

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, March 6, 1923.

Senate called to order by the President.

Prayer by the Rev. W. P. Bradford of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: H. 232: An Act to amend Chapter 197 of the Public Laws of 1921, by adding a new Section 4, and making the present Section 4 into Section 5 unchanged, relating to taxation of savings banks.

In the House referred to the committee on banks and banking.

In the Senate, on motion by Mr. Allen of York, tabled pending reference in concurrence.

From the House: H. 222: An Act to amend Section 2 of Chapter 197, Public Laws of 1921, relating to the taxation of shares of stock of trust companies organized under the laws of this State, and banking institutions formed under the laws of the United States.

In the House referred to the committee on taxation.

In the Senate, on motion by Mr. Allen of York, tabled pending reference in concurrence.

House Bills in First Reading

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. (On motion by Mr. Wilson of Aroostook, tabled pending acceptance of the report).

House 215. Resolve making appro-

priation for the support and maintenance of the State Experiment Station. (On motion by Mr. Wilson of Aroostook, tabled pending acceptance of the report).

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."

(House Amendment A adopted in concurrence)

H. 241. An Act to extend An Act entitled "An Act to incorporate the Odd Fellows Home of Maine."

H. 39. An Act relating to pensioning members of the police department of the city of Brewer.

(House Amendment A read by the Chair. Tabled on motion by Mr. Hinckley of Cumberland, pending further action).

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

Appropriations and Financial Affairs.

By Mr. Eaton of Oxford: An Act to require the investment in permanent securities of school funds and other trust funds held by city, town and State officers, and amending Section 72 of Chapter 2, Section 54 of Chapter 17 and Section 14 of Chapter 21, of the Revised Statutes.

By the same senator: An Act to amend Chapter 38, of the Public Laws of 1919, relative to retiring and pensioning employees of the State.

Mr. Brewster of Cumberland: Resolve appropriating money for the purpose of obtaining information in regard to wild lands for the purposes of taxation.

(500 copies of these three bills ordered printed)

Education

Mr. Allen of York: An Act to amend Section 4, Chapter 173 of the Public Laws of 1921 relating to the State school fund. (500 copies ordered printed)

By Mr. Brewster of Cumberland: Petitions of Irving S. Watts and 35 others; of Philip S. Melcher and 45 others; of Clarence G. Trott and 29 others; of M. C. Abbot and 30 others; of Fred C. Hall and 37 others; of My-

ron Kidder and 27 others; of William L. Cobb and 33 others; of Harold N. Lord and 33 others; of James F. Edwards and 45 others; of Wylie H. Smith and 33 others; of Clifford J. Knight and 43 others; of R. S. Hooper and 32 others; of Preston J. McLucas and 33 others; of J. H. Nealley and 33 others; of Ralph G. Thompson and 33 others; of Chas. D. Libby and 26 others; of Leon Pratt and 33 others; of Alverdo R. Small and 33 others; of Forest Walker and 33 others; of M. P. Marsh and 36 others; of Henry W. Pickett and 36 others; of J. Frank Phillips and 33 others; of G. H. Johnson and 37 others; of S. M. Hodsdon and 26 others; of Caroline A. Turner and 33 others; of Helen Black and 33 others; of Mrs. Fred M. Flint and 33 others; of Etta E. Webber and 29 others; of Luther Dana and 34 others; of Fred L. Leighton and 32 others; of John Nelson and 33 others; of Panny L. Whitney and 33 others; of Leslie S. Leighton and 33 others; of Wm. S. Dow and 25 others; of Mrs. J. S. Stevens and 21 others; of J. Conant and 24 others; of Roy Adams and 19 others; of Austin D. Ward and 17 others; of P. D. Emerson and 33 others; of H. Lawrence Jones and 30 others; of B. L. Bardsley and 33 others; of C. E. Alexander and 20 others; of Perley P. Knight and 35 others; of Leon F. Cummings and 110 others; of Oscar H. Winchester and 96 others; of A. A. Abbot and 93 others; of Geo. E. Martin and 13 others; of W. H. Witham, M. D. and 11 others; of Ernest S. Rideout and eight others; of Oden T. Naylor and six others; of Geo. E. Watson and two other citizens of Maine in favor of a Constitutional amendment prohibiting the use of public funds for sectarian schools.

Indian Affairs

By Mr. Emery of Washington: An Act to amend Chapter 14 of the Revised Statutes, relating to Indian Tribes.

