

# 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**

Friday, February 23, 1923.

Senate called to order by the President.

Prayer by the Rev. H. A. Clark of Gardiner.

Journal of previous session read and approved.

On motion by Mr. Allen of York, under suspension of the rules, it was Ordered, the House concurring, that when the Senate and House adjourn they adjourn to meet on Monday, February 26th, at 4.30 o'clock in the afternoon.

Sent down for concurrence.

Papers from the House disposed of in concurrence.

From the House: Petition of M. D. Tibbetts of Rangeley and 40 other citizens of Maine in favor of a constitutional amendment prohibiting the use of public funds for sectarian schools.

The PRESIDENT: In the House this petition was referred to the committee on judiciary. The bill prohibiting the use of public funds for sectarian schools was referred to the committee on education.

Mr. HINCKLEY of Cumberland: Mr. President, I move that the Senate non-concur with the House reference to the committee on judiciary and refer this petition to the committee on education.

The motion was agreed to and the petition was so referred. Sent down for concurrence.

**House Bills in First Reading**

House 135. An Act to amend Sections 38 and 39 of Chapter 8 of the Revised Statutes, relative to the suspension by the Governor of open season for hunting.

House 132. Resolve making an appropriation for co-operative agricultural work between the College of Agriculture of the University of Maine and the United States Department of Agriculture.

House 133. Resolve in favor of Jesse Overlock, secretary of committee on State prison.

House 134. An Act to amend Chapter 136 of the Public Laws of 1921, relating to night fishing in certain waters of Kennebec county.

Mr. PUTNAM of Washington: Mr. President, I move that this bill, H. D. 134, be recommitted to the committee

on inland fisheries and game, as a bill has been introduced which partly covers the same matter, and it will save engrossing two bills.

The motion was agreed to, and the bill was recommitted.

**Communication from the House of Representatives**

State of Maine  
House of Representatives  
Office of the Clerk.

Augusta, February 22, 1923.

To L. Ernest Thornton, Secretary of the Senate of the 81st Legislature, Dear Sir:—The Governor of the State having returned to the House without his approval and with his objections to the same bill "An Act to amend Section 70 of Chapter 8 of the Revised Statutes as amended by Chapter 83 of the Public Laws of 1921, relating to forest fire fighters in the Maine forestry district," the House proceeded to vote upon the question

"Shall the bill be passed notwithstanding the objections of the Governor?"

A ye and nay vote was taken. None voted in the affirmative, 132 in the negative, and accordingly the bill failed of a passage.

Respectfully,

(Signed) Clyde R. Chapman,  
Clerk of the House of  
Representatives.

Read and placed on file.

**Communication from the Governor**

From the House: A communication from the Governor in relation to a State highway program came from the House, in that body read and ordered placed on file.

In the Senate, read and placed on file in concurrence.

**Communication from the Office of the Secretary of State**

A communication from the office of the secretary of State, transmitting a list of the titles of public acts approved by the Governor, was received and placed on file.

The following bills, petitions, etc., were presented and, on recommendation by the committee on reference of bills, were referred to the following committees:

**Inland Fisheries and Game**

By Mr. Adams of Kennebec: An Act to amend Section 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 33 of the Public Laws

of 1919, and by Chapter 218 of the Public Laws of 1921, relating to the protection of fur-bearing animals.

By the same senator: Petition of Ernest E. Johnson and 16 others, residents of Kennebec county, relating to the closing of Kennebec county to killing and trapping of muskrats until October 15th, 1925.

#### Judiciary

By Mr. Hussey of Aroostook: An Act to amend Section 15, Chapter 133 of the Revised Statutes, relating to complaints and indictments, (500 copies ordered printed)

By the same senator: An Act to amend Section 7, Chapter 117, Revised Statutes, as amended by Chapter 226, Public Laws of 1919, and Chapters 7 and 206, Public Laws of 1921, relating to the retirement and compensation of judges. (500 copies ordered printed)

By the same senator: An Act to amend Section 1 of Chapter 82 of the Revised Statutes, relating to the Supreme Judicial Court. (500 copies ordered printed)

#### Judiciary and Interior Waters

By Mr. Brewster of Cumberland: An Act to continue the Maine Water Power Commission, created by Chapter 132 of the Public Laws of 1919 and to increase its duties and powers and to provide for the creation of corporations which may undertake the conservation, storage and control of waters within the State. (2000 copies ordered printed)

#### Sea and Shore Fisheries

By Mr. Bailey of Penobscot: Resolve to increase the salmon on the Maine coast.

