

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

Friday, March 2, 1923.

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

Prayer by the Rev. Mr. Atkins of Gardiner.

Journals of previous session read and approved.

On motion by Mr. Baker of Steuben, the rules were suspended and that gentleman was permitted to introduce the following order, out of order:

Ordered, the Senate concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, March 6, at 10 o'clock in the forenoon.

The order received passage.

The SPEAKER: The representative from Fort Kent, Mrs Pinkham, now moves that the rules be suspended that the members may enjoy their usual morning smoke. (Applause)

Senate Bill in First Reading

Senate 77: An Act to amend Section 40, Chapter 127, Revised Statutes, relating to the prosecution for violation of laws regarding sale and manufacture of intoxicating liquors.

From the Senate: Bill, An Act to amend the charter of the city of Hallowell, relative to the appointment of the city marshal and street commissioner.

This was passed to be engrossed in the House February 27.

In the Senate recommitted to the committee on legal affairs in non-concurrence.

In the House, it was voted to recede and concur with the Senate and recommit the bill to the committee on legal affairs.

From the Senate: Bill, An Act to amend Section 35 of Chapter 8 of the Revised Statutes, relating to building of camp fires.

This was passed to be enacted in the House February 20th, and passed to be engrossed February 16th.

In the Senate recommitted to the committee on State lands and forest preservation in non-concurrence.

In the House, it was voted to recede and concur with the Senate and recommit the bill to the committee on State lands and forest preservation.

From the Senate: Bill, An Act to amend Sections 4 and 5 of Chapter 188 of the Public Laws of 1919, relating to the regulation of the practice of the system, method or science of healing known as osteopathy.

This was passed to be enacted in the House February 26th and passed to be engrossed February 21st.

In the Senate indefinitely postponed in non-concurrence.

Mr. WEEKS of Fairfield: Mr. Speaker, I move that we insist and ask for a committee of conference.

Mr. FICKETT of Naples: Mr. Speaker, I move that we recede and concur with the Senate on that bill.

On motion by Mr Maher of Augusta the entire matter was laid upon the table, pending above motion to recede and concur.

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

Agriculture

By Mr. Hamilton of Caribou: Resolution adopted at Annual Convention of Western Maine Fruit Growers assembled at Auburn, Maine, February 15th, 1923, in favor of House Document No. 123.

Education

By Mr. Jordan of Cape Elizabeth: Petition of John J. Fisk and 120 others in favor of a Constitutional amendment prohibiting the use of public funds for sectarian schools.

By Mr. Phillips of Orrington: Petition of George L. Rowe and 160 others in favor of same.

Judiciary

By Mr. Rounds of Portland: An Act to regulate the practice of the system, method or science of healing known as naturopathy creating a board of examination and registration for those desiring to practice the same, and providing penalties for violation of this act.

By Mr. Phillips of Orrington: An Act to amend Section 81 of Chapter 2 and Section 17 of Chapter 117 of the

Revised Statutes in relation to the State auditor.

By Mr. Nichols of Portland: An Act to amend Section 35 of Chapter 104 of the Revised Statutes relating to commissioners admitting to bail persons committed for not finding sureties.

(500 copies ordered printed)

By Mr. Maher of Augusta: An Act to amend Section 18 of Chapter 51 of the Revised Statutes as amended by Chapter 23 of the Public Laws of 1919, relating to proxies.

(500 copies ordered printed)

By Mr. Hamilton of Caribou: An Act to amend Section 12 of Chapter 117 of the Revised Statutes, relating to mileage of members of the Legislature.

(500 copies ordered printed)

Judiciary and Labor

By Mr. Jordan of Westbrook: An Act to amend Sections 1 and 3 of Chapter 350 of the Public Laws of 1915, relative to the hours of employment of women and minors.

(500 copies ordered printed)

Legal Affairs

By Mr. Granville of Parsonsfield: An Act to establish the Mt. Katahdin State Park.

(Tabled by Mr. Wing of Auburn pending reference to any committee.)

