

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Monday, March 19, 1923.

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

Prayer by the Rev. Mr. Perry of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve to provide for more suitable secondary education for the children of Beal's Island in the town of Jonesport.

In the Senate, read and adopted.

In the House, on motion by Mr. Rounds of Portland, read and adopted in concurrence.

Senate Bills In First Reading

Senate 242: Resolve in favor of George A. Dow, postmaster of the House of the 81st Legislature.

Senate 240: Resolve in favor of W. M. Stuart, postmaster of the Senate of the 81st Legislature.

Senate 241: Resolve in favor of Warren Prouty.

Senate 153: An Act relating to the distribution of assets of an insolvent estate.

Senate 70: An Act to amend Section 51 of Chapter 51 of the revised statutes, relating to change of name of a corporation.

From the Senate: Report of the committee on judiciary, reporting ought not to pass on bill, An Act to amend Section 64 of Chapter 86 of the revised statutes, relating to property exempt from attachment.

In the Senate, recommitted to the committee on judiciary.

In the House, on motion by Mr. Nichols of Portland, recommitted to the committee on judiciary in concurrence.

From the Senate: Bill, 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"; which together with House Amendment A was indefinitely postponed in the House, March 14.

In the Senate, passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Nichols of Portland, tabled pending further consideration.

Orders

On motion by Mr. Granville of Parsonsfield, it was,

Ordered, the Senate concurring, that the committee on ways and bridges is hereby authorized to employ such stenographic assistance as may be necessary for the remainder of the session.

Reports of Committees

Mr. O'Connell from the committee on inland fisheries and game on bill An Act to provide for a closed season for hunting in Bowman Town, Farmachenee Town, Oxbow Town, North Cupsuptic Town, so-called, and the south half of Seven Ponds Township, and the north half of Stetson Township, so called, the same being situated in the county of Oxford and in the county of Franklin, reported that same be referred to the commissioner of inland fisheries and game.

Same gentleman from some committee on bill An Act to amend Section 29 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, relating to transportation of fish under tag without the owner accompanying the same, reported that same be placed on file.

Mr. Ayer from the committee on public buildings and grounds reported ought not to pass on Resolve for maintenance and improvement of the State Park in Augusta.

Mr. Tilden from the committee on State School for Boys, State School for Girls and State Reformatories on Resolve appropriating money for the construction of modern institutional buildings at the State Reformatory for Men, reported that legislation thereon is inexpedient.

Reports read and accepted and sent up for concurrence.

Mr. O'Connell from the committee on inland fisheries and game on bill "An Act to constitute Ganneston Park a game sanctuary" reported same in a new draft under title of "An Act to constitute Ganneston Park, in the cities of Augusta and Hallowell, Kennebec County, a game sanctuary" and that it ought to pass.

Same gentleman from some committee on bill "An Act to amend Section 63 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, relating to the employment of guides by non-residents in certain cases" 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 amend Section 10 of Chapter 118 of the revised statutes relating to costs to be taxed for parties and attorneys" reported same in a new draft under same title and that it ought to pass.

Mr. Heal from the committee on public utilities on bill "An Act to amend Section 30 of Chapter 55 of the Revised Statutes relating to preference or rebate as to rates for service" reported same in a new draft under same title and that it ought to pass.

Same gentleman from same committee on bill "An Act to amend Paragraph 23, Section 15, Chapter 55 of the revised statutes, relating to public utilities," reported same in a new draft under title of "An Act to amend Section 15 of Chapter 55 of the revised statutes, relating to public utilities and that it ought to pass.

Mr. Tilden from the committee on State School for Boys, State School for Girls and State Reformatories on Resolve appropriating money for the construction and equipment of an industrial building at the State Reformatory for Men, reported same in a new draft under same title and that it ought to pass.

Same gentleman from same committee on Resolve in favor of the State School for Boys for maintenance and other purposes, reported same in a new draft under same title and that it ought to pass.

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

Mr. McIlheron from the committee on Indian Affairs reported "Ought to pass" on Resolve in favor of the Penobscot Tribe of Indians for redrafting plan book.

Mr. O'Connell from the committee on Inland Fisheries and Game reported same on Bill "An Act to amend Section 29 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, relating to transportation of fish under tag

without the owner accompanying the same."

Mr. Ayer from the committee on Public Buildings and Grounds reported same on Resolve in favor of the State Park Commission.

Reports read and accepted and the bills rodered printed under the Joint Rules.

The SPEAKER: The Chair presents out of order Veto Message from the Governor.

STATE OF MAINE

Office of the Governor,

Augusta, March 15, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:—

I return herewith without my approval House Document entitled—A RESOLVE Appointing a Committee of Investigation to Procure plans and estimates for a State Library Building.

