

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

SENATE

Thursday, March 8, 1923

Senate called to order by the President.

Prayer by the Rev. A. T. McWhorter of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

House Bills in First Reading

House 174: An Act to further amend Chapter 352 of the Private and Special Laws of 1905, relating to the Caribou Municipal Court, as amended by Section 8 of Chapter 357 of Laws of 1909.

House 226: An Act to amend Section 33 of Chapter 81 of the Revised Statutes, relative to notice of sale.

House 131: An Act to amend Chapter 197 of the Public Laws of 1917, as amended by Chapter 172 of the Public Laws of 1919, relating to the State department of health.

Senate 31: An Act to amend Section 109 of Chapter 16, Section 33 of Chapter 40, Section 52 of Chapter 82 and Section 82 of Chapter 86 of the Revised Statutes relating to Armistice Day, Nov. 11th.

House 250: An Act to cure defect in the original organization of Madigan Memorial Hospital, a charitable and benevolent corporation, and to validate the doings of said corporation and officers thereof since its organization.

House 253: An Act to amend Section 38 of Chapter 117 of the Revised Statutes, as amended by Chapters 162, 167 and 292, Public Laws of 1917, Chapter 214, Public Laws of 1919 and Chapter 219, Public Laws of 1921, relating to the compensation of judges of probate in Oxford county.

House 254: An Act to amend Section 1 of Chapter 145, Revised Statutes, relating to hospital trustees.

House 257: An Act to make valid the doings of the Penobscot County Water Company and to define and confirm its powers.

House 262: An Act to extend the time limit for exercising the corporate powers of the Great Pond Railway Company.

House 263: An Act entitled "An Act to amend an Act to provide a Charter for the City of Gardiner," as

amended by Chapter 126 of the Private and Special Laws of 1917.

House 245: An Act to amend Section 17 of Chapter 182 of the Public Laws of 1919 relating to competitive bids in construction work for the State Reformatory for Men.

House 225: Resolve providing for the purchase of "History of Aroostook."

House 243: Resolve providing a State pension for Charles E. Bradford of Carmel.

House 246: Resolve for State pension for René Cooley.

House 247: Resolve in favor of Alonzo E. Peabody of Dixmont for State pension.

House 223: An Act to amend Chapter 141 of the Private and Special Laws of 1921, relative to the office of city clerk of the city of Lewiston.

House 227: An Act to amend Chapter 206 of the Private and Special Laws of 1907 entitled "An Act additional to Chapter 174 of the Private and Special Laws of 1903, relating to the West Branch Driving and Reservoir Dam Company.

House 229: An Act to amend Section 45, Chapter 117, Revised Statutes, as amended in 1917, 1919 and 1921 relating to clerk hire in the office of clerk of courts in Waldo county.

House 231: An Act to incorporate the Auburn Water District.

House 242: An Act to amend Sections 1 and 7 of Chapter 182, of the Public Laws of 1919, relative to commitments to the State Reformatory for Men.

House 251: Resolve in favor of John A. McDonald, secretary of the committee on insane hospitals for committee expenses.

House 255: Resolve for State pension for Annie D. McLean.

House 256: Resolve in favor of bridge between Howland and Enfield.

House 258: Resolve in favor of Olive E. Mann of Augusta for State pension.

House 259: Resolve increasing the State pension of Meldon Hensley of Brewer.

House 260: Resolve increasing the State pension of Catherine Nelligan of Brewer.

House 228: Resolve appropriating money to repair Eastport bridge.

(Under suspension of the rules, on

motion by Mr. Putnam of Washington this bill was given its second reading and passed to be engrossed.)

From the House: S. 162. An Act requiring an excise tax to be paid on all cigarettes, cigarette tobacco and cigarette papers sold in this State.

In the House referred in non-concurrence to the committee on taxation.

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

From the House: An Act to amend Chapter 3, Section 31, of the Revised Statutes, relative to printing and binding of reports of certain State departments (Senate Doc. No. 142.)

In the House, that branch reconsidered the passage to be enacted and the passage to be engrossed, adopted House Amendment "A" and passed the bill to be engrossed as amended.