By the same senator: Petition of J. E. Gross of Orland and 39 others; petition of Amos F. Webster of Orland and 50 others; petition of S. D. Bridges of Verona and 16 others in favor of resolve to increase the salmon on the Maine Coast.

#### Orders

On motion by Mr. Phillips of Hancock, it was

Ordered, that the Governor be requested to return S. 67, An Act to amend Section 35, Chapter 8 of the Revised Statutes, relating to building of camp fires, for further consideration by the Legislature.

The PRESIDENT: The Chair will state that the bill is in the possession of the Senate for any action desired.

On motion by Mr. Phillips, the bill was tabled, pending further action.

On motion by Mr. Speirs of Cumberland, it was

Ordered that 500 additional copies of S. D. 130 be printed for the use of the Legislature.

#### Reports of Committees

Mr. Hinckley from the committee on judiciary, on An Act to amend Section 35 of Chapter 95 of the Revised Statutes relating to proceedings to bar action on undischarged mortgage, reported that the same ought not to pass.

Mr. Hussey from the same committee, on An Act to amend Section 3 of Chapter 9 of the Public Laws of 1919, establishing a superior court in the county of Penobscot, reported that the same ought not to pass.

Mr. Hinckley from the committee on judiciary, on An Act to amend Section 14 of Chapter 137 of the Revised Statutes, relating to probation, reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. Wadsworth from the committee on appropriations and financial affairs, on 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, reported that the same ought to pass.

Mr. Eaton from the same committee, on An Act to amend Chapter 3, Section 31, of the Revised Statutes relative to printing and binding of reports of certain State departments, reported that the same ought to pass.

Mr. Buzzell from the committee on judiciary, on An Act to create a board of road commissioners in the town of Mt. Desert, reported that the same ought to pass.

Mr. Hinckley from the same committee, on An Act to legalize and make valid the doings of the inhabitants of the town of Brooklin, at the annual town meeting held on March 6th, 1922, reported that the same ought to pass.

Mr. Hussey from the same committee, on An Act to amend Section 11, of Chapter 127, of the Revised Statutes relative to search warrants for implements of gambling, reported same in a new draft, under the same title, and that it ought to pass.

The same senator from the same committee on, 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, reported that the same ought to pass.

The reports were accepted and the

Bills tabled for printing under the joint rules.

Mr. Spencer from the committee on public utilities on, 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 a refund (Senate Doc. No. 86), reported that the same ought to pass.

The report was accepted, and on motion by Mr. Spencer of York, under suspension of the rules, the bill was given its first reading.

The same senator from the same committee, on An Act to extend the charter of the Eastern Maine Railroad, reported that the same ought to pass.

Mr. Hinckley from the committee on judiciary, on An Act relating to transferring inmates of the State School for Boys to the Reformatory for Men, reported that the same ought to pass.

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

Mr. Sargent from the committee on School for Feeble Minded, on resolve in favor of the Maine School for Feeble Minded for maintenance for the years 1924 and 1925, reported that the same be referred to a joint committee of appropriations and financial affairs and School for Feeble Minded.

The same senator from the same committee, on resolve in favor of the Maine School for Feeble Minded for additions and improvements, reported that the same be referred to a joint committee of appropriations and financial affairs and School for Feeble Minded.

The reports were accepted and the bills so referred.

**Passed to be Engrossed**

H. 118. An Act to amend Section 52 of Chapter 117 of the Revised Statutes as amended by Chapter 34 of the Public Laws of 1919, relating to the board of Osteopathic examination and registration.

Hll 121. 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.

H. 122. An Act to extend the charter of York Harbor Village Corporation.

H. 123. Resolve in favor of the commissioner of agriculture, for carrying out the provisions of Chapter 81 of the Public Laws of 1921.

