

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

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**HOUSE**

Tuesday, February 27, 1923.

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

Prayer by the Rev. Mr. Smith of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

**First Reading of Senate Bills**

Senate 86: An Act to amend Section 50 of Chapter 55 of the Revised Statutes, as amended by Chapter 131 of the Public Laws of 1917, authorizing complaint by a utility against itself, and empowering the Public Utilities Commission to order refund.

Senate 114: An Act to amend Chapter 172, Special Laws 1899, as amended by Chapter 259 Special Laws of 1903, relating to a close time on lobster traps in the waters of Pigeon Hill Bay.

From the Senate: Bill An Act to amend Section 56 of Chapter 96 of the Revised Statutes, relating to lien on vehicles.

This was passed to be engrossed in the House February 2nd.

In the Senate, passed to be engrossed as amended by Senate Amendment A in non-concurrence.

Mr. WING of Auburn: Mr. Speaker, does that have anything to do with liens on vehicles?

The SPEAKER: It does.

Mr. WING: Then, Mr. Speaker, I move that the House recede and concur with the Senate in the adoption of the amendment.

On motion by Mr. Wing of Auburn, the House voted the recede and concur with the Senate in the adoption of Senate Amendment A: and on further motion by the same gentleman the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

Mr. WINN of Lisbon: Mr. Speaker, I rise to a point of information. There is a bill which has just come back in here with an amendment attached to it and I question whether this House can vote intelligently upon it without having the Amendment printed.

The SPEAKER: Does the gentleman wish to have the vote reconsidered whereby the bill was passed to be engrossed, for the purpose of having the amendment read before its adoption? The Chair will entertain such a motion if the gentleman so wishes.

On motion by Mr. Winn of Lisbon the House voted to reconsider its action whereby the bill was passed to be engrossed; and upon further motion by the same gentleman it was voted that Senate Amendment A be read.

Senate Amendment A read as follows:

Senate Amendment A. to H. D. 26.

Amend H. D. 26, by striking out the words in the 7th, 8th and 9th lines, to wit: "takes precedence of all other claims and incumbrances on said vehicle, not made to secure a similar lien, and," and by striking out the words in the 13th and 14th lines, to wit: "said lien, however, shall be dissolved if said property has actually changed ownership prior to such filing."

So that said section as amended shall read as follows:

"Section fifty-six of chapter ninety-six of the Revised Statutes is hereby amended by adding after the word 'sleighs' in the third line thereof, 'automobiles, motor cars, and tops and parts thereof,' and after the word 'and' in the third line of said section the word 'of,' so that said section amended shall read as follows:

'Whoever performs labor by himself or his employees in manufacturing, or repairing the ironwork or woodwork of wagons, carts, sleighs, automobiles, motor cars, and tops and parts thereof, and of other vehicles by direction or consent of the owner thereof, shall have a lien on such vehicle for his reasonable charges for said labor and for materials used in performing said labor, which may be enforced by attachment at any time within ninety days after the labor is performed and not afterwards, provided, that a claim for such lien is duly filed as required in the following section.

The SPEAKER: The question is now on the adoption of Senate Amendment A and the Chair recognizes the gentleman from Auburn, Mr. Wing.

Mr. Wing of Auburn: Mr. Speaker, and gentlemen, I wish to say in ex-

planation of this amendment that this bill originated in the desire of certain men who repair automobiles, tops, gasoline engines, and the like and the law was amended covering their particular activities. After the matter was heard in committee and reported on favorably, there were certain technical defects found in the bill having to do with its orderly enactment. The bill was then recalled and this amendment was prepared with the consent and assistance of Senator Hinckley and the gentleman from Augusta, Mr. Maher, and we think that we now have the law in proper shape to give men who have worked on vehicles like the automobile a lien for their services. The amendment appeared in the morning paper, on page two of the *Kennebec Journal*,—and I rather assume that the gentlemen of the House have by this time read the morning paper. I trust, that with this explanation the amendment will be adopted and the law passed to be enacted; and I think I can satisfy the gentleman from Lishon (Mr. Winn) that there is nothing mysterious about this piece of legislation.

Mr. HAMILTON of Caribou: Mr. Speaker, this is a mighty important measure to those interested in automobiles who may have prior claims, and it does not seem to me that it would be any disadvantage to anyone if that amendment should lie on the table. And I make that motion, so that we may look into this matter a little more thoroughly.

The pending question, on the motion of the gentleman from Caribou, Mr. Hamilton, being that the amendment should lie on the table;

A viva voce vote being doubted

A division of the House was had,

Sixty-nine having voted in the affirmative and 41 in the negative, the motion to table prevailed.

