

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

Wednesday, February 28, 1923.

Senate called to order by the President.

Prayer by the Rev. A. F. Welch of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

House Bills in First Reading

House 84. An Act to amend the charter of the city of Hallowell relative to the appointment of the city marshal and street commissioner.

House 90. An Act to amend Section 26 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 and Chapter 218 of the Public Laws of 1921, relating to the taking of smelts in the tributaries of Sebago Lake.

House 168. An Act to amend Section 11 of Chapter 211 of the Private and Special Laws of 1895, as amended by Chapter 101 of the Private and Special Laws of 1909, as amended by Chapter 146 of the Private and Special Laws of 1915, as amended by Chapter 33 of the Private and Special Laws of 1919, relating to the salary of the recorder of the Bangor municipal court.

House 171. An Act to amend Chapter 31 of the Private and Special Laws of 1905, entitled "An Act to authorize the Houlton Water Company to generate, sell and distribute electricity," as amended by Chapter 348 of the Private and Special Laws of 1909.

House 172. An Act relative to motor vehicles, neutral zone, and to revise and amend Sections 34 and 75 of Chapter 211 of the Public Laws of 1921.

House 173. An Act to amend Chapter 145 of the Private and Special Laws of 1887, entitled "An Act to provide Sewerage in the town of Houlton," as amended by Chapter 142 of the Private and Special Laws of 1903 and by Chapter 107 of the Private and Special Laws of 1907.

House 180. An Act to extend the charter of the Penobscot Valley Gas Company.

House 165. Resolve increasing the pension of Lester Patten of Hermon.

House 166. Resolve in favor of State pension for Levi Holden.

House 167. Resolve increasing the State pension of Charles D. Preble of Kittery.

House 169. Resolve in favor of the board of registration of medicine.

House 177. Resolve providing for State pension for Mary A. Grant of Etna.

House 178. Resolve in favor of Mary E. Ames of Stockton Springs for State pension.

House 179. Resolve in favor of Mary S. Hillman for State pension.

House 164. Resolve providing a State pension for Maria N. Varrell.

(House Amendment A adopted in concurrence.)

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

Education

Petition of Will H. Adams and 33 other citizens of Maine in favor of a Constitutional amendment prohibiting the appropriation of public funds for sectarian schools.

Judiciary

By Mr. Bemis of Somerset: An Act requiring the use of anesthetics in certain operations upon dumb animals. (500 copies ordered printed)

Legal Affairs

By Mr. Bailey of Bangor: An Act relating to the distribution of the assets of an insolvent estate. (500 copies ordered printed)

On File

By the same senator: Petition of Flora E. Weed of Bangor and 57 others in favor of the Sheppard-Towner Act.

Orders

On motion by Mr. Ryder of Piscataquis, it was

Ordered, that the State librarian be requested to deliver to each member of the Senate of the 81st Legislature who was not a member of the Senate or House of the 80th Legislature, a copy of the Maine Book by Henry L. Dunack.

Bills in First Reading

S. 148. An Act to amend Section 49 of Chapter 219 of the Public Laws of 1917, relating to the protection of wild hares or rabbits.

Reports of Committees

Mr. Bemis from the committee on State School for Boys, State School for

Girls and State Reformatories, on resolve in favor of State School for Boys for maintenance and other purposes, reported that the same ought to pass.

The report was accepted and the bill tabled for printing under the joint rules.

Mr. Spencer from the committee on temperance, on An Act to amend Section 46, Chapter 127, Revised Statutes, relating to the prosecutions for violation of laws regarding sale and manufacture of intoxicating liquors, amended (Senate Doc. No. 77), reported that the same ought to pass.

On motion by Mr. Hinckley of Cumberland, the rules were suspended and the bill was given its first reading.

The same senator from the same committee reported the same in new draft on An Act making it unlawful for any person to have intoxicating liquors in his possession in any public place.

The report was accepted and the bill tabled for printing under the joint rules.

Passed to be Engrossed

H. 140. An Act to incorporate the Grand Temple Pythian Sisters of Maine.

H. 141. An Act increasing clerk hire in the office of register of deeds in Penobscot county.

H. 142. An Act to increase the salary of the judge of the municipal court of Dexter.

H. 143. An Act to amend Section 3 of Chapter 325 of the Private and Special Laws of 1897, as amended by Chapter 17 of the Private and Special Laws of 1909, as amended by Chapter 101 of the Private and Special Laws of 1919, relating to clerk hire by the judge of the municipal court of Waterville.

