

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, March 1, 1923.

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

Prayer by Rev. Mr. Clark of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

First Reading of Senate Bills

Senate 149. An Act to establish a game sanctuary in the city of Bangor and county of Penobscot.

Senate 138. An Act to legalize and make valid the doings of the inhabitants of the town of Brooklin, at the annual town meeting held on the 6th day of March, 1922.

Senate 150. An Act to prohibit the use of beam trawls in the waters of Sedgwick Harbor, known as Benjamin's river.

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

Banks and Banking

By Mr. Holmes of Lewiston: An Act to amend chapter 197 of Public Laws of 1921, by adding a new section 4, and making present section 4 into section 5 unchanged, relating to taxation of savings banks.

(500 copies ordered printed.)

Cole Report

By Mr. Barwise of Bangor: An Act relating to the State park commission.

By Mr. Stratton of Albion: An Act to amend section 10 of chapter 197 of the Revised Statutes as amended by section 2 of chapter 172 of the Public Laws of 1919 and also to amend section 11 of chapter 197 of the Revised Statutes, relating to the State department of health.

(500 copies ordered printed.)

By Mr. Barwise of Bangor: An Act relating to the salary of the State land agent and the forest commissioner.

(500 copies ordered printed.)

Education

By Mr. Jordan of Cape Elizabeth: Petition of Willis B. Hall and 40

others of Maine in favor of a Constitutional amendment prohibiting the use of public funds for sectarian schools.

By Mr. Jones of South Portland: Petition of Albert C. Frost and 60 others in favor of same.

By Mr. Littlefield of Kennebunk: Petition of Ivan M. Soule and others in favor of same.

Inland Fisheries and Game

By Mr. Crafts of Greenville: An Act to amend section 86 of chapter 219 of the Public Laws of 1917, as amended by chapter 244 of the Public Laws of 1917 and by chapter 142 of the Public Laws of 1919, and by chapter 93 of the Public Laws of 1921, relating to the disposition of money collected under the provisions of the inland fish and game laws.

By the same gentleman: Resolve appropriating money for the purpose of operating the fish hatcheries and feeding stations for fish, for the protection of fish, game and birds and for printing the report of the commissioner of inland fisheries and game and other expenses incident to the administration of the department of inland fisheries and game.

Legal Affairs

By Mr. Hale of Portland: An Act to amend sections 19, 21, and 22 of chapter 18 of the Revised Statutes and to add a new section to said chapter 18, relating to the board of registration of nurses.

By the same gentleman: An Act to re-enact section 24, chapter 69 of the Revised Statutes, relating to when no succession tax shall be assessed on the stock, bonds and evidences of debt of Maine corporations.

Library

By Mr. Wing of Auburn: An Act to provide for the preservation of Archaeological objects and sites, and for the appointment of a Commission of Archaeology.

Salaries and Fees

By Mr. Keene of Belfast: An Act to amend Paragraph 15, Section 45, Chapter 117 of the Revised Statutes, as amended by Chapter 214, Public Laws of 1919, relating to clerk hire in county offices, in office of register of deeds in Waldo county.

Taxation

By Mr. Stitham of Pittsfield: An Act to amend Section 2 of Chapter

197. Public Laws of 1921, relating to the taxation of shares of stock of trust companies organized under the laws of this State and banking institutions formed under the laws of the United States.

(500 copies ordered printed.)

Upon motion by Mr. Weeks of Fairfield, the rules were suspended and it was voted that when the House adjourns, it be until eight o'clock tomorrow morning.

Mr. WEEKS of Fairfield: Mr. Speaker, this is for the purpose of getting through the routine business so that we may go to Portland soon after adjournment.

Reports of Committees

Mr. Chalmers from the Bangor delegation reported ought not to pass on bill "An Act to amend Section 6 of Chapter 17 of the Private and Special Laws of 1921, entitled 'An Act to amend the City Charter of Bangor.'"

Same gentleman from the committee on interior waters reported same on bill "An Act to change the name of Trickey Pond, in Naples in the county of Cumberland, to Lake Wenonah."