Two years ago a Resolve similar to the one before you was passed by the Legislature but in it the appointment of a Library Commission was made optional with the Governor. After considering the matter from every angle I concluded not to take advantage of the power conferred upon me by the 1921 Resolve.

In my opinion it is unwise to start a project that will cost in the neighborhood of Five Hundred Thousand Dollars, unless before starting it we have reason to believe that the funds can be obtained to carry the project to completion. It is comparatively easy to set in motion a movement for a new Library Building, but it will not be easy to find the funds with which to build it.

The State has had some experience in the past in matters of this sort, and oftentimes a comparatively harmless looking Act or Resolve has been the beginning of a great expenditure, which probably would not have been authorized had the Legislature originating it fully appreciated what future developments would be.

It cannot be questioned that our State Library is crowded but in my opinion for the time being we can get along without undue inconvenience. If Five Hundred Thousand Dollars was now available I believe it could be used to better advantage in erecting new buildings at certain of our State institutions where there is real need of additional housing and equipment, than in the construction of a new Library

building. Let us first care for our In-sane and Feeble Minded, for our Prisoners at Thomaston and South Windham even though for a few years our State Library is somewhat overcrowded.

Respectably submitted.

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

On motion by Mr. Moody of York, the above veto message was tabled, and specially assigned for Wednesday, March 21.

Final Reading of Printed Bills and Resolves

House 395. An Act to amend the second paragraph of Section 45 of Chapter 117 of the Revised Statutes as amended by Chapter 153 of the Public Laws of 1917, as amended by Chapter 219 of the Public Laws of 1921, relating to clerk hire in the Androscoggin county registry of deeds.

House 396. An Act to amend Section 37 of Chapter 117 of the Revised Statutes of 1916, as amended by Section 1 of Chapter 194 of the Public Laws of 1917, as further amended by Chapter 214 of the Public Laws of 1919, as still further amended by Chapter 219 of the Public Laws of 1921, relative to the salary of county attorney of Lincoln county.

House 397. An Act authorizing the city of Portland to construct a fire station upon public grounds.

House 400. An Act to incorporate the city of Brewer High School District.

House 401: An Act to amend Section 44 of Chapter 217, Revised Statutes, as amended by Chapter 167, Public Laws of 1917, Chapters 214, 259, and 260, Public Laws of 1919, and Chapter 219, Public Laws of 1921, relating to salary of County Treasurer of Lincoln County.

House 402: An Act to amend Chapter 66 of the Private and Special Laws of 1915, entitled "An Act providing for pensions to employees of the city of Bangor."

House 403: An Act for the control and suppression of the European corn borer.

House 404: An Act to amend Section 44 of Chapter 117 of the Revised Statutes relating to the salary of the County Treasurer of Hancock County.

House 407: An Act to revise the military law of the State of Maine.

House 408: An Act in relation to employees and office expenses of the department of Attorney General.

House 409: An Act to amend Section 43 of Chapter 117 of the Revised Statutes as amended by Chapter 214 of the Public Laws of 1919, as amended by Chapter 219 of the Public Laws of 1921, increasing the salary of the Register of Deeds in the County of Sagadahoc.

House 410: An Act to amend Section 41 of Chapter 117 of the Revised Statutes as amended by Chapter 214 of the Public Laws of 1919, as amended by Chapter 219 of the Public Laws of 1921, relating to salary of Sheriff of Aroostook County.

House 411: An Act to amend Section 40 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, increasing the salary of the clerk of Judicial courts in the County of Sagadahoc.

House 413: An Act to amend Section 42 of Chapter 117 of the Revised Statutes, as amended by Chapter 173 of the Public Laws of 1917, as amended by Chapter 214 and Chapter 241 of the Public Laws of 1919, as amended by Chapter 219 of the Public Laws of 1921, in relation to salaries and expenses of County Commissioners.

House 414: 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.

House 415: An Act to amend Section 42, Chapter 117, Revised Statutes, as amended by Chapters 39 and 167, Public Laws of 1917, Chapter 214, Public Laws of 1919 and Chapter 219, Public Laws of 1921, relating to salary of County Commissioners of Androscoggin County.

Mr. WING of Auburn: Mr. Speaker, I move that House Document No. 415, an act relating to salary of County Commissioners of Androscoggin County be indefinitely postponed. I will state to this House that they are now paid \$750, and are fully, adequately and sufficiently paid.