By Mr. Siddall of Sanford: An Act additional to and amendatory of Chapter 211 of the Public Laws of Maine for 1921, relating to lights on motor vehicles.

By Mr. Siddall of Sanford: "An Act to amend Section 98, of Chapter 82, Revised Statutes, relating to the Superior Courts.

By Mr. Baker of Steuben: An Act to amend Section 68 of Chapter 211 of the Public Laws of 1921, relating to lights on motor vehicles.

By Mr. Hale of Portland: An Act to require the bonding or insuring of public motor vehicles.

(500 copies ordered printed)

By Mr. Clarke of Tonawanda: An Act to amend Section 21 of Chapter 24 of the Revised Statutes, relating to the laying out of public landings.

Ways and Bridges

By Mr. Granville of Parsonsfield: An Act additional to Chapter 24, Revised Statutes, relating to highways.

By the same gentleman: An Act to

define and fix the order of preference in which State aid highway construction funds shall be apportioned to towns under existing law.

(500 copies ordered printed)

Reports of Committees

Mr. Weeks from the committee on judiciary reported ought not to pass on bill "An Act to amend Section 14, Chapter 135, Revised Statutes, relating to sureties in criminal cases."

Mr. Nichols from the same committee reported same on bill "An Act to establish the Northern York Municipal court."

Mr. Gardiner from the same committee reported same on bill "An Act to repeal Section 1 of Chapter 288 of the Private and Special Laws of the year 1880, relating to discharge of sewerage into the Androscoggin river at Lewiston."

Mr. Wing from the same committee reported same on bill "An Act to amend Section 73, Chapter 211, Public Laws of 1921, relating to revocation of licenses to operate motor vehicles."

Mr. Siddall from the committee on legal affairs reported same on bill "An Act to regulate bakeries and bakery products."

Mr. Leathers from the committee on pensions reported same on resolve in favor of Ira N. Lovejoy of Hallowell for State pension.

Mr. Hamilton from the committee on salaries and fees reported same on bill "An Act amending Section 45, Chapter 117, Revised Statutes, as amended in 1917, 1919 and 1921, relating to clerk hire in the County offices."

Mr. Maher from the committee on judiciary on bill "An Act to amend Section 5 of Chapter 184 of the Public Laws of 1921, relating to the jurisdiction of the public utilities commission over certain motor vehicles" reported that legislation thereon is inexpedient as it is covered by other proposed legislation.

Reports read and accepted and sent up for concurrence.

Mr. Gardiner from the committee on judiciary on bill "An Act to amend an Act to provide a Charter for the city of Gardiner as amended by Chapter 126 of the Private and Special Laws of 1917" reported same

in a new draft under same title and that it ought to pass.

Mr. Hale from the committee on legal affairs on bill "An Act to extend the time limit for exercising corporate powers of the Great Pond Railway Company" reported same in a new draft under same title and that it ought to pass.

Mr. Brown from the committee on library on resolve providing for the purchase of "Maine in the War of 1812" reported same in a new draft under title of "Resolve providing for the purchase of 'Maine 1783-1815' " and that it ought to pass.

Mr. Winn from the committee on pensions on resolve increasing the State pension of Catherine Nelligan of Brewer, reported same in a new draft under same title and that it ought to pass.

Mr. Leathers from the same committee on resolve increasing the State pension of Meldon Nealley of Brewer, reported same in a new draft under same title and that it ought to pass.

Mr. Wood from the same committee on resolve in favor of Olive E. Brann of Augusta for State pension, reported same in a new draft under same title and that it ought to pass.

Mr. Bartlett from the committee on public utilities on bill "An Act to make valid the doings of the Penobscot County Water Company, and to define and confirm its powers." 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. Moody from the committee on salaries and fees on bill "An Act to amend Section 38 of the Revised Statutes, as amended by Chapter 152, 167, and 292, Public Laws of 1917, Chapter 214, Public Laws of 1919 and Chapter 219, Public Laws of 1921, relating to the compensation of Judges of Probate" reported same in a new draft under title of "An Act to amend Section 38 of the Revised Statutes as amended by Chapters 152, 167, and 292, Public Laws of 1917, Chapter 214, Public Laws of 1919 and Chapter 219, Public Laws of 1921, relating to the compensation of judges of probate in Oxford County" and that it ought to pass.