In the Senate, on motion by Mr. Morrison of Penobscot, tabled.

From the House: H. 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.

In the Senate this bill was indefinitely postponed.

In the House that branch insisted on its former action in passing the bill to be enacted and asked for a committee of conference, on which the Speaker named:

Messrs. WEEKS of Fairfield,
BARWISE of Bangor,
BARTLETT of Waterville.

On motion by Mr. Hinckley of Cumberland, the Senate voted to insist on its former action and join a committee of conference.

Subsequently the Chair appointed on such committee, on the part of the Senate, Messrs. Phillips of Hancock, Wilson of Aroostook and Morrison of Penobscot.

Communication from the Governor

STATE OF MAINE,
Office of the Governor,
Augusta, March 8, 1923

To the Honorable Senate and House of Representatives of the 81st Legislature.

I return herewith without my approval:

An Act Providing for a Jeweler's Lien.

In my opinion it would be unwise to extend the provisions of our lien laws unless there is pressing need for our doing so. The lien laws were originally enacted to afford protection to workmen upon buildings the theory being that the men who put their labor into building construction could not be expected to investigate the legal title to the property on which they were employed and that they should not be deprived of what they honestly earned in case legal difficulties in connection with the property should arise.

The building trades occupy a position very different from any others, for buildings must be constructed in which citizens may live and carry on their business enterprises.

If a jeweler is to be given a lien there is no reason why the same privilege should not be accorded to a tailor, a shoemaker and to persons engaged in other trades and occupations.

I am of the opinion that no preferences should be given to one class of citizens unless the same preference is extended to those in other classes. Today a jeweler has the usual remedies at law in case his customer does not pay him for labor performed.

In my opinion all classes should be treated alike and whatever happens to hamper trade and give special privileges to one group in a community creates preferences, and for the reasons above stated I believe it against public policy to enact the law herein referred to.

Respectfully submitted,

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

The message was read by the Secretary.

The President: The question on the veto is. Shall this bill become a law notwithstanding the objections of the Governor?

According to the Constitution this requires a yea and nay vote. All those who wish this bill to become a law notwithstanding the objections of the Governor, will vote "yes," and those who wish to sustain the veto of the Governor will vote "no."

The Secretary called the roll. Those voting "yes" were Messrs. Brewster, Elliot, Powers—3. Those voting "no" were Messrs. Adams, Allen, Bailey, Bemis, Buzzell, Carlton, Clark, Croxford, Farrington, Hinckley, Hussey, Kirschner, Morrison, Morneau, Phillips, Putnam, Ryder, Sargent, Smith.

Speirs, Spencer, Stevens, Trefethen, Wadsworth, Wilson—25. Absentees: Messrs. Cram, Eaton, Emery—3.

Three senators voting yes and 25 senators voting no, the veto of the Governor was sustained.

Bills in First Reading

Senate 212: 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 217: An Act to amend the purpose of the Maine Institution for the Blind.

Senate 220: An Act to repeal Section 43 of Chapter 19 of the Revised Statutes, relating to local health officers.

Reports of Committees

Mr. Powers from the committee on legal affairs, on An Act to amend Section 1 of Chapter 96 of the Revised Statutes, as amended by Chapter 121 of the Laws of 1919, relating to the recording of chattel mortgages (Senate Doc. No. 128) reported that the same ought not to pass.

Mr. Hinckley from the committee on judiciary, on An Act to amend Section 15, Chapter 133 of the Revised Statutes, relating to complaints and indictments (S. D. No. 143), reported that the same ought not to pass.

Mr. Bailey from the committee on military affairs, on communication from the Governor with reference to the return of Confederate flags to the Southern States, report that the same be placed on file.

Mr. Allen from the committee on taxation, on An Act to amend Sections 1 and 2 of Chapter 253 of the Public Laws of 1917, and Section 3 of Chapter 252 of the Public Laws of 1917 as amended by Chapter 125 of the Public Laws of 1919, relating to the collection of taxes in unorganized townships, reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

The majority from the Cumberland County Delegation, on An Act providing for an additional justice of the superior court for the county of Cumberland (Senate Doc. No. 6), reported that the same ought not to pass.