Judiciary

Mr. Putnam of Washington: An Act to amend Section 93 of Chapter 45 of the Revised Statutes, as amended by Chapter 293 of the Public Laws of 1917, relating to settlement of violations of law, and repealing Section 87 of Chapter 219 of the Public Laws of 1917, relating to same subject.

By the same Senator: An Act to amend Section 18, Chapter 84, Revised Statutes relating to duties of county attorneys.

By Mr. Buzzell of Waldo: An Act to provide for the appointment of a

chief clerk to the Governor and Council, and repealing Section 4 of Chapter 117, of the Revised Statutes.

(500 copies ordered printed)

By the same Senator: An Act to amend Section 10 of Chapter 148, of the Revised Statutes, relating to veterans of the Civil War retired on half pay.

(500 copies ordered printed)

By Mr. Speirs of Cumberland: An Act additional to Chapter 6 of the Revised Statutes relating to primary elections.

(500 copies ordered printed)

By Mr. Smith of Somerset: An Act providing for the protection and assistance for aged persons under certain conditions in the State of Maine and prescribing penalties for violation of the provisions hereof and making an appropriation for carrying out of its purposes.

(500 copies ordered printed)

(On motion by Mr. Buzzell of Waldo, tabled "In the absence of Mr. Smith.")

Legal Affairs

By Mr. Putnam of Washington: An Act to amend Chapter 83, Private and Special Laws of 1919, as amended by Chapter 123, Private and Special Laws of 1919, relating to the Port of Portland.

Sea and Shore Fisheries

By Mr. Emery of Washington: An Act to amend Section 36 of Chapter 255, Public Laws of 1917, relating to the purchase of lobsters with eggs attached.

(500 copies ordered printed)

By the same Senator: Resolve to appropriate money to pay for egg lobsters purchased in 1922.

The same Senator presented Resolve to purchase and install a new engine in the State boat Pauline

Salaries and Fees

By Mr. Eaton of Oxford: An Act to amend Section 40 of Chapter 117 of the Revised Statutes, as amended by Section 40, Chapter 214 of the Public Laws of 1919 as further amended, relating to salaries of clerks of the judicial courts.

Orders

Mr. BREWSTER of Cumberland presented the following order and moved its passage:

STATE OF MAINE,

In Senate, March 6, 1923.

Whereas under the pressure of litigation in various counties in this State there have been established

from time to time Superior Courts to supplement to some extent the work of the justices of the Supreme Judicial Court, and

Whereas there are now pending before the Legislature bills requiring the appointment of two additional Superior Court Justices, and

Whereas there exists in other sections of the State a congestion in litigation which makes it possible that the establishment of further Superior Courts may soon be necessary, and

Whereas it is desirable to make the organization of our judicial system responsive to the needs of the various localities and to secure a more equitable distribution of the time and labor of the several justices of our courts:

Now, therefore, be it

Ordered, the House concurring, that a recess committee be constituted to consider the question of reorganization of the judicial system, and to consider any bills which may be referred to it, the said committee to consist of two members from the Senate appointed by the president of the Senate, and two members of the House appointed by the speaker of the House, and two members, one of whom at least shall be a member of the Maine State Bar Association, appointed by the Governor who shall not be members of the Legislature, the said committee to serve without compensation, but its expenses to be paid by the Governor and Council from funds not otherwise appropriated, the said committee to report by bill or otherwise to the next Legislature.

Mr. BREWSTER of Cumberland: Mr. President, in view of what might seem to be the importance of such a recess committee, I wish to move that this lie upon the table in order that the senators may have an opportunity to consider whether or not it is wise to create such a recess committee; but before making that motion I would like to explain briefly the reason for its presentation. The recital of the causes at the beginning of the order perhaps give us some idea of the considerations which enter into it. I would supplement that by saying that there is being introduced in the House today a bill looking along lines which have been under consideration for a great time in this State. I think for some twenty-five or thirty years, contemplating the possible reorganiza-

tion of our judicial system with relation to the duties of the superior court and the supreme court justices, in order to expedite the administration of the court system and to relieve and more equitably distribute the work of the various justices. That bill will be introduced in the House. I think there is existing among many members of the Bar in the State at least a feeling that the time has come to give serious consideration to this matter in the interests of securing more efficient administration of justice, and perhaps also more economical administration, which would interest not only the Bar but also the other people who have matters to present. That was the purpose of the order.

And now, in order that the Senate may have more time to consider a matter of this importance, I move that it lie upon the table and that 500 copies be printed.

The motion was agreed to, and the order was tabled.

Bills in First Reading

S. 161. An Act providing for retirement of justices of the supreme and superior courts and their reappointment as active retired justices.

