

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

SENATE

Tuesday, February 6, 1923.

Senate called to order by the President.

Prayer by Rev. A. F. Walch of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Ordered, the Senate concurring, that there be appointed a special joint committee of seven on the part of the House, and three on the part of the Senate, to consider the Cole report, and to report to this Legislature by bill or otherwise; and to which committee may be referred bills pertaining to the Cole report.

In the House read and passed and the following committee appointed on the part of the House: Messrs. Archibald, Jones, Stratton, Brewster, Baker, Granville and Morse.

In the Senate read and passed, and the Chair appointed as such committee on the part of the Senate: Messrs. Eaton, Allen and Cram.

From the House: Resolve in favor of the Maine State Prison at Thomaston for repair of outside buildings.

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

Resolve providing for the completion of the cell block of the Maine State Prison at Thomaston.

These resolves were referred by the Senate to the committee on appropriations and financial affairs. The House referred the resolves to the committee on State prisons, in non-concurrence.

On motion by Mr. Eaton of Oxford, the Senate voted to recede and concur with the House reference.

From the House: An Act to amend Section 70 of Chapter 16 of the Revised Statutes to provide transportation for pupils who live on islands on which there are no secondary schools and from which regular transportation lines are established.

In the House referred to the committee on education.

In the Senate on motion by Mr. Hinckley of Cumberland, tabled and 500 copies ordered printed pending reference in concurrence.

From the House: An Act to amend Chapter 7 of the Revised Statutes of 1916, as amended by the Public Laws of 1917 relating to elections, ballot boxes in particular, by revising Sections 31, 32, 33 and 34.

In the House referred to the committee on legal affairs.

In the Senate on motion by Mr. Hinckley of Cumberland, tabled and 500 copies ordered printed pending reference in concurrence.

Communication from the Executive Department

State of Maine
Executive Department,
February 6, 1923.

To the Senators and Representatives of the 81st Legislature:

For the information of the Legislature I have had prepared a list of the employees of the 80th Legislature showing the salaries paid to them. The information handed you herewith has been furnished me by the auditor's office and is divided into three classes.

Class A gives the list of employees of the 80th Legislature who receive more than one salary for the legislative work.

Class B gives a list of legislative employees who receive a single salary for their legislative work.

Class C gives a list of the employees who receive a special salary for their legislative work, and in addition thereto their regular salaries as State departmental employees.

The total amount spent for these three classes was \$25,904.38, not including regular salaries in Class C amounting to \$4,750.82, and this message is sent you so that you may have the information needed in preparing the salary lists of the employees of the present 81st Legislature. In my opinion there is some duplication in these items, and I believe, in the interest of economy, it would be well for the several legislative committees to consult together before establishing the amounts to be paid for services rendered during the present session.

At the beginning of the session an order was introduced providing that the Governor and Council fix the amounts of salaries to be paid for certain legislative employees. The Legislature in its wisdom declined to pass the order, preferring to handle this matter itself. In order that the Legislature may have the facts upon which to base its figures the State Auditor has prepared the accompanying tables at my request, and I submit them to you.

The total amount of \$25,904.38 appears large, and I believe if the Legislature cares to do so that in some cases the figures can be reduced by a substantial amount, without doing injustice to those employed. If the Legislature will set an example in the practice of economy in the management of its own affairs, it will encourage our State departments and institutions to do likewise and our people will be relieved from some of the staggering burdens of taxation.

CLASS A

Employees of Eightieth Legislature Who Received More than One Salary for Legislative Work