H. 124. Resolve in favor of Highmoor Farm in the town of Monmouth.

H. 125. Resolve in favor of animal husbandry.

H. 126. Resolve in favor of scientific investigation in agriculture in Aroostook county.

H. 127. An Act authorizing the town of York to raise money to aid the York Library Association.

H.128. An Act to extend the charter of the Quebec Extension Railway Company.

H. 129. An Act to extend the charter granted to the Salisbury Cove Water Company, for the taking of water from Lake Wood, and furnishing water to the village of Salisbury Cove, for two years.

H. 130. An Act to extend the charter of the R. & T. Cement Railroad.

**Passed to be Enacted**

An Act to amend Section 32 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 174 of the Public Laws of 1919, and Chapter 178 of the Public Laws of 1921, relating to the pollution of certain waters with sawdust and other mill waste.

An Act establishing the Katahdin Park Game Preserve in the county of Piscataquis.

An Act to amend Section 10 of Chapter 129 of the Revised Statutes, as amended by Chapter 127 of the Public Laws of 1917, relating to injuries to dams, canals, mill machinery, ponds, engines and electrical fixtures; obstruction of bridges and ways.

An Act to amend Section 1 of Chapter 185 of the Private and Special Laws of 1823, relating to the limit of the endowment fund of Foxcroft Academy.

**Orders of the Day**

On motion by Mr. Speirs of Cumberland, S. 53, An Act to create the Kennebec Reservoir Company and define the powers thereof, was taken from the table, and on further motion by the same senator, the report of the committee on bills in the second reading, was accepted.

On further motion by the same senator, under suspension of the rules, the bill in a new draft, which had not been printed, was given its first reading.

Mr. SMITH of Somerset: Mr. President, pending second reading of this bill, I move that it lie on the table.

On motion by Mr. Hinckley of Cumberland, the motion was amended by ordering 500 copies of the new draft printed, and the bill was tabled pending printing.

On motion by Mr. Kirschner of Androscoggin, H. D. 70, An Act to amend Chapter 128 of the Private and Special Laws of 1921, amending Chapter 103 of the Private and Special Laws of 1919, amending Chapter 444 of the Private and Special Laws of 1903, relating to clerk hire in Lewiston municipal court, was taken from the table. The senator then yielded to the senator from Androscoggin, Mr. Morneau.

Mr. MORNEAU: Mr. President, I move that the rules be suspended and the Senate reconsider its action whereby it passed this bill to be enacted, H. D. 70.

The motion was agreed to, and on further motion by the same senator the Senate voted to reconsider the action whereby this bill was passed to be engrossed.

The same senator then presented Senate amendment A to H. D. 70, and moved its adoption:

**Senate Amendment A to H. D. 70**

Amend the title of H. D. No. 70, which now reads: "An Act to amend Chapter 128 of the Private and Special Laws of 1921, amending Chapter 103 of the Private and Special Laws of 1919, amending Chapter 444 of the Private and Special Laws of 1903, relating to clerk hire in the Lewiston municipal court," so that said title shall read as follows. 'An Act to amend Chapter 128 of the Private and Special Laws of 1921, relating to clerk hire in the Lewiston municipal court.'

The amendment was adopted and the

bill as amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Croxford of Penobscot, under suspension of the rules and by unanimous consent, it was

Ordered, the House concurring, that all bills, resolves, petitions and orders, after the session of the Legislature held on Thursday, March 1st, except such as pertain solely to facilitating the business of the 81st Legislature, be referred to the next Legislature.

Sent down for concurrence.

Mr. RYDER of Piscataquis: Mr. President, I would like to inquire, through the Chair, if the title to S. D. 114, relating to close time on lobster traps, has been corrected?

The PRESIDENT: The Chair will state that the bill is upon the table and nothing has been presented as yet by way of amendment.

Mr. RYDER: Mr. President, I yield to the senator from Hancock, Mr. Sargent.

On motion by Mr. Sargent, S. D. 114 was taken from the table, and on further motion by the same senator, the bill was recommitted to the committee on bills in second reading for correction of title.

On motion by Mr. Croxford of Penobscot,

Adjourned until Monday, February 26, at 4.30 o'clock P. M.