S. 193. Resolve in favor of the National conference of commissioners on uniform State laws and of the commissioners from Maine for the promotion of uniformity of legislation in the United States.

S. 194. Resolve for the laying of the county taxes for the year 1923.

S. 195. Resolve for the laying of the county taxes for the year 1924.

S. 196. Resolve authorizing and directing the Governor and Council to convey certain land in Monmouth to the town of Monmouth.

S. 197. An Act to prevent smoking in street railroad cars.

(Tabled by Mr. Hinkley of Cumberland pending second reading).

S. 198. An Act to provide for an issue of State highway and bridge bonds.

S. 199. An Act to revise and consolidate the banking laws of this State.

(Tabled by Mr. Hinkley of Cumberland pending second reading).

Reports of Committees

The majority from the committee on Judiciary on An Act to regulate the practice of the system, method or science of healing known as Chiropractic, creating a board of examination and

registration for those desiring to practice the same, and providing penalties for violation of this act (Senate Doc. No. 32), reporting the same in a new draft, under the same title, and that it ought to pass.

(Signed)

HINCKLEY
BUZZELL
HUSSEY
WING
WEEKS
MAHER
GARDINER
SAUNDERS

The minority from the same committee on the same bill, reporting that it ought not to pass.

(Signed)

NICHOLS
ARCHIBALD

On motion by Morneau of Androscoggin the majority report was accepted and the bill laid upon the table for printing under the joint rules.

Mr. Hinckley from the committee on judiciary on An Act relating to indexes in registries of deeds reported that the same ought not to pass.

The same senator from the same committee on An Act relating to persons convicted of violating the motor vehicle laws, reported that the same ought not to pass.

The same senator from the same committee on An Act to amend Paragraph II of Section 1 of Chapter 50, Revised Statutes, as amended by Chapter 238, Public Laws of 1919, relating to compensation of employees, reported that the same ought not to pass.

The same senator from the same committee on An Act relating to the operation of motor vehicles by persons whose licenses have been revoked in this State (Senate Doc. No. 123) reported that the same ought to pass.

The same senator from the same committee on An Act relating to passengers in motor vehicles operated by persons under the influence of intoxicating liquors, reported that the same ought not to pass.

The same senator from the same committee on An Act to amend Section 35 of Chapter 48 of the Revised Statutes relating to meridian lines and standard of lengths, reported that the same ought not to pass.

The same senator from the same committee on An Act to amend Section 16 of Chapter 12, of the Revised Statutes, relative to the records of the

register of deeds, reported that the same ought not to pass.

The same senator from the same committee on An Act to create a State board of preliminary examination and prescribing its powers and duties (Senate Doc. No. 117), reported that the same ought not to pass.

The same senator from the same committee on An Act giving to attorneys at law all powers of justices of the peace and notaries public (Senate Doc. No. 71), reported that the same ought not to pass.

Mr. Brewster from the committee on legal affairs on An Act to be known as the Children's Act, relating to children who are now or may hereafter become dependent, neglected or delinquent, to establish a special equity juvenile court to provide for the treatment, control, maintenance, adoption and guardianship of the person of said children (Senate Doc. No. 80), reported that the same ought not to pass.

Mr. Cram from the same committee on 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 (Senate Doc. No. 47), reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. Brewster from the same committee, on An Act relative to the granting of licenses for certain businesses and purposes by the municipal officers of the city of Westbrook (Senate Doc. No. 64), reported that the same ought not to pass.

The report was accepted. Subsequently, on motion by Mr. Speirs of Cumberland, the Senate voted to reconsider its action whereby the report was accepted, and on further motion by the same senator the report was tabled pending acceptance.

Mr. Stevens from the committee on sea and shore fisheries, on An Act to regulate the taking of clams (Senate Doc. No. 63), reported that legislation is not expedient.

The report was accepted and sent down for concurrence.

Mr. Cram from the committee on legal affairs, on An Act to repeal the act incorporating the town of Forest City, reported that the same ought to pass.

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

Passed to Be Engrossed

House 170: Resolve in favor of the commissioners of pharmacy.

House 175: An Act to amend Sections 59 and 60 of Chapter 18 of the Revised Statutes, relating to registration of veterinary surgeons.

House 176: An Act to ratify, affirm and make valid the reorganization of the parish of the Protestant Episcopal church in Bangor.

(House Amendment A adopted in concurrence.)

House 187: An Act to amend Section 32 of Chapter 75 of the Private and Special Laws of 1919, relating to the board of education of the city of Augusta.

House 188: An Act to incorporate the Patten Water and Power Company.