Charles S. Buckley, Clerk, Committee on Ways and Bridges	\$325.00	Harry P. Hawes, Assistant Secretary of Senate Assistant Secretary of Senate (extra services)	602.00 100.00
Clerk, Committee on Salaries and Fees	250.00		
Clerk and Stenographer, Committee on Taxation	150.00		
	<hr/>		<hr/>
	\$725.00	Kenneth F. Lee, Messenger, Judiciary Committee	225.00
George H. Chick, Page in Senate	161.00	Clerk, Committee on State Lands and Forest Preservation	150.00
Messenger, Legal Affairs Committee	100.00	Stenographer, Committee on Claims	10.00
	<hr/>	Clerk, Committee on Insane Hospitals	50.00
	\$261.00		<hr/>
Francis C. Colburn, Document Clerk, House	301.00		\$435.00
Weekly Cumulative Index	100.00	H. G. Smallidge, Assistant Messenger to House	327.00
	<hr/>	Extra services, Assistant Messenger to House	100.00
	\$401.00		<hr/>
Julian K. Croxford, First Folder, House	312.00		\$427.00
Clerk, Committee on Claims	300.00	Benjamin H. Swasey, Clerk, Committee on Feeble Minded	50.00
Clerk, Committee on Public Health	100.00	Second Folder, Organization of House	36.00
	<hr/>	Messenger, Committee on Appropriations	100.00
	\$712.00	Clerk, Committee on Sanatoriums	100.00
Verna B. Curtis, Stenographer, Committee on Public Utilities	100.00		<hr/>
Stenographer, Committee on Salaries and Fees	200.00		\$286.00
	<hr/>	Faith A. Tryon, Stenographer, Committee on Legal Affairs	250.00
	\$300.00	Stenographer, Committee on De-districting of State	15.00
George A. Dow, Document Clerk, Senate	313.00	Stenographer, Committee on Military Affairs	25.00
Weekly Cumulative Index	100.00		<hr/>
	<hr/>		\$290.00
	\$413.00	Mellen Tryon, Doorkeeper, Senate	312.00
		Clerk, Committee on Public Utilities	250.00
			<hr/>
			\$562.00
		Total,	<hr/>
			\$5,514.00

CLASS B

Employees of Eightieth Legislature Who Received One Salary for Legislative Work

Alice H. Aliff, Stenographer to Secretary of Senate	\$601.00
C. H. Ashford, Doorkeeper, House (Special Session)	16.00
J. F. Ashford, Messenger to Senate	417.00
C. O. Barrows, Stenographer Lawrence P. Barton, Clerk, Legal Affairs	10.00 500.00
Queenie A. Bickford, Stenographer, Judiciary	50.00
Mary W. Bouiter, Special Messenger, House	253.00
Thomas Briggs, Special Messenger, House	60.00
William W. Brown, Folder, Senate	305.00

Philip T. Carroll, Assistant Folder, Senate	331.00
Francis J. Cayouette, Second Folder, House	301.00
Clyde R. Chapman, Clerk of House	1,414.00
E. M. Chapman, Stenographer to Clerk of House	600.00
Cecil Clay, Reporter of House	1,264.00
D. S. Clement, Mail Carrier, House	302.00
P. F. Crane, Organizing Senate	115.00
Alfred R. Dostie, Page, House	151.00
Ralph M. Farris, Clerk, Bills in Second Reading	500.00
Roy C. Fish, Assistant Clerk of House	619.00
C. L. Fish, Stenographer to Speaker of House	300.00
Patrick Fitzgerald, Door-keeper, House	301.00
Helen Fuller, Stenographer to Assistant Reporter of House	225.00
William W. Gallagher, Clerk, Judiciary	600.00
Beatrice C. Gidney, Stenographer, Committee on Appropriations and Financial Affairs	350.00
Fred L. Hayden, Stenographer, Committee on Taxation	21.50
Patrick Hayes, Messenger to House	402.00
George T. Hinchcliffe, Clerk and Stenographer, Sea and Shore Fisheries	150.00
Fred W. Lee, Reporter to Senate	1,251.00
M. C. Lee, Assistant Typist, Senate	351.00
Percy N. H. Lombard, First Folder, Organizing House	30.00
Stephen D. Lord, Assistant Messenger to Senate	322.00
S. D. Lord, Clerk, Towns	50.00
Edmund D. Mallett, Clerk, Committee on Appropriations and Financial Affairs	700.00
Louis A. McGown, Clerk and Stenographer, Mercantile Affairs and Insurance	100.00
Bernice M. Patten, Clerk	400.00
John J. Perry, Assistant Messenger to Governor and Council	400.00
Charles H. Porter, Page, Senate	151.00
Harry L. Rankin, Postmaster, House	320.00
L. B. Raynes, Assistant Reporter, Senate	615.00
Thomas M. Rollins, Mail Carrier, Organizing House	16.00
Lena I. Sanborn, Stenographer to Reporter of House	350.00
W. M. Stuart, Postmaster, Senate	310.00
Arthur E. Tiffin, Clerk, Bills in Third Reading	500.00
L. Ernest Thornton, Secretary of Senate	1,501.00
Charles J. Whiting, Page, House	152.00

