offices, and to provide for the administration of town affairs.

Mr. THOMBS of Penobscot: Mr. President, may I inquire of the secretary through the Chair if there was an amendment offered to that matter in the House?

The PRESIDENT: House Amendment A was adopted in the House. The proper action for the Senate would be the rejection or adoption of that amendment.

On motion by Mr. Thombs House Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed.

Passed to be Enacted

An Act authorizing the Princeton Terminal Company to erect and maintain piers and booms in the waters of Leweys Lake and Long Lake in the county of Washington.

An Act to amend Section 69 of Chapter 8 of the Revised Statutes, increasing the compensation of chief forest fire wardens and their deputies.

An Act to amend Chapter 436 of the Private and Special Laws of 1834, entitled "An Act to incorporate the city of Bangor," and Acts amendatory thereof or additional thereto.

An Act to amend Section 26 of Chapter 325 of the Private and Special Laws of 1883, as amended by Chapter 514 of the Private and Special Laws of 1897 increasing the jurisdiction of the Calais municipal court.

An Act to amend Section 21 of Chapter 117 of the Revised Statutes, increasing the salary of the commissioner of agriculture.

An Act to amend Section 172 of Chapter 16 of the Revised Statutes, relating to teachers' pensions and giving full pension to teachers retiring prior to September 30, 1913.

An Act to amend Section 29 of Chapter 8 of the Revised Statutes, providing for the appointment of deputy forest fire wardens in towns and fixing their compensation.

An Act to amend Section 10 of Chapter 117 of the Revised Statutes, as amended by Chapter 31 of the Public Laws of 1919, relating to salaries of reporters of the Supreme Judicial Court. (On motion by Mr. Thombs of Penobscot, tabled for the correction of "an obvious error.")

An Act additional to and amendatory of Chapter 32 of the Revised Statutes as amended by Chapter 185 of the public laws of 1919, relating to the licensing of public exhibitions and amusements.

Finally Passed

Resolve appropriating money to reimburse the inhabitants of the town of Island Falls for money paid to Levi H. May.

Passed to Be Enacted (Emergency Measure)

An Act relating to York county issuing bonds.

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

Orders of the Day

Mr. FARRINGTON of Kennebec: Mr. President, I move we take from the table An Act to provide for temperance day in public schools, upon

which the pending motion, as I understand, is indefinite postponement.

The motion was agreed to.

The PRESIDENT: The Chair will state for the information of the Senate that in the House this was indefinitely postponed.

Mr. FARRINGTON: Mr. President and fellow Senators, early in the session at the request of some of the officials of the W. C. T. U. this bill was by me placed before the Legislature. It went to the committee on education and was reported favorably. The bill is H. D. 303. I would like to read the provisions of the bill because I am very sure in the House there was a misunderstanding as to the purpose of the bill. The bill reads as follows: (Reads bill) The only purpose of the act is to set aside a short period of forty-five minutes for observances along this line, and I will submit to the members of the Senate that is not a bad proposition, forty-five minutes in a year under present conditions that prevail, and have these matters brought home to the school children of the State of Maine. I understand in the House it was generally believed that this was a bill which created another holiday and for that reason it was indefinitely postponed. It seems to me that the bill has merit in it and certainly it has no harm in it. As Josh Billings said, "There is only two sides to anything, the right side and the wrong side" and I do not see any wrong side to this bill. I believe it ought to have a passage and I trust the motion to indefinitely postpone will not prevail.

Mr. FOLSOM of Somerset: Mr. President, may I inquire if there is a pending motion?

The PRESIDENT: The endorsement bears the statement "Indefinitely postponed. Tabled by Mr. Farrington."

Mr. SPRAGUE of Piscataquis: Mr. President, what is the motion before the Senate?

The PRESIDENT: According to the record the motion is evidently to concur with the House in indefinite postponement. There is no other

record. The motion to indefinitely postpone is all that appears upon the record, but the motion doubtless was to concur with the House in indefinite postponement.