Same gentleman from same committee reported same on bill "An Act to authorize Greta M. Mendelsohn to construct and maintain a wharf in Long Pond at Naples in Cumberland County."

Mr. Jordan from the committee on library reported same on resolve appointing a committee to procure plans and estimates for a State library building.

Mr. Beckett from the committee on salaries and fees reported same on bill "An Act to increase the salary of the Judge of Probate for Penobscot County."

Mr. Hodgkins from same committee reported same on bill "An Act to amend Chapter 508 of the Private and Special Laws of 1885, as amended by Chapters 403 and 443 of the Private and Special Laws of 1907, relating to the Norway Municipal Court and to establish the salary for the Judge of said Court."

Mr. Thomas from the committee on taxation reported same on bill "An Act to amend Paragraph 4, of Section 6, Chapter 10 of the Revised Statutes of Maine relating to exemptions from taxation."

Mr. Douglas from same committee reported same on bill "An Act to amend Paragraph 9, Section 6, Chapter 10, Revised Statutes, as amended by Chapter 105, Public Laws of 1919, and by Chapter 119, Public Laws of 1921, relating to exemption from taxation of the estates of War Veterans."

Mr. Dunbar from the committee on ways and bridges reported same on bill "An Act to make the highway between Wiscasset and Boothbay Harbor Village a Spur State highway."

Same gentleman from same committee on bill "An Act to amend Sections 1 and 2 of Chapter 187 of the Public Laws of 1921, relative to regulating the use of motor driven and animal drawn vehicles on highways" reported that legislation thereon is inexpedient.

Reports read and accepted and sent up for concurrence.

Mr. Chalmers from the committee on interior waters on resolve in aid of navigation on Moosehead Lake reported same in a new draft under same title and that it ought to pass.

Mr. Wing from the committee on judiciary on bill "An Act to incorporate the Auburn Water District" reported same in a new draft under same title and that it ought to pass.

Mr. Morrison from the committee on legal affairs on bill "An Act to amend Section 3, and Paragraph 7 of Section 4 of Chapter 100 of the Private and Special Laws of 1921, relating to Belgrade Lakes Village Corporation" reported same in a new draft under same title and that it ought to pass.

(On motion by Mr. Stevens of Belgrade, tabled pending acceptance of report.)

Mr. Hodgkins from the committee on salaries and fees on bill "An Act to amend Section 45, Chapter 117, Revised Statutes, as amended in 1917, 1919 and 1921, relating to clerk hire in the County offices" reported same in a new draft under title of "An Act to amend Section 45, Chapter 117, Revised Statutes, as amended in 1917, 1919 and 1921, relating to clerk hire in the office of Clerk of Courts in Waldo County," and that it ought to pass.

Mr. Story from the committee on ways and bridges on resolve appro-

prising money to repair Eastport bridge, reported same in a new draft under same title and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the joint rules.

Mr. Chalmers from the committee on interior waters reported ought to pass on bill "An Act to amend Chapter 206 of the Private and Special Laws of 1907 entitled 'An Act additional to Chapter 174 of the Private and Special Laws of 1903, relating to the West Branch Driving and Reservoir Company.'"

Mr. Nichols from the committee on judiciary reported same on bill "An Act to amend Section 33 of Chapter 81 of the Revised Statutes, relative to Notice of Sale."

Mr. Moody from the committee on library reported same on resolve providing for the purchase of "History of Aroostook."

Mr. Beckett from the committee on salaries and fees reported same on bill "An Act to amend Revised Statutes, Chapter 117, Section 45, as amended by Chapter 214, Public Laws 1919, as further amended by Chapter 219 of Public Laws of 1921, restoring the amount for clerk hire in office of Register of Probate in Washington County to same rate as in 1922 and the three years preceding."

Mr. Rounds from same committee reported same on bill "An Act to amend Section 6 of Chapter 141 of the Private and Special Laws of 1921, relative to clerk hire and compensation of the clerk of the City of Lewiston."

Reports read and accepted and the bills ordered printed under the joint rules.