Arthur H. Whitman, Assistant Reporter to House	613.00
Lelia Yeaton, Stenographer to President of Senate	501.00
Total	\$18,791.50

CLASS C

Employees of Eightieth Legislature Who Had Special Compensation for Legislative Work and Also Regular Salary from Department Where Employed

	Regular Salary 13½ Weeks	Special Legislative Work
Bernice E. Bates, Clerk, Committee on Education Salary @ \$23.07 a week	\$311.45	\$200.00
Brooks Brown, Clerk, Committee on Agriculture Salary @ \$32.69 a week	441.32	200.00
Anne M. Clancy, Clerk to Supply Department Salary @ \$23.07 a week	311.45	150.00
Lillian J. Coleman, Clerk Committee on Interior Waters Salary @ \$33.00 a week	445.50	150.00
Olive M. Dutton, Clerk, Committee on Library Salary @ \$17.00 a week	229.50	60.00
Myrtle H. Hodgdon, Clerk, Inland Fisheries and Game Salary @ \$32.69 a week	441.32	150.00
Mildred L. Humphrey, Stenographer to Special Committee on Agriculture Salary @ \$23.07 a week	311.45	50.00
Ralph Ingraham, Clerk, Engrossing Department Salary @ \$20.00 a week	270.00	27.75
Thomas A. James, Messenger, Inland Fisheries and Game Salary @ \$34.60 a week	467.10	50.00
Nellie S. Lord, Clerk and Stenographer, Pensions Salary @ \$18.00 a week	243.00	100.00
Sarah W. Pike, Stenographer, Judiciary Committee Salary @ \$16.50 a week	222.75	250.00

Ola W. Plummer, Clerk, Engrossing Department	10.88
Salary @ \$21.15 a week	285.53
Carolyn L. Sparks, Clerk, Engrossing Committee	51.75
Clerk, Committee on Counties	15.00
Salary @ \$19.00 a week	256.50
Amy E. Teague, Clerk, Engrossing Department	6.75
Salary @ \$15.00 a week	202.50
Edith B. Wilson, Clerk, Engrossing Committee	51.75
Clerk Committee on Engrossed Bills	75.00
Salary @ \$23.07 a week	311.45
	\$4,750.82 \$1,598.88

Summary of Legislative Payroll

Class B, one salary list	\$5,514.00
Class A, more than one sal- ary list	18,791.50
Class C, special list with regular departmental sal- ary	1,598.88
Total,	\$25,904.38

Respectfully submitted

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

Received out of order.

Read and placed on file. Sent down
for concurrence.

House Bills in First Reading

House 24: An Act to amend Section 4 of Chapter 129 of the Private and Special Laws of 1917, entitled "An Act to amend the charter of the York Beach Village Corporation."

House 26: An Act to amend Section 56 of Chapter 96 of the Revised Statutes relating to lien on vehicles.

House 22: Resolve in favor of Roy L. Fernald, in payment of counsel fees and disbursements made by him in the contested representative election case from the class towns of Searsport, Islesboro, Stockton, Prospect, Winterport and Frankfort.

House 23—Resolve in favor of Joseph A. Pendleton, in payment of counsel fees and disbursements made by him in the contested representative election case from the class towns of Searsport, Islesboro, Stockton, Prospect, Winterport and Frankfort.

Communication from the State Auditor

STATE OF MAINE,

Department of State Auditor

Augusta, February 6, 1923.

To the Honorable Senate and House of Representatives:

Section 84 of Chapter 2 of the Revised Statutes requires that "whenever any appropriation or fund is expended all bills and accounts presented to the State Auditor and drawn on said expended appropriation or fund shall not be approved by him, but shall be reported by him to the next session of the Legislature, etc." The law establishing the State Contingent Fund authorizes "warrants to be drawn upon and charged to, and paid out of said fund, to pay outstanding bills or accounts that were properly chargeable to the several appropriations previous to the first day of July of each year."