Mr. THOMBS of Penobscot: Mr. President, may I inquire if the report was accepted?

The PRESIDENT: The committee report was accepted. That bears the endorsement of having been accepted in the Senate on March 23rd. The Chair will state that the motion is to concur with the House in indefinite postponement.

Mr. SPRAGUE: Mr. President, I can see no objection to the bill as originally drawn and as advocated by Senator Farrington. If you will get it into parliamentary shape so that I can vote, I will vote for it.

Mr. FARRINGTON: Mr. President, as I understand, the motion was made on the part of the senator from York, Senator Allen, to indefinitely postpone in concurrence with the House, and the motion to indefinitely postpone was laid upon the table, which brings it back to the question of indefinite postponement.

The PRESIDENT: The Chair will state the motion is to concur with the House in indefinite postponement.

Mr. THOMBS: That leads me to inquire again what the committee report was?

The PRESIDENT: The committee report was a favorable report, ought to pass in new draft under the same title.

Mr. ALLEN of York: Mr. President, I do not understand that I made the motion to indefinitely postpone in concurrence with the House. I may have done it but I do not remember it. This bill was brought before the committee on education; as I remember it, it was stated that an hour should be given; we heard the bill before the committee and re-drafted the bill and made it forty-five minutes; with the unanimous report "ought to pass" it went over to the House and was indefinitely postponed. Why, I do not know. I am in favor of the bill going through.

The PRESIDENT: The Chair will state that the records of the Senate by which in the absence of error appearing we should be bound, states that the motion to indefinitely postpone was tabled by Mr. Farrington. Having been postponed indefinitely in the House it follows that such action on the part of the Senate would be in concurrence with the action of the House; so the Chair will state that the motion pending is to postpone the bill indefinitely in concurrence with the action of the House.

Mr. THOMBS: Mr. President, I was going to propose that we non-concur.

Mr. ALLEN: I second the motion.

The PRESIDENT: Obviously they would be mutually exclusive. Is the Senate ready for the question?

The motion is that the bill be indefinitely postponed in concurrence with the House. An affirmative vote will have the effect of killing the bill; a negative vote will still leave the matter open for further action.

A viva voce vote being had, the motion was lost.

Mr. FARRINGTON: Mr. President, in order to save time, as it has been on the table for a day or two, I move that the rules be suspended and that the bill be given its two readings at the present time and passed to be engrossed.

The motion was agreed to and the bill was given its two readings and passed to be engrossed.

Mr. SPRAGUE of Piscataquis: Mr. President, I move to take from the table H. D. 371, Resolve providing for aid in the payment of premiums awarded by the Eastern Maine State Fair, which I tabled on the request of some friends of that institution. I have conferred with them today and I make this motion to take it from the table.

The motion was agreed to and the Senator from Piscataquis then yielded to the senator from Penobscot, Senator Gillin.

Mr. GILLIN of Penobscot: Mr. President, having been away when this measure came in I have not had

time to examine the subject matter, but if it is in order, Mr. President, I move that it have a passage.

The PRESIDENT: The pending question is the second reading.

Mr. GILLIN: Mr. President, I move it take its second reading at this time.

The motion was agreed to and the bill was given its second reading and passed to be engrossed.

Mr. ADAMS of Kennebec: Mr. President, I move to take from the table an Act relating to non-resident fishing license fees, and also an act relating to fish hatcheries and feeding stations for fish—as these bills should be considered together I move that they both be taken from the table.

The PRESIDENT: They will require separate action. The Chair will request that they be taken one at a time, with the understanding that the remarks applicable to one concern the other also.

The motion to take from the table An Act relating to non-resident fishing license fees was agreed to.

The PRESIDENT: This act is very brief and the Chair will ask the Secretary to read it.

(The Act was read by the Secretary.)

The PRESIDENT: The Chair would state that the bill was introduced yesterday afternoon and has been referred to no committee. Its effect is to repeal a law recently passed and signed by the Governor.