(Signed)

Messrs. ROUNDS
JORDAN of Cape Elizabeth

JORDAN of Westbrook
CUMMINGS
NICHOLS
HALE
ATWOOD
CRAM
HUTCHINSON
DUNN
BREWSTER
SMALL
WILLIAMS
NEVINS
BRETT
FICKETT
PLUMMER
WINSLOW

The minority from the same delegation, on the same bill reporting that it ought to pass.

(Signed)

Messrs. HINCKLEY
GILMOUR
LORD
JONES
SANDERS
SPEIRS

On motion by Mr. Hinckley of Cumberland, tabled pending acceptance of either report.

Mr. Allen from the committee on taxation, on An Act to amend Sections 44 and 45 of Chapter 10, Revised Statutes relating to taxes in unincorporated places (Senate Doc. No. 27) reported that the same ought to pass.

The report was accepted and, on motion by Mr. Allen of York, the rules were suspended and the bill was given its first reading.

The same Senator, from the same committee, on An Act to amend Sections 63 and 64 of Chapter 8, Revised Statutes, relative to Maine Forestry District taxes (Senate Doc. No. 28), reported that the same ought to pass.

The report was accepted and, on motion by Mr. Allen of York, the rules were suspended and the bill was given its first reading.

Mr. Spencer from the committee on towns, on An Act to reunite the towns of Owl's Head and South Thomaston (Senate Doc. No. 55), reported the same in a new draft, under the title of "An Act to incorporate the towns of South Thomaston and Owl's Head, in the county of Knox, into a single town," and that it ought to pass.

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

Passed to Be Engrossed

Senate 53: An Act to amend Section 10 of Chapter 172 of the Public

Laws of 1919, relating to local health officers.

Senate 211: An Act to repeal An Act incorporating the town of Forest City.

Assigned for Today

The PRESIDENT: The special assignments for today, according to the calendar, are Senate Document No. 99, veto message on Resolve in favor of the Maine State Prison at Thomaston for the repair of outside buildings, and Senate Document No. 100, veto message on Resolve appropriating money for the purpose of completing the new cell block at Thomaston.

Mr. CLARK of Lincoln: Mr. President, I would like to ask the consent of the Senate that these two matters be retabled and especially assigned for next Wednesday, and I make that motion.

The motion was agreed to and the veto messages with accompanying passage to be engrossed.

Orders of the Day

On motion by Mr. Hinckley of Cumberland, Senate 199, An Act to revise and consolidate the banking laws of this State, was taken from the table, and on further motion by the same senator, under suspension of the rules, the bill was given its second reading.

On further motion by the same senator, the bill was tabled pending passage to be engrossed.

On motion by Mr. Allen of York, House 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, was taken from the table.

Mr. ALLEN: Mr. President, I now wish to make a motion that this act be indefinitely postponed. In support of that motion I wish to state that this act came up before the joint committees on taxation and banks and banking, in a little different form from this, but practically the same subject matter. This bill provides that the tax rate shall be increased from 15 mills to 20 mills. That bill was heard before twenty members of this Legislature in joint session, and all this that is in this bill was taken up, perhaps not directly but indirectly, and it was the consensus of opinion, and also the testimony tended to show that the rate was really too high, rather than too low.

I think it is perhaps hardly fair to the people of the State or to the members of this Legislature that this should appear before this Senate again at this Legislature, and I move for its indefinite postponement.

Mr. BUZZELL of Waldo Mr. President, I would like to ask the senator from York, through the Chair, what the action of the committee was?

Mr. ALLEN: It was a unanimous report, ought not to pass.

The PRESIDENT: The Chair will state that this bill was by the House referred to the committees on taxation and banks and banking, jointly.

The motion was agreed to and the bill was indefinitely postponed by a yea and nay vote.

Sent down for concurrence.

On motion by Mr. Allen of York,

Adjourned until tomorrow morning at ten o'clock.