In an opinion from the Attorney General to this office interpreting the two acts above the following language was used: "It was undoubtedly the intention of the Legislature to limit claims which could be paid out of this fund to those which became properly chargeable to the several appropriations within a year previous to the year in which the bill is presented to the Governor and Council. Any other interpretation would involve such sweeping powers and so much authority over the money of the State that we cannot believe that the Legislature ever intended to relinquish so much authority to the Executive Department."

Bills for the fiscal year 1922 are presented to the Governor and Council for payment from State Contingent Fund while bills contracted prior to July 1, 1921 are herewith referred to the Legislature. These bills total \$34,720.42.

I would recommend that the claims for damage by dogs to domestic animals be ordered paid from dog licenses collected during the present year.

Respectfully submitted,

(Signed) Elbert D. Hayford,
State Auditor.

Read and referred to the committee on claims and sent down for concurrence.

The following bills, petitions, etc., were received and on recommenda-

tion by the committee on reference of bills were referred to the following committees:

Appropriations and Financial Affairs

By Mr. Wadsworth of Kennebec: 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.

Judiciary

By Mr. Wilson of Aroostook: An Act authorizing the formation of non-profit, co-operative associations, with or without capital stock, for the purpose of encouraging the orderly marketing of agricultural products through co-operation; defining the various terms used therein; enumerating the activities and powers of such an association; prescribing the rights and privileges of membership; providing for articles of incorporation, declaring what they shall contain, manner of executing and filing, method of amending same; providing for by-laws and what they may contain; providing for method of election of directors, filling of vacancies; powers and duties of directors; division into election districts; appointment of executive committees and allotment of functions and powers; providing for officers, qualifications, election and functions; regulating issuance of membership certificates or stock and payment therefor; limiting personal liability of members for debts of association; regulating voting power of members and stockholders; authorizing issuance of preferred stock, with or without right to vote; and the retirement thereof; providing for removal of officers and directors; providing for referendum to members; providing for a marketing contract; and prescribing remedies for breach of contract, including liquidated damages, fees and all costs; authorizing injunction and general equitable remedies in the event of breach of agreement; stating presumption of control of products by landlords who have signed marketing agreements; providing for annual reports; providing that no provision of law in conflict with this act shall be construed as applying to such association; providing that legal exemption of agricultural products in the possession of producers shall apply to such products in

possession of, or under the control of, such associations; limiting the use of the word "Co-operative" to names for producers' co-operative marketing activities; permitting associations to organize other corporations or to own stock in other corporations; providing for agreements with other co-operative associations in this or other states and stating the purposes or reasons therefor; providing that associations heretofore organized may re-organize hereunder; providing for similar rights and remedies for co-operative associations organized under generally similar laws in other states; making it a misdemeanor to induce a member to breach his marketing contract with the association, or spread false reports about it and prescribing a fine for each offense; making such offender liable to the association for a prescribed penalty therefor in a civil suit; providing liability to the association in a penal sum in certain cases for any person who knowingly solicits, persuades or permits any member of the association to breach his marketing contract; authorizing an injunction against such offender; providing for payment of all fees and costs; setting out the reasons for such provisions; providing that no such associations shall be deemed a conspiracy or an illegal combination or monopoly; providing that marketing contracts shall not be considered illegal; providing that if any section of this act shall be declared unconstitutional, the remainder of the act shall not be thereby affected; providing that the general corporation laws of this State shall apply to such associations, except where inconsistent with express provisions hereof; providing for annual license fees; providing fees for filing articles of incorporation and amendments thereto; providing that this act may be hereafter indexed and cited as "The Co-operative Marketing Act." (2000 copies ordered printed.)

By Mr. Eaton of Oxford: An Act to amend the eighteenth paragraph of section forty-three of chapter one hundred and seventeen of the Revised Statutes in relation to the time of payment by Registers of Deeds to County Treasurers.

By Mr. Putnam of Washington: An Act authorizing the town of

Jonesport to raise and appropriate money to pay expenses of the hearing before the legislature of 1921, relative to division of said town.

Salaries and Fees

By Mr. Smith of Somerset: An Act to amend section thirty-seven of chapter one hundred and seventeen of the Revised Statutes of 1916, relative to the salaries of county attorneys.

Sea and Shore Fisheries

By Mr. Sargent of Hancock: An Act to amend chapter 172, Special Laws of 1899 relating to a close time on lobsters in Pigeon Hill Bay in the towns of Milbridge and Steuben.