Mr. ADAMS: Mr. President, I move that the bill take its several readings and be passed to be engrossed.

Mr. SPRAGUE: Mr. President, this is a very peculiar, very important proceeding—

The PRESIDENT: Will the Senator from Piscataquis forbear just a moment? The Senator from Kennebec, Senator Adams, has the floor.

Mr. ADAMS: I yield it.

The PRESIDENT: The question is upon the motion of the Senator from Kennebec, Senator Adams, that this bill now have its several readings

and be passed to be engrossed under suspension of the rules.

Mr. SPRAGUE: Mr. President, I was going to make a motion to table it until tomorrow morning. The commissioner on inland fish and game will be away today and I do not feel like proceeding with a matter of such importance as that until I can confer with him.

Mr. ADAMS: Mr. President—

The PRESIDENT: The question, the Chair rules, is not debatable.

Mr. ADAMS: Mr. President, I am willing to withdraw my motion and lay it on the table until tomorrow morning.

The motion to table the matter was agreed to.

The PRESIDENT: May the Chair inquire of the Senator from Kennebec, Senator Adams, whether he now desires to take from the table the other act or let it lie there also?

Mr. ADAMS: Mr. President, I will let it lie on the table until tomorrow morning.

The PRESIDENT: There was no motion pending in regard to that, but I wished you to have your rights.

Mr. FARRINGTON: Mr. President, I move to take from the table H. D. 269, Resolve providing for payment for care of Pearl Clark.

The motion was agreed to.

Mr. FARRINGTON: Mr. President, I move to take from the table also H. D. 269, Resolve in favor of Andrew H. Morang.

The PRESIDENT: May the Chair inquire of the Senator from Kennebec if he wishes to dispose of the two resolves by one motion?

Mr. FARRINGTON: Mr. President, I will state that I shall make no motion on these matters but simply give my reasons for taking them from the table.

The PRESIDENT: May the Chair not inquire if you would not prefer to dispose of each matter separately?

Mr. FARRINGTON: If the Chair so rules. Referring to House Document 269—and what I shall say applies

equally to H. D. 260 and H. D. 268—I will say I am simply taking these from the table that the Senate may act as it sees fit upon each of these three resolves. I have taken the pains to inquire of the departments on whose appropriations these resolves would be drawn and from which they would be payable, and I find it is a fact that the departments have not been consulted as to what effect these resolves might have upon their current appropriations. My own feeling was that it might not be perhaps fair to certain appropriations which were provided for by the budget for various departments if this Legislature passed certain resolves of greater or less amount which would be taken out of the current appropriations for the various departments. The question simply is in my mind as to the wisdom of that. I have no motion to make upon the resolve.

The PRESIDENT: May the Chair state for the information of the Senate that this is a resolve providing for the care of Pearl Clark during the year 1919. As it is brief, the Chair will read it (reads). There is evidently no fund from which this is deducted. The question is on the adoption of Senate Amendment A.

Mr. SPRAGUE: Mr. President, for information I would like to ask just what State fund this comes out of.

Mr. PRESIDENT: There is evidently no particular fund mentioned in the amendment.

Mr. FOLSOM of Somerset: Mr. President, I thought I understood by the reading of the amendment that it was to be taken from certain appropriations made by this Legislature for specific purposes.

The PRESIDENT: Evidently this comes from the 1921 appropriation for care and board of neglected children.

Mr. THOMBS of Penobscot: Mr. President, I make the motion that we adopt Senate Amendment A for the reason that so far as I have observed there has been no other demand made upon this fund, and it is so small that it seems to me it ought

not to interfere at all with the administration of that department, and it seems a very proper charge against the department, where it could be kept track of there.

The motion was agreed to and Senate Amendment A was adopted by a viva voce vote, and upon further motion by the same senator the resolve as amended was passed to be engrossed.

Mr. FARRINGTON of Kennebec: Mr. President, I move to take from the table H. D. 260, Resolve in favor of Andrew H. Morang, without further motion.