The following bills and petitions were received and upon recommendation of the committee on reference of bills were referred to the following committees:

#### **Agriculture**

By Mr. Leland of Sangerville: An Act to repeal Chapter 151 of the Public Laws of 1919, providing for the collection of agricultural statistics by assessors.

#### **Judiciary**

By Mr. Adams of Litchfield: An Act to amend Section 51 of Chapter

67 of the Revised Statutes relating to courts of probate.

By the same gentleman: An Act to amend Section 6 of Chapter 72 of the Revised Statutes relating to notice of guardianship proceedings.

By the same gentleman: An Act to amend Section 5 of Chapter 68 of the Revised Statutes relating to notice of hearing on petitions for probate of wills.

By the same gentleman: An Act to amend Section 18 of Chapter 68 of the Revised Statutes relating to granting of administration on estates of deceased persons.

#### **Public Utilities**

By Mr. Gamage of South Bristol: An Act to amend Paragraph 23, Section 15, Chapter 55 of the Revised Statutes, relating to Public Utilities.

#### **State Lands and Forest Preservation**

By Mr. Burns of Eagle Lake: An Act to amend Chapter 8, of the Revised Statutes, relative to Maine Forestry District by adding thereto a Section.

(500 copies ordered printed).

By Mr. Rowell of South Thomaston: Petition of Jennie L. Crowley and six others praying that a certain part of the town of Owl's Head be set off from said town and annexed to and become a part of South Thomaston.

By Mr. Story of Washburn: An Act providing for the protection of roadside trees.

#### **Orders**

On motion by Mr. Curtis of Brewer, it was

Ordered, that the Governor be requested to return to the House an act relative to pensioning members of the police department of the city of Brewer.

On motion by Mr. Curtis of Brewer, the rules were suspended and the action of the House was reconsidered whereby that Body passed to be enacted an act relative to pensioning members of the police department of the city of Brewer. On further motion by the same gentleman, under suspension of the rules, the House voted to reconsider its action whereby the foregoing bill was passed to be engrossed. On further motion by the same gentleman, the bill was tabled, pending passage to be engrossed.

#### **Reports of Committees**

Mr. Wood from the committee on pensions on Resolve granting a teacher's pension to Melville C. Smart of

Gray, Me., reported that the same be referred to the committee on education.

Mr. Newcomb from the same committee on Resolve to provide a teacher's pension of \$150 a year for Miss Fannie Marble, reported that the same be referred to the committee on education.

Reports read and accepted and sent up for concurrence.

#### Passed To Be Engrossed

House 84: An Act to amend the Charter of the city of Hallowell, relative to the appointment of the city marshal and street commissioner.

House 90: An Act to amend Section 26 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, and Chapter 196 of the Public Laws of 1919 and Chapter 218 of the Public Laws of 1921, relating to the taking of smelts in the tributaries to Sebago Lake.

House 162: An Act to promote the production and sale of certified seed and to protect the branding thereof; making an appropriation therefor, and repealing Chapter 141, Public Laws of 1917.

(On motion by Mr. Bisbee of Damariscotta, it was voted to recommit the bill to the committee on appropriations and financial affairs, for the purpose of correction.)

House 163: An Act additional to Chapter 433 of the Private and Special Laws of 1907, entitled "An Act to incorporate the Portland Water District," and to limit and define the powers of the trustees of said Portland Water District in certain things.

(Tabled by Mr. Jordan of Cape Elizabeth pending passage to be engrossed).

House 168. An Act to amend Section 11 of Chapter 211 of the Private and Special Laws of 1895, as amended by Chapter 101 of the Private and Special Laws of 1909, as amended by Chapter 146 of the Private and Special Laws of 1915, as amended by Chapter 33 of the Private and Special Laws of 1919, relating to the salary of the recorder of the Bangor municipal court.

House 171. An Act to amend Chapter 31 of the Private and Special Laws of 1905, entitled "An Act to authorize the Houlton Water Company to generate, sell and distribute electricity," as amended by Chapter 348 of the Private and Special Laws of 1909.

House 172. An Act relative to motor vehicles, neutral zone, and to revise and amend Sections 34 and 75 of Chapter 211 of the Public Laws of 1921.

House 173. An Act to amend Chapter 145 of the Private and Special Laws of 1887, entitled "An Act to provide sewerage in the town of Houlton," as amended by Chapter 142 of the Private and Special Laws of 1903 and by Chapter 107 of the Private and Special Laws of 1907.

House 174. An Act to further amend Chapter 353 of the Private and Special Laws of 1905, relating to the Caribou municipal court, as amended by Section 8 of Chapter 357 of the Laws of 1909.

(On motion by Mr. Maher of Augusta, tabled pending passage to be engrossed).

House 175. An Act to amend Sections 59 and 60, Chapter 18, Revised Statutes, relating to registration of veterinary surgeons.

(On motion by Mr. Bartlett of Hanover, tabled pending passage to be engrossed).