Mr. ROUNDS of Portland: Mr. Speaker, the report of the committee on library on resolve appointing a committee to procure plans and estimates for a State library building, I understood to be ought not to pass.

The SPEAKER: That is correct.

Mr. ROUNDS: This resolve, Mr. Speaker and gentlemen—

The SPEAKER: Does the gentleman wish to move a reconsideration of the vote whereby the report was accepted?

Mr. ROUNDS: I do, and I yield the

floor to the gentleman from Westbrook, Mr. Jordan.

Mr. JORDAN of Westbrook: Mr. Speaker, I will say that there were two resolves, one passed favorably and one rejected. The subject matter is taken care of in another resolve.

The SPEAKER: Is that satisfactory Mr. Rounds?

Mr. ROUNDS: It is, and I withdraw my motion.

First Reading of Printed Bills and Resolve

House 202. An Act to amend Section 35 of Chapter 44 of the Revised Statutes as amended by Chapter 67 of the Public Laws of 1921, relating to licenses for lightning rod agents.

House 206. An Act amending Chapter 449 of the Private and Special Laws of 1865 entitled "An Act to incorporate Irish American Relief Association of Portland."

House 207. An Act authorizing and empowering the inhabitants of the town of Kennebunk to create a sinking fund and raise money therefor by taxation for the retirement of its highway and grade schoolhouse bonds.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I have an amendment that I wish to add to that bill, and move its adoption.

House Amendment A to House Document No. 297.

Amend the title of said bill by striking out the word "highway" and inserting in place thereof the word 'high,' so that said title shall read as follows: "An Act authorizing and empowering the inhabitants of the town of Kennebunk to create a sinking fund and raise money therefor by taxation for the retirement of its high and grade schoolhouse bonds."

The amendment was adopted.

First Reading of Printed Bills and Resolve Continued

House 209. An Act to amend Section 18 of Chapter 35 of the Revised Statutes relating to the entrance of cattle into the State.

House 208. Resolve providing for an annual display of the agricultural products and resources of the State of Maine at the Eastern States Exposition.

House 215. Resolve making appropriation for the support and maintenance of the State Experiment Station.

Passed to be Engrossed

Senate 135. An Act to extend the charter of the Eastern Maine Railroad.

Senate 136. An Act to amend the 18th paragraph of Section 43 of Chapter 117 of the Revised Statutes, in relation to the time of payments by registers of deeds to county treasurers.

Senate 137. An Act to amend Section 11 of Chapter 127 of the Revised Statutes, relative to search warrants for implements of gambling.

Senate 139. An Act to create a board of road commissioners in the town of Mt. Desert.

Senate 140. An Act relating to transferring inmates of the State School for Boys to the Reformatory for Men.

Senate 142. An Act to amend Chapter 2, Section 31, of the Revised Statutes relative to printing and binding of reports of certain State departments.

House 187. An Act to amend Section 32 of the Private and Special Laws of 1919 relating to the board of education of the city of Augusta.

House 188. An Act to incorporate the Patten Water & Power Company.

House 189. An Act providing for protection of white perch in Bear Pond, situated in the town of Hartford in the county of Oxford, and in the town of Turner in the county of Androscoggin.

House 190. An Act to limit the number of pounds of fish that may be taken from Cobbosseecontee stream and connecting ponds, in the county of Kennebec.

House 191. An Act to amend Section 2 of Chapter 319, Public Laws of 1915, as amended by Chapter 243, Public Laws of 1919, relating to State and county aid in the construction of highway bridges.

(Tabled by Mr. Hamilton of Caribou, pending passage to be engrossed).

House 192. An Act to regulate the taking of clams in the town of Sorrento.

House 193. An Act to extend an Act entitled "An Act to incorporate the Odd Fellows' Home of Maine."

Senate 141. Resolve providing for the purchase of reports of the commemoration of a century of peace between the United States and Canada of the Maine State Bar Association.

On motion by Mr. Nadeau of Biddeford that gentleman was granted leave to present out of order, under

suspension of the rules, the following resolve without reference to any committee:

STATE OF MAINE

In the year of our Lord One Thousand Nine Hundred and Twenty-three. RESOLVE, to Place the Flags of Maine in the World War in the Hall of Flags.