The motion was agreed to.

The PRESIDENT: The pending question is the adoption of Senate Amendment A. The secretary will please read.

(The secretary read Senate Amendment A.)

Mr. THOMBS of Penobscot: Mr. President, I would like to inquire who introduced Senate Amendment A?

The PRESIDENT: If the Chair recalls correctly, it was Senator Garcelon of Androscoggin.

Mr. THOMBS: Mr. President, I do not want to continue making the motion that I have already made. It seems to me the Senate is entitled to some explanation with regard to this amendment, and I am quite sure the senator who introduced it will explain it.

The PRESIDENT: The Chair will reply that the motion for adoption has already been made by Senator Garcelon. Will the Senator from Androscoggin, Senator Garcelon, volunteer any information in reply to the suggestion of the Senator from Penobscot, Senator Thombs.

Mr. GARCELON of Androscoggin: Mr. President, I offered these amendments simply at the request of the engrossing department, supposing at the time that it was simply a question of form. That is all I know about the matter.

Mr. FARRINGTON: Mr. President, I do not want to be understood by the Senate as opposed to these mat-

ters in one sense, but here, we, as a Legislature, will make certain appropriations for certain departments, a fixed amount which presumably is the amount that will carry them properly through a period of thirty months in the proper handling of their own matters. Now if the Legislature feels that it is wise to take matters by special resolve and pass them through this legislature and not appropriate money for those special resolves but have them taken out of the regular appropriation for the departments, well and good. It may not cramp their work. It may not injure them at all. It is a question of policy. But I think we ought to have clearly in mind what it means. It means that we appropriate a certain amount for a department and then we saddle on to that department certain resolves that we pass through this Legislature, special resolves, which have nothing to do with the current operation of that particular department. I think the Senate ought to think carefully. If they feel that is the right policy, if they feel it is the one to pursue, it is up to them to do what they think is proper.

Mr. FOLSOM of Somerset: Mr. President, I feel that the remarks made by the Senator from Penobscot, Senator Thombs, in regard to the other resolve, are pertinent; that if these sums are small sums to be taken from the various departments, perhaps it would not interfere with the effectiveness of their work under their current appropriations, but if they are in the aggregate so as to amount to thousands of dollars, I think the Senate would well consider seriously before it took that action.

The PRESIDENT: In the interest of clearness may the Chair state that the original resolve appropriated the sum of \$106 without specifying the fund. Senate Amendment A in effect adds the words "to be paid from the military fund" and is the identical amount in the original resolve. The question is on the adoption of Senate Amendment A.

A viva voce vote being had, the Chair declared the motion lost. The vote being doubted a division was had and the Chair declared the motion lost.

The PRESIDENT: This leaves the original bill before the Senate for engrossment, it having had its two several readings.

Mr. FOLSOM: Mr. President, I move that the matter lie on the table until the time when we can have definite knowledge as to the total sums involved in these various resolves.

The motion was agreed to and the matter was tabled.

The PRESIDENT: May the Chair inquire of the Senator from Kennebec, Senator Farrington if he now desires to have the Chair state his motion in regard to H. D. 168.

Mr. FARRINGTON: If it is necessary to make a second motion, I move that H. D. 268 to taken from the table, resolve in favor of the town of Milo.—In view of the fact that the Senator from Somerset, Senator Folsom, has made a motion that the other bill lie upon the table, pending information, I would like to have unanimous consent to withdraw my motion and leave this also on the table.

Unanimous consent was given, and the bill was left on the table.

Mr. PARENT of Androscoggin: Mr. President, I move to take from the table H. D. 399, tabled by me this morning, an Act to regulate boxing exhibitions within the State of Maine.

The motion was agreed to, and on further motion by the same senator, the bill was given its first reading and second reading was assigned for tomorrow morning.

On motion by Mr. Morrison of Penobscot,

Adjourned until tomorrow morning at nine o'clock.