House 176. An Act to ratify, affirm and make valid the reorganization of the parish of the Protestant Episcopal church in Bangor.

(On motion by Mr. Gardiner of Gardiner, tabled pending passage to be engrossed).

House 180. An Act to extend the charter of the Penobscot Valley Gas Company.

House 165. Resolve increasing the pension of Lester Patten of Hermon.

House 166. Resolve in favor of State pension for Levi Holden.

House 167. Resolve increasing the State pension of Charles D. Preble of Kittery.

House 169. Resolve in favor of the board of registration of medicine.

House 177. Resolve providing for State pension for Mary A. Grant of Etna.

House 178. Resolve in favor of Mary E. Ames of Stockton Springs for State pension.

House 179. Resolve in favor of Mary S. Hillman for State pension.

House 164. Resolve providing a State pension for Maria N. Varrell.

#### Passed to be Enacted

(Emergency Measure)

An Act to amend the charter of the York Harbor Village Corporation.

The SPEAKER: This being an emergency measure, and requiring under the Constitution the affirmative

vote of two-thirds the entire membership of this House on its passage to be enacted, all those who are in favor of the passage of the bill to be enacted, will rise and stand in their places until counted, and the monitors will return the count.

A division being had, One hundred and twenty-eight voted, and all in the affirmative; so the bill was passed to be enacted.

(At this point, President Farrington of the Senate was escorted to a seat at the left of the Speaker by the House messenger, amid the applause of the House.)

#### Finally Passed

Resolve in favor of scientific investigation in agriculture in Aroostook county.

Resolve in favor of animal husbandry.

Resolve in favor of the Maine State prison for maintenance and current expenses.

Resolve in favor of Highmoor Farm in the town of Monmouth.

Resolve in favor of the commissioner of agriculture for carrying out the provisions of Chapter 81 of the Public Laws of 1921.

#### Orders of the Day

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I move you that the Clerk be instructed to send a telegram to the gentleman from Raymond, Mr. Chester T. Winslow, expressing our sorrow and the sympathy of this Body for him in his recent bereavement in the loss of his mother.

The motion was adopted by a rising vote and the Clerk was so instructed.

On motion by Mr. Phillips of Orrington it was voted to take from the table An Act relating to pensions to employees of the City of Bangor; and on further motion by the same gentleman the bill was referred to the committee on legal affairs.

On motion by Mr. Rounds of Portland it was voted to take from the table Senate Document No. 109, An Act relating to close time on lobsters in waters of Jonesport and Addison, tabled by that gentleman on Feb. 26.

Mr. ROUNDS: Mr. Speaker, I yield the floor to Mr. Baker of Steuben.

Mr. BAKER of Steuben: Mr. Speaker and Gentlemen of the House: These bills, numbers 109, 110, 111, 112,

113 and 115, all deal with the same subject matter, namely, that it fixes a time, a specified hour on a certain day, before which time no lobster traps shall be put out. Heretofore, this did not appear in the statutes, and these laws were put in by our committee, or Mr. Crie, our director of sea and shore fisheries to correct that error, because there were many who did not understand the exact hour for putting out these traps, and sometimes there was some misunderstanding and perhaps a little jealousy would arise, with regard to this matter. It is simply a little technical matter and I hope it may have passage.

On motion by Mr. Rounds of Portland it was voted to take from the table Senate Document No. 109, An Act relating to close time on lobsters in waters of Jonesport and Addison; Senate Document No. 110, An Act relating to close time on lobsters in Pigeon Hill Bay in Milbridge and Steuben; Senate No. 111, An Act relating to close time on lobsters in Machias Bay and adjacent waters; Senate Document No. 112, An Act relating to close time on lobsters in Bays of Gouldsboro, Eden, Trenton, Lamoine, Hancock, Sullivan and Sorrento; Senate Document No. 113, An Act relating to close time on lobsters in waters of Jonesboro and Roque Bluffs; Senate Document No. 115, An Act relating to close time on lobsters in waters of Cutler, Trescott and Lubec; and on further motion by the same gentleman it was voted that these bills be severally passed to be engrossed.

The Chair presents out of order the following Senate paper: Report of the committee on legal affairs on bill, An Act additional to Chapter 350 of the Private and Special Laws of 1883 entitled, "An Act to authorize construction of a bridge over tidewaters between Orr's Island and Bailey's Island," reporting that legislation thereon is inexpedient.

This was read and accepted in the House on Feb. 26th.

Comes from the Senate the bill re-committed to the committee on legal affairs in non-concurrence.

In the House it was voted to recede and concur with the Senate in the recommitment of the bill to the Committee on legal affairs.

On motion by Mr. Tarr of Arrowsic, Adjourned until tomorrow morning at 10 o'clock.