Report accepted, and the new draft ordered printed under the joint rules.

(On motion by Mr. Melcher of Rumford tabled pending first reading.)

Mr. Keene from committee on ways and bridges on resolve in favor of bridge between Howland and Enfield, reported same in a new draft under same title and that it ought to pass.

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

Mr. Leland from the committee on agriculture reported ought to pass on bill "An Act directing the State board of veterinary examiners to issue certificate to Joseph R. Waller to practice veterinary surgery, medicine or dentistry."

Report accepted and printing ordered under the joint rules.

(On motion by Mr. Weeks of Fairfield, tabled pending first reading.)

Mr. Phillips from the committee on appropriations and financial affairs reported same on resolve in favor of John A. McDonald, secretary of the committee on insane hospitals for committee expenses.

Mr. Maher from the committee on judiciary reported same on bill "An Act to amend Section 1 of Chapter 145, Revised Statutes, relating to hospital trustees."

Mr. Archibald from the same committee reported same on bill "An Act to authorize the register of deeds of the Southern registry district for the county of Aroostook to certify records."

Same gentleman from same committee reported same on bill "An Act to cure defect in the original organization of Madigan Memorial hospital, a charitable and benevolent corporation, and to validate the doings of said corporation and officers thereof since its organization."

Mr. Wills from the committee on library reported same on resolve providing for the purchase of "Music and musicians of Maine."

Mr. Bickford from the committee on pensions reported same on resolve for State pension for Annie D. McLean.

Same gentleman from same committee reported same on resolve in favor of Alonzo E. Peabody, for State pension.

Mr. Nevins from the same committee reported same on resolve provid-

ing a State pension for Charles E. Bradford of Carmel.

Same gentleman from the same committee reported same on resolve for State pension for Rena Cooley of Augusta.

Mr. Edwards from the committee on salaries and fees reported same on bill "An Act to amend Section 39, Chapter 117, Revised Statutes, as amended in 1917, 1919 and 1921, relating to salaries of registers of probate."

Mr. Brett from the committee on State school for boys, State school for girls and State reformatories reported same on bill, "An Act to amend Section 17 of Chapter 182 of the Public Laws of 1919 relating to competitive bids in construction work for the State reformatory for men."

Same gentleman from same committee reported same on bill "An Act to amend Sections 1 and 7 of Chapter 182, Public Laws of 1919 relative to commitments to the State reformatory for men."

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

Mr. Brett from the committee on State school for boys, State school for girls and State reformatories reported ought not to pass on resolve in favor of the State school for boys for improvement of its heating system.

Report read and accepted and sent up for concurrence.

The SPEAKER: The Chair will announce at this time that the Senate concurred with the House adjournment order.

FIRST READING OF PRINTED BILL

House 219: An Act to accept the provisions of the act of the Congress of the United States, approved November 23, 1921, entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes.

Passed To Be Engrossed

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

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

Senate 150: An Act to prohibit the

use of beam trawls in the waters of Sedgwick Harbor, known as Benjamin's river.

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 Special Laws of 1865 entitled, "An Act to incorporate the Irish American Relief Association of Portland."

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.

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 "High and Grade School House Bonds."

The SPEAKER: The Chair will state that the next business before the House is the bills on their passage to be enacted. It has been customary during the past not to pass any enactors on Friday, but the Chair thinks there is nothing here that interferes in any way with any member, and if there is no objection we will proceed.

Passed to Be Enacted

An Act to amend Chapter 172 of the Private and Special Laws of 1899, relating to a close time on lobsters in Pigeon Hill Bay in the towns of Milbridge and Steuben.

An Act to fix the salary of the judge of the Municipal Court of Pittsfield.

An Act to increase the salary of clerks in the office of Register of Probate for Hancock County.