H. 144. An Act to fix the salary of the judge of the municipal court of Pittsfield.

H. 145. An Act relating to clerk hire in the office of register of deeds in the county of Penobscot, to correct clerical error.

H. 146. An Act to increase the salary of clerks in the office of register of probate for Hancock county.

H. 147. An Act to amend Section 74 of Chapter 45 of the Revised Statutes, as amended by Chapter 71 of the Public Laws of 1917 relating to the regulation of smelt fishing.

S. 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.

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

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

Passed to be Enacted

(Emergency Measure)

An Act to amend the charter of the York Harbor Village Corporation.

This bill carrying an emergency clause required the affirmative vote of two-thirds of the members of the Senate. Twenty-six senators voting in the affirmative and none opposed, the bill was passed to be enacted.

Finally Passed

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

Resolve in favor of animal husbandry.

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

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

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

Communication from the Executive

Department

State of Maine,
Executive Department.

Augusta, February 28, 1923.

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

I return herewith without my approval two resolves as follows:

Resolve appropriating money for the purpose of completing the new cell block of the Maine State prison at Thomaston.

Resolve in favor of the Maine State prison at Thomaston for the repair of outside buildings.

The first resolve calls for an appropriation of \$66,000 and the second for \$5000.

Two factors are to be considered in making appropriations: First, the ability of the tax payers of the State to provide the funds to meet them; and second, whether there is actual need

of expending money for the purposes for which it is asked.

The financial problems now confronting the State of Maine are serious. Larger appropriations are being called for by the State departments and institutions than ever before. The 51st Legislature is face to face with a trying situation.

I should be glad to sign the resolves that I am returning to you were it not for the fact that in my opinion the State at the present time cannot afford the outlay of \$71,000 that they call for.

In their recent report the Budget committee considered the needs of every department and institution and established a basic State tax. Whatever appropriations are passed in addition to those recommended in the Budget report will increase the State tax, and I am much disturbed at the outlook.

There is a tendency on the part of the heads of some departments and trustees of certain institutions to press unduly their claims upon the members of the Legislature. Certain of these heads and trustees are endeavoring to obtain larger appropriations than those recommended in the Budget. I am of the opinion that those in charge of our State's activities should refrain from anything that savors of lobbying. It is proper for them to present the needs of their departments or institutions when called upon to do so by the various legislative committees, but to have the heads of departments and their employees and trustees of institutions constantly pressing for funds and interviewing members at every opportunity does not have a wholesome effect upon the legislative situation.

The Legislators are responsible for providing funds for the State's activities, and those in charge of departments and institutions should take these funds and expend them as judiciously as possible, even though their recommendations and requests are not always complied with.

The work in the State House should proceed during the legislative session as it does during the recess period, and all employees should remain in their offices and be ready to give information to the legislators and others seeking it. Beyond that they should not go.

Another feature of the situation disturbs me. Legislative committees that are considering the departmental and institutional appropriations are likely to be over zealous in seeking

appropriations for the departments and institutions they have charge of. These committees never should forget that they not only have a responsibility for the particular activities of the State entrusted to them, but that they are under a very direct responsibility for all the other activities of the State. Above else a proper sense of proportion is needed and all should take a broad State-wide outlook.

I believe a word of caution at this time is necessary for the Legislature is approaching the period when large appropriation bills will be coming in from every quarter. A halt must be called.

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

Received and read under suspension of rules.

The PRESIDENT: The resolves covered by this veto message of the Governor are: Resolve appropriating money for the purpose of completing the new cell block of the Maine State prison at Thomaston, and resolve in favor of the Maine State prison at Thomaston for the repair of outside buildings.

Mr. HINCKLEY of Cumberland: Mr. President, I move that this matter lie on the table.

The PRESIDENT: Will the senator assign a time for consideration of the matter?

Mr. HINCKLEY: I will not assign a time at this time, but probably will take it up tomorrow morning.

The motion of the senator from Cumberland was adopted and the message with accompanying resolves was tabled.