Mr. GAGNE of Lewiston: Mr. Speaker, I do not know the reason of the gentleman from Auburn (Mr. Wing) for postponing that bill. The committee on salaries and fees reported that it ought to pass, and everyone knows that the men concerned have received very little pay so far. They only get \$750 per year, when even the little county of Hancock, which is a good deal smaller, gets \$750, and

out of that \$750 they must pay their own expenses. I hope Mr. Speaker that the motion of the gentleman from Auburn (Mr. Wing) will not prevail.

Mr. LITTLEFIELD of Kennebunk, Mr. Speaker, I move that this matter lie upon the table until tomorrow morning.

Thereupon the matter was tabled, the pending question being the motion of the gentleman from Auburn, Mr. Wing, that the bill be indefinitely postponed.

First Reading of Printed Bills and Resolves—Continued

House 416: An Act amending Chapter 222 of the Public Laws of 1919, relating to fees of constables.

House 418: An Act to amend Section 58 of Chapter 4 of the Revised Statutes, relating to the purposes for which cities and towns may raise money.

House 419: An Act relating to improvements on Nash Stream and the East and West Branches thereof in Coplin Plantation, and in the Township of Redington in the County of Franklin.

House 394: Resolve appropriating money for the establishment of a test laboratory at Caribou in the County of Aroostook.

House 398: Resolve providing a State pension for Frank A. Choate of Montville.

House 399: Resolve in favor of Nancy T. Morrill of Madison, widow of Cyrus D. Morrill, M. D., who served in the quota of Maine in the Civil war.

House 412. Resolve in favor of Central Maine Sanatorium for personal services, maintenance, repairs and equipment.

House 417. Resolve in favor of Western Maine Sanatorium for personal services, maintenance, repairs and equipment.

Passed to be Engrossed

House 317. An Act to amend Section 72, Chapter 11 of the Revised Statutes, relating to sale of real estate for taxes.

House 382. An Act to amend Section 51 of Chapter 82 of the Revised Statutes, as amended by Chapters 73, 211 and 227 of the Public Laws of 1917, as amended by Chapter 181 of the Public Laws of 1921, relating to trial terms of the supreme judicial court.

House 383. An Act relating to the packing and grading of apples.

House 387. An Act to amend Section 44 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, relating to the salary of the treasurer of York county.

House 389. An Act to amend Paragraph 15, Section 45, Chapter 117 of the Revised Statutes, as amended by Chapter 219, Public Laws of 1921, relating to clerk hire in county offices, in office of register of deeds in Waldo county.

House 390. An Act to authorize the city of Lewiston to issue its bonds to the amount of eighty thousand dollars to refund its bonds now outstanding and maturing in the year 1924.

House 391. An Act in addition to and to amend Chapter 75 of the Special Laws of 1866, as amended by Chapter 18 of the Private and Special Laws of 1878, as amended by Chapter 164 and Chapter 304 of the Private and Special laws of 1905, and as amended by Chapter 236 of the Private and Special Laws of 1911, entitled "An Act creating the South Paris Village Corporation, relating to a public sewer for said corporation."

House 393. An Act to provide for the designation and registration of farm names.

House 388. Resolve in favor of the Central Maine Sanatorium for fire protection.

House 392. Resolve providing aid in the control and suppression of the European corn borer.

Passed to be Enacted

An Act to incorporate the Yarmouth Water District.

(On motion by Mr. Rounds of Portland, tabled pending passage to be enacted, and specially assigned for Wednesday, March 21.)

An Act to amend Sections 44 and 45 of Chapter 10 of the Revised Statutes, relating to taxes in unincorporated places.

An Act to amend Sections 63 and 64 of Chapter 8 of the Revised Statutes, relating to Maine Forestry District.

An Act to amend Section 30 of Chapter 56 of the Revised Statutes, as amended by Chapter 76 of the Public Laws of 1917 and by Chapter 53 of the Public Laws of 1919, relating to branch railroad tracks.

An Act to amend Chapter 69 of the

Public Laws of 1921, relating to the fiscal year of the State.

An Act to amend the charter of the city of Calais, providing for election of a city manager.

An Act to regulate the sale of vinegar.

Mr. HALE of Portland: Mr. Speaker, I move that we lay on the table the act relating to the sale of vinegar, pending its passage to be enacted.

Mr. GARDINER of Gardiner: Mr. Speaker, will the gentleman from Portland (Mr. Hale) assign a day?

The SPEAKER: The gentleman from Portland, Mr. Hale, may answer through the Chair, if he wishes.

Mr. HALE: Mr. Speaker, I ask that it be specially assigned for Thursday next.

Thereupon, the bill was tabled pending passage to be enacted and specially assigned for Thursday next.

Passed to be Enacted—Continued

An Act to amend Section 9 of Chapter 219 of the Public Laws of 1917, relating to the screening of lakes and ponds.