Whereas, the great struggle which came to an end November 11, 1918, known as the World War, and whereas, in that struggle the flags of the various units representing the State of Maine were borne with signal distinction, and whereas, on June 14, 1919, these flags were officially presented to the State of Maine, and whereas, to date they have not yet been placed in the Hall of Flags,

Be it Resolved: That it is the sense of this Legislature that as a mark of respect to those colors and as a fitting tribute to the men who served thereunder, that provision be made forthwith for the placing of these flags in suitable cases and depositing same in the Rotunda, graced by the flags of former wars.

In order to effectuate this purpose and exhibit this simple honor,

Be it Resolved: That whatever expense is incurred thereby shall be defrayed from the moneys in the Treasury not otherwise expended and that this work of love and respect shall be done under the direction of the Governor and Council.

Mr. NADEAU: Mr. Speaker and gentlemen of the House, in introducing this order under suspension of the rules and moving its passage I do not believe that there will be any objection. These flags were carried with honor by the various regiments representing the State of Maine. I have been looking around lately trying to see where they had been placed and yesterday I found them on the first floor in the adjutant general's office; and if they should be kept there much longer our boys will not have a chance to see them because we know that silk will not keep unless encased in air-tight cases. We would not like to see the flags that have been carried with honor on the battlefields of France go to fragments and go to rags. Therefore, I have introduced this order under suspension of the rules and I hope that the members will vote favorably upon it. (Applause.)

On further motion by the same gentleman, the rules were suspended, and the resolve received its two several readings and was passed to be engrossed, by a rising vote.

Passed to Be Enacted

An Act to amend Chapter 122 of the Private and Special Laws of 1915, relating to a Close Time on Lobsters in the waters of Jonesboro and Roque Bluffs in Washington County.

An Act to amend Chapter 121 of the Private and Special Laws of 1915, as amended by Chapter 89 of the Private and Special Laws of 1917, relating to a Close Time on Lobsters in the waters of Machias Bay and adjacent waters in the county of Washington.

An Act to amend Chapter 154 of the Private and Special Laws of 1915, relating to a Close Time on Lobsters in the towns of Cutler, Trescott and Lubec, in Washington County.

An Act to amend the Charter of the Home for Aged Men.

An Act providing for a Jeweler's Lien.

An Act to amend Sections 43 and 46 of Chapter 18 of the Revised Statutes, relating to Optometry.

An Act to amend Chapter 163 of the Private and Special Laws of 1913, relating to a Close Time on Lobsters in the waters of Jonesport and Addison in Washington County.

An Act to amend Chapter 380 of the Private and Special Laws of 1909, as amended by Chapter 84 of the Private and Special Laws of 1915, relating to a Close Time on Lobsters in the Bays of the towns of Gouldsboro, Eden, Trenton, Lamoine, Hancock, Sullivan and Sorrento.

An Act to unite the Preachers' Aid Society of the Maine Conference of the Methodist Episcopal Church, and the Preachers' Aid Society of the East Maine Annual Conference of the Methodist Episcopal Church.

Finally Passed

Resolve to appropriate money for Co-operate Agricultural Work between the College of Agriculture of the University of Maine and the United States Department of Agriculture.

Resolve in favor of Jesse Overlock, Secretary of Committee on State Prison.

Orders of the Day

It was voted to receive out of order the following divided House report:

"Majority report of the Committee on Judiciary on a Resolve amending the Constitution of the State of Maine so as to limit appropriations for private institutions and purposes until December 31, 1930, and so as to prohibit such appropriations after December 31, 1930, and that the same ought not to pass."

The majority report was signed by Senators Hinckley of Cumberland, Hussey of Aroostook, Buzzell of Waldo and Representatives Gardiner of Gardiner, Weeks of Fairfield, Archibald of Houlton and Maher of Augusta.