By the same senator: An Act to amend chapter 260, Special Laws of 1911 relating to close time on lobsters in waters of Winter Harbor.

By the same senator: An Act to amend chapter 154, Special Laws of 1915 relating to a close time on lobsters in the waters of the town of Cutler, Trescott and Lubec.

By the same senator: An Act to amend chapter 380, Special Laws of 1909 as amended by chapter 84, 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.

By the same senator: An Act to amend chapter 121, Special Laws of 1915 as amended by chapter 89, Special Laws of 1917 relating to close time on lobsters in waters of Machias Bay and adjacent waters in Washington county.

By the same senator: An Act to amend chapter 163, Special Laws of 1913 relating to a close time on lobsters in the waters of Jonesboro and Addison.

By the same senator: An Act to better protect the lobster industry in the waters around Matinicus and Criehaven.

By the same senator: An Act to amend chapter 122, Special Laws of 1915 relating to a close time on lobsters in the waters of Jonesboro and Roque Bluffs.

By the same senator: An Act to amend chapter 172 Special Laws of 1899 as amended by chapter 259, Special Laws of 1903 relating to close time on lobsters in waters of Pigeon Hill Bay.

By the same senator: An Act to amend chapter 85, Special Laws of 1915 as amended by Chapter 181 of the Special Laws of 1917 relating to a close time on lobsters in certain waters of Hancock county.

Ways and Bridges

By Mr. Smith of Somerset: Resolve in favor of the town of Madison for the repair of a road.

By the same senator: Resolve in favor of the town of Cornville to repair a road.

By the same senator: Resolve in favor of the town of Concord for the repair of a bridge.

By the same senator: Resolve in favor of town of Skowhegan for a road.

By the same senator: Resolve in favor of Anson for a highway.

Orders

On motion by Mr. Eaton of Oxford, it was

Ordered, that 300 copies of the Governor's communication in reference to the legislative salary list be printed for the use of the Legislature.

Bills in First Reading

S. 42: Resolve in favor of Harry P. Hawes, assistant secretary of the Senate of the 80th Legislature.

Reports of Committees

Mr. Allen from the committee on education, on An Act to amend Section 120 of Chapter 16, relating to the appointment of the State superintendent of public schools, reported same ought to pass.

Mr. Hinckley from the committee on judiciary, on An Act to amend Section 10 of Chapter 137, of the Revised Statutes, relating to the appointment of probation officers, reported same in a new draft under the same title and that it ought to pass.

The reports were accepted and the bills tabled for printing under the joint rules.

Orders of the Day

On motion by Mr. Eaton of Oxford, the report of the joint special committee ordered by the 80th Legislature to investigate and report upon the consolidation of the banking laws of the State, and the bill, An Act to revise and consolidate the banking laws of the State, was taken from the table, and on further motion

by the same senator was referred to the committee on banks and banking.

Mr. ALLEN of York: Mr. President, I move that we take from the table the bill relating to the Belgrade Lakes Village Corporation, tabled by me last Friday morning.

The motion was agreed to.

Mr. ALLEN; I understand this bill came from the House, that body having non-concurred in the Senate reference.

The PRESIDENT: The Senate referred this bill to the committee on towns. In the House it was referred to the committee on legal affairs.

Mr. ALLEN. I move that the Senate recede and concur with the House in the matter of the reference of this bill.

The motion was agreed to and the bill was so referred.

On motion by Mr. Smith of Somerset, An Act to create the Kennebec Reservoir was taken from the table.

The motion was agreed to, and on further motion by the same senator the bill was referred to the commit-

tees on judiciary and interior waters, jointly.

On motion by Mr. Hinckley of Cumberland, An Act to regulate bakeries and bakery products, was taken from the table, and on further motion by the same senator the bill was referred to the committee on legal affairs in concurrence.

On motion by the same senator, An Act relating to the setting aside of verdicts by a single justice was taken from the table and on further motion by the same senator the bill was referred to the committee on judiciary in concurrence.

On motion by the same senator, An Act relating to the protection of deer in the eight southern counties of the State, was taken from the table, and on further motion by the same senator was referred to the committee on inland fisheries and game.

On motion by Mr. Sargent of Hancock,

Adjourned until tomorrow morning at 10 o'clock.