House 189: An Act providing for protection of white perch in Bear Pond, situated in the town of Hartford, in the county of Oxford, and in the town of Turner, in the county of Androscoggin.

House 190: An Act to limit the number of pounds of fish that may be taken from Cobbosseecontee Stream and connecting ponds, in the county of Kennebec.

House 192: An Act to regulate the taking of clams in the town of Sorrento.

Senate 160: An Act to amend Section 45 of Chapter 117 of the Revised Statutes, relating to clerk hire in the office of clerk of courts in Androscoggin county.

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 1917, 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.

An Act to amend Chapter 122 of the Private and Special Laws of 1915, relating to a close time on lobsters in the waters of Jonesboro and Roque Bluffs in Washington county.

An Act to amend Chapter 121 of the Private and Special Laws of 1915, as amended by Chapter 89 of the Private and Special Laws of 1917, relating to a close time on lobsters in the waters of Machias Bay and adjacent waters in the county of Washington.

An Act to amend Chapter 154 of the Private and Special Laws of 1915, relating to a close time on lobsters in the towns of Cutler, Trescott and Lubec, in Washington county.

An Act to amend the charter of the Home for Aged Men.

An Act providing for a jeweler's lien.

An Act to amend Sections 43 and 46 of Chapter 18 of the Revised Statutes, relating to optometry.

An Act to amend Chapter 163 of the Private and Special Laws of 1913, relating to a close time on lobsters in the waters of Jonesport and Addison in Washington county.

An Act to amend Chapter 380 of the Private and Special Laws of 1909, as amended by Chapter 84 of the Private and 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.

An Act to unite the Preachers' Aid Society of the Maine Conference of the Methodist Episcopal church, and the Preachers' Aid Society of the East Maine Annual Conference of the Methodist Episcopal church.

Finally Passed

Resolve to appropriate money for co-operative agricultural work between the College of Agriculture of the University of Maine and the United States Department of Agriculture.

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

Orders of the Day

Mr. Buzzell of Waldo, under suspension of the rules presented out of order the following order and moved its passage:

Ordered, that on Wednesday of each week, under orders of the day, all matters placed on the table the week preceding and unassigned shall be taken up without motion and disposed of in the order in which they were placed upon the table.

The motion was agreed to and the order passed.

Mr. Buzzell of Waldo, under suspension of the rules presented out of order the following order and moved its passage:

Ordered, that Resolve appropriating money for the purpose of rebuilding the steamship sheds of the State pier at Portland be recalled from the Governor.

Mr. CRAM of Cumberland: Mr. President, I move that this order lie on the table.

Mr. BUZZELL: Mr. President,—

The PRESIDENT: The Chair will state that the motion to lay on the table is not debatable.

Mr. BUZZELL: Mr. President, I do not wish to debate the motion, but for the information of the senator from Cumberland I wish to say that it is my purpose to leave this matter on the table—and I am doing this at the request of the Chief Executive—to recall it, and then to move reconsideration of the action whereby it was passed to be enacted, and then place it on the table for him.

Mr. Cram withdrew his motion, and the order was given a passage.

The PRESIDENT: The Chair will state that the Resolve is in the hands of the Senate.

On further motion by Mr. Buzzell, the Senate under suspension of the rules voted to reconsider its action whereby this resolve was passed to be

enacted, and the resolve was then tabled.

Mr. Buzzell of Waldo, under suspension of the rules, presented the following order out of order and moved its passage:

Ordered, that Resolve in favor of the Maine State prison for maintenance and current expenses be recalled from the Governor.

The motion was agreed to, the resolve was recalled, and on further motion by the same senator the vote was reconsidered whereby this resolve was finally passed, and passed to be engrossed.

Mr. BUZZELL: Mr. President, accompanying the original paper there is an amendment, and I move the adoption of Senate Amendment A.

Senate Amendment A to Senate Document 102

Amend Senate Document 102 by striking out the following words which constitute the last four lines of said resolve:

“Provided that any balances of the foregoing appropriations which remain unexpended at the end of the first fiscal period herein specified shall be available for expenditure during the second fiscal period.”

The Amendment was adopted, and on further motion by the same senator the resolve was tabled pending passage to be engrossed as amended.

On motion by Mr. Brewster of Cumberland, S D 104, An Act to amend Section 2 of Chapter 55 of the Revised Statutes, relating to Public Utilities Commission, was taken from the table, and on further motion by the same senator was passed to be engrossed and sent down for concurrence.

On motion by Mr. Adams of Kennebec,

Adjourned until tomorrow morning at 10 o'clock.