An Act relating to clerk hire in the office of Register of Deeds in the county of Penobscot, to correct clerical error.

An Act to amend Section 74 of Chapter 45 of the Revised Statutes, as amended by Chapter 71 of the Public Laws of 1913, relating to the regulation of smelt fishing.

An act to increase the salary of the judge of the Municipal Court of Dexter.

An Act to amend Chapter 172 of the Private and Special Laws of 1899, as amended by Chapter 259 of the Private and Special Laws of 1903, relating to a close time on lobsters in the waters of Pigeon Hill Bay.

An Act increasing clerk hire in the office of Register of Deeds in Penobscot County.

Orders of the Day

On motion by Mr. Wing of Auburn, it was voted to take from the table bill, an Act to establish the Mt. Katahdin State Park, tabled by that gentleman this morning pending reference, and on further motion by the same gentleman, the bill was referred to the committee on State Lands and Forest Preservation.

On motion by Mr. Curtis of Brewer, it was voted to take from the table House Document No. 89, an Act relating to pensioning members of the Police Department of the city of Brewer, tabled by that gentleman Feb. 27, pending passage to be engrossed.

Mr. Curtis offered House Amendment A, as follows, and moved its adoption.

House Amendment A to House Document No. 89, relating to pensioning members of the Police Department of the city of Brewer.

House Document No. 89 is hereby amended by adding to section two, the following: "Any sum received as pension under this act shall be in lieu of all other compensation now provided for by law, including compensation under the Workmen's Compensation Act."

Section five of said bill is hereby amended by striking out the words "two thirds of the members of the city council" in the last line, and inserting in place thereof the following: "A majority vote of the legal voters of the city of Brewer voting at the next regular election of the city of Brewer after the passage of this act."

The amendment was adopted, and the bill was passed to be engrossed, as amended by House Amendment A.

Mr. CUMMINGS of Portland: Mr.

Speaker, I move that House Document 163 relating to the Portland Water District be taken from the table.

The SPEAKER: The gentleman from Portland, Mr. Cummings, is in order and the motion is in order. Is it the pleasure of the House to take from the table this matter tabled by Mr. Jordan from Cape Elizabeth?

Mr. ROUNDS of Portland: Mr. Speaker, I would like to inquire whether Mr. Jordan is in the room.

The SPEAKER: Mr. Jordan is in his seat.

Mr. JORDAN of Cape Elizabeth: Mr. Speaker, I will say that I am preparing an amendment to this and in order for me to get what I want I have got to go to Portland, and I would like to have this carried over until next week so that I may make the amendment in proper form.

The SPEAKER: The question is on the motion to take from the table.

Mr. CUMMINGS: Mr. Speaker, I would like to inquire the object that Mr. Jordan has in view. If there is anything that is of any consequence I have no objection. If this matter is merely dilatory, however, I have objections. This bill was presented at the committee in the usual way and no one appeared against it. The attorney for the water district appeared there and asked for certain modifications. Those modifications were made and the bill, so far as I know, meets with the approval of the people of the water district and the attorneys of the water district. The House Committee reported the bill "ought to pass" and I understand—I do not know whether I am correctly informed—but I understand that the reason Mr. Jordan tabled this matter was that he thought that Cape Elizabeth ought to be represented on the Board of Trustees. Now if that is his object I would say to the gentleman from Cape Elizabeth, through the Chair, that Cape Elizabeth is not in the water district and it would be entirely out of the question to bring that about.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Jordan, hears the question asked through the Chair. Mr. Jordan may answer the question or not, as he wishes.

Mr. JORDAN: Mr. Speaker, I will say that that is not the reason that I tabled the matter, in any way, form or manner, as I fully realize that Cape Elizabeth is not in the water district. I am not doing this to cause any delay and as soon as I have my amendment prepared I will present it to the House.

The SPEAKER: The question is

on the motion of Mr. Cummings to take from the table.

A viva voce vote being taken, the motion to take from the table was lost.

On motion by Mr. Baker of Steuben,

Adjourned until Tuesday morning at 10 o'clock.