Orders of the Day

On motion by Mr. Smith of Somerset, S. D. 146, An Act to create the Kennebec Reservoir Company and define the powers thereof, was taken from the table.

On further motion by the same senator, the rules were suspended and the bill was given its second reading.

On motion by Mr. Brewster of Cumberland, the bill was then tabled pending passage to be engrossed.

On motion by Mr. Phillips of Hancock, H. D. 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, was taken from the table.

Mr. PHILLIPS: Mr. President, I now move that the bill be indefinitely postponed.

Mr. TREFETHEN of Franklin. Mr. President, I should like to say just a word in regard to this bill, that the science of osteopathy is by manipulation, and when they ask to stamp themselves as doctors, and they have the privilege of using drugs, they are asking us to give them the privilege in the eyes of the public as regular M. D. physicians.

Now if they ask that privilege, I think it is no more than right that they should pass the same examination, take the same course, that the regular physician has to take before he can receive his diploma.

I wish to second the motion made by the senator from Hancock, that the bill be indefinitely postponed.

Mr. BUZZELL of Waldo: Mr. President, I did not expect to break the silence of this Senate at this time on this bill.

This bill has had its hearing before the judiciary committee, and it took some little time. The regular doctors of the State of Maine and the osteopaths, had a gala day. They were given all the time that they needed, all of the time that they desired to consume, the same as the regular doctors and the chiropractors yesterday.

It has come about, as I understand it, at the last few sessions of this Legislature, for the doctors of these two classes to have at least one session of some length devoted to them.

Now here is a bill that has been presented, had a hearing, and got as far as this, to be enacted. It matters not to me, what is done with this bill. I have no interest in it, one way or the other, but here is a unanimous report, and I must say that the doctors' argument against this bill was rather feeble at the time of the hearing. They left the room as if they were fighting a forlorn hope, and did not have a hope of stopping this bill; and now at this time, I do not believe it is right to ask to have the bill indefinitely postponed. I do not believe it is right to proceed in that way. I think, if they have any argument, that it should be presented at the trial of the cause before the committee, where the committee may listen to the merits and demerits of the proposition. Now at that time, I am frank to say, and I think I can say it without fear of contradiction, there was very little argument against

this bill and here is a unanimous report of this committee. I hope that the motion of the gentleman for indefinite postponement will not prevail.

A yea and nay vote was taken, and the vote being doubted, a rising vote was had and 20 senators voting in the affirmative, and 7 in the negative, the motion to indefinitely postpone was carried.

On motion by Mr. Phillips of Hancock, H. D. 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 was taken from the table.

Mr. PHILLIPS: Mr. President, I move that this bill be indefinitely postponed.

Mr. HINCKLEY of Cumberland: Mr. President, I wish to call the attention of the senators, who possibly are not familiar with this bill, to just what it is.

The State of Maine through its Legislature provided for a board of examiners for the osteopaths of this State. This provides that the words 'board of osteopathic examination and registration' be inserted in the following section, and I will read the section:

"Sect. 52. The members of the board of dental examiners, board of osteopathic examination and registration, commissioners of pharmacy, veterinary examiners, board of accountancy, library commission, and the examiners of applicants for admission to the bar shall each receive as compensation for their services, five dollars a day, for the time actually spent, and their necessary expenses incurred in the discharge of their duties, to be certified by the secretaries of their respective boards."

At the present time, under the law, the board of examiners, of pharmacy, veterinary examiners, board of accountancy, library commission, bar examiners, all receive a compensation of \$5 a day, and this is paid by the applicants themselves for the privilege of practicing their profession in the State.

Now I cannot conceive that the Senate of the State of Maine will indefinitely postpone a bill allowing compensation to this board of examiners to be paid by their own applicants in accordance with that granted to every other board, and I certainly hope that this Senate will realize its responsibility

and its fairness in this matter and will vote against indefinitely postponement.

Mr. PHILLIPS: Mr. President, I have no objection to this bill as it reads, and I will withdraw my motion.

By unanimous consent the motion to indefinitely postpone was withdrawn.

On motion by Mr. Hinckley of Cum-

berland, the bill was then passed to be enacted in concurrence with the House.

On motion of Mr. Carlton of Sagadahoc,

Adjourned until tomorrow morning at 10 o'clock.