The Minority Report of the same Committee on the same resolve, reporting the same under a new draft under title of, "Resolve amending the Constitution of the State of Maine so as to limit appropriations for Denominational, Sectarian, Parochial, or Religious Institutions and Purposes until December 31, 1930, and so as to prohibit such appropriations after December 31, 1930," and that it ought not to pass.

The minority report was signed by Messrs. Wing of Auburn, Nichols of Portland and Saunders of Lubec.

Mr. WING of Auburn: Mr. Speaker, I move that the two reports lie on the table and that both be printed.

Mr. BARWISE of Bangor: Mr. Speaker, I would like to move —

The SPEAKER: The gentleman will remember, please, that a motion to table is not debatable. Is it the pleasure of the House that the motion of the gentleman from Auburn, Mr. Wing, prevail?

The motion prevailed.

On motion by Mr. Barwise of Bangor, the majority and minority reports of the Committee on Judiciary were specially assigned to Thursday, March 8, 1923.

On motion by Mr. Rounds of Portland, it was voted to take from the table, House Document 170, Resolve appropriating money for Commissioners of Pharmacy, tabled by that gentleman, February 26, pending second reading.

Mr. ROUNDS of Portland: Mr. Speaker, I want to say that I think all these commissions should pay their own way. This one I under-

stand has overdrawn thirteen hundred dollars in the last two years. It seems to me that these commissions should be self-supporting, and I do not think that we should appropriate money for such purposes.

On motion by Mr. Pierce of Sanford, the resolve had its second reading and was passed to be engrossed.

On motion by Mr. Hamilton of Caribou, it was voted to take from the table House Document No. 26, Senate Amendment A to bill an act relating to lien on vehicles.

Mr. HAMILTON of Caribou: Mr. Speaker, I have had ample opportunity to look this over, and I have found no fault with it as it has been revised. Therefore, I move that it take its usual course.

The pending question being on the motion of the gentleman from Auburn, Mr. Wing, on the adoption of the amendment, the amendment having heretofore been read,

It was voted to adopt the amendment; and on further motion by Mr. Hamilton, the bill was passed to be engrossed as amended by Senate amendment A.

On motion by Mr. Gardiner of Gardiner it was voted to take from the table, House Document 176, an act to ratify the reorganization of the parish of the Protestant Episcopal church in Bangor, tabled by that gentleman February 27, pending passage to be engrossed.

Mr. Gardiner of Gardiner: I offer House Amendment A, and move its adoption, substituting the word "and" for the two words "and or" connected by the diagonal line, an expression not usually found in our statutes.

House Amendment A to House Document No. 176.

Amend the first line of Section three by striking out the words "and/or" and substituting therefor the word "and," so that said section three of House Document 176 as amended shall read as follows:

"Sect. 3. All conveyances, transfers and other documents and instruments in writing heretofore executed

by the rectors, wardens and vestrymen, as a body corporate and politic, for and in the name of the parish in behalf of which this act is passed, are hereby declared to be valid and binding on the body corporate and politics hereafter to be known as 'The rector, wardens and vestrymen of St. John's Episcopal church in Bangor.'"

The amendment was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Wing of Auburn, it was voted to take from the table Senate Document No. 86, "an act relating to authorizing complaint by a utility against itself, tabled by that gentleman February 28, pending passage to be engrossed; and on further motion by the same gentleman, the bill was passed to be engrossed.

The SPEAKER: If there is any other member who can take from the table some of the matters tabled by him, it will serve to keep the calendar clear.

On motion by Mr. Bartlett of Hanover, it was voted to take from the table House Document No. 175, "an act relating to registration of veterinary surgeons, tabled by that gentleman February 27, pending passage to be engrossed; and on further motion by the same gentleman the bill was passed to be engrossed.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I would like to say to the members of the House, and I think it is the wish of the House, that any member having matters on the table unassigned should take them up some day other than Wednesday. On that day the assigned matters cause the calendar to become congested, and there is not time to properly consider unassigned matters on that day. I think this will be in the interest of all concerned.

On motion by Mr. Weeks of Fairfield,

Adjourned until eight o'clock tomorrow morning.