An Act to amend Section 27 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, and by Chapter 196 of the Public Laws of 1919, and by Chapter 218 of the Public Laws of 1921, relating to use of traps, spears and nets in taking fish in inland waters.

An Act to amend Chapter 136 of the Public Laws of 1921, relating to night fishing in certain waters in Kennebec county.

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

An Act to amend Section 49 of Chapter 211 of the Public Laws of 1921, relating to the weight of heavy vehicles.

An Act to amend Section 58 of Chapter 87 of the Revised Statutes, relating to the setting aside of verdicts by single justices.

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

An Act to repeal Chapter 14 of the Public Laws of 1921, relating to protection of deer in the town of York.

An Act to amend Section 7 of Chapter 95 of the Revised Statutes, as amended by Chapter 47 of the Public Laws of 1921, relating to the foreclosure of mortgages.

An Act to amend Section 41 of Chapter 117 of the Revised Statutes, as amended by Chapter 167 of the Public Laws of 1917, by Chapter 214 of the Public Laws of 1919, and Chapter 219 of the Public Laws of 1921, relating to salaries of sheriffs.

Resolve granting the consent of the State to the building of a bridge between "Big Five Island" and "Hen Island" in the town of Georgetown.

Resolve authorizing the acceptance of a donation to Blaine Memorial Fund.

Orders of the Day

On motion by Mr. Archibald of Houlton it was voted to take from the table Senate Document No. 232, relating to cooperative marketing, tabled by that gentleman, March 15, pending assignment for third reading.

Mr. ARCHIBALD of Houlton: Mr. Speaker, I now offer House Amendment A and will state, in connection with this matter that this is an important bill and has had much discussion. The members ought to know that this amendment has been carefully considered by the chief counsel for the proponents of the measure, Mr. Barnes, as well as by other people interested in that amendment, and it is agreed to by all the parties at interest that this bill be so amended.

The SPEAKER: The gentleman from Houlton, Mr. Archibald, presents the following amendment to Senate Document No. 232.

House Amendment A to Senate Document No. 232

Amend Senate Document No. 232 by striking out all of the second sentence of the 17th section thereof after the word "unreservedly" in the Eighth line on Page 18, and inserting in lieu thereof the following:

"To the association upon delivery except for legally recorded chattel mortgages given for value and prior to the first day of July in any season on such products or commodities whether such mortgages are given before or after the making of such contract or sale." so that said section as amended shall read as follows:

17. Marketing Contract

"An association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, not over ten years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association, or any

facilities to be created by the association. If they contract a sale to the association, it shall be conclusively held that title to the products passes absolutely and unreservedly to the association upon delivery except for legally recorded chattel mortgages given for value and prior to the first day of July in any season on such products or commodities whether such mortgages are given before or after making of such contract of sale. The contract may provide, among other things, that the association may sell or resell the products delivered by its members, with or without taking title thereto; and pay over to its members the re-sale price, after deducting all necessary selling, overhead and other costs and expenses, including interest or dividends on stock, not exceeding eight per cent per annum, and reserves for retiring the stock, if any; and other proper reserves; and for any other deductions."

Thereupon the amendment was adopted.

Mr. ARCHIBALD of Houlton: Mr. Speaker, I move that the rules be suspended and that the bill be now given its third reading.

Thereupon the rules were suspended, and the bill given its third reading.

Mr. NICHOLS of Portland: Mr. Speaker, may I inquire if the amendment can be printed?

The SPEAKER: Does the gentleman from Portland, (Mr. Nichols) wish to table the bill, the purpose being for the printing of the amendment?

Mr. NICHOLS: I would like to inquire, Mr. Speaker, of the gentleman from Houlton (Mr. Archibald), through the Chair, if he has any objection to the bill being tabled, pending the printing of the amendment.

Mr. ARCHIBALD: The only reason that I asked for a suspension of the rules, Mr. Speaker, at this time, was because this matter has already been considerably delayed, or at least has been held up in committee, and the people who are vitally interested in this act, realizing its importance, are anxious that it be enacted, so that they may commence doing business. It is an emergency matter, and they are very anxious about it, and that is the reason why I asked for a suspension of the rules. If the gentleman from Portland (Mr. Nichols) really thinks that he should examine the amendment, of course I would not feel like objecting to it, but that is my reason for asking for a suspension of the rules.

The SPEAKER: The Chair will state that the rules have already been suspended, and the bill has received its third reading.

Mr. NICHOLS: Then, Mr. Speaker, I will withdraw my request.

Thereupon, the bill as amended by House Amendment A was passed to be engrossed.

On motion by Mr. Bartlett of Hanover.

Adjourned until tomorrow morning at ten o'clock.