

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

Thursday, March 15, 1923.

Senate called to order by the President.

Prayer by the Rev. H. L. Skillin of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to amend Section 3, and Paragraph 7, of Section 4 of Chapter 100 of the Private and Special Laws of 1921, relating to Belgrade Lakes Village Corporation (House Doc. No. 279).

Which came from the House, that branch insisting upon its former action in passing the bill to be engrossed and asking for a committee of Conference, the Speaker having appointed as members of such a committee

Messrs. Hale of Portland
Clarke of Stonington
Baker of Steuben

On motion by Mr. Adams of Kennebec, the Senate voted to insist and join a committee of conference.

The Chair appointed as such committee on the part of the Senate:

Messrs. Adams of Kennebec
Phillips of Hancock
Bemis of Somerset

Senate 6: An Act providing for an additional Justice of the Superior Court for the county of Cumberland.

Which came from the House, that branch having accepted the majority report of the Cumberland County Delegation, reporting ought not to pass, in non-concurrence.

In the Senate originally the minority report of the committee ought to pass was accepted and the bill was passed to be engrossed.

On motion by Mr. Speirs of Cumberland the report with accompanying papers was tabled.

On motion by Mr. Hinckley, the report and accompanying papers were taken from the table, and that senator then moved that the Senate insist upon its former action. The motion was agreed to.

Sent down for concurrence.

On motion by Mr. Allen of York,

the Senate voted that when it adjourns it be to meet tomorrow morning at nine o'clock.

House Bills in First Reading

House 333: An Act to incorporate the Fall Brook Improvement Company.

House 335: An Act to amend Section 19 of Chapter 5 of the revised statutes, as amended by Chapter 69 of the Public Laws of 1917, and Chapter 171 of the Public Laws of 1921, relating to the duties of boards of registration of voters.

House 336: An Act to amend Section 58 of Chapter 87 of the revised statutes, relative to the setting aside of jury verdicts by a single justice.

House 337: An Act to amend Section 7 of Chapter 95 of the revised statutes, as amended by Chapter 47 of the Public Laws of 1921, relating to the foreclosure of mortgages.

House 338: An Act to amend Chapter 136 of the Public Laws of 1921, relating to night fishing in certain waters of Kennebec County.

House 341: An Act to amend Section 49 of Chapter 211 of the Public Laws of 1921, relative to the weight of heavy vehicles.

House 344: An Act for the better protection of smelts in the Damariscotta River.

House 345: An Act to amend Section 19 of Chapter 98, Public Laws of 1921, relating to suspension and revocation of lobster licenses.

House 346: An Act to repeal Chapter 14 of the Public Laws of 1921, relating to the protection of deer in the town of York.

House 348: An Act to repeal Chapter 151 of the Public Laws of 1919, providing for the collection of agricultural statistics by assessors.

House 350: An Act to amend Paragraph LX of Section 6 of Chapter 10 of the Revised Statutes, as amended by Chapter 105 of the Public Laws of 1919, as further amended by Chapter 119 of the Public Laws of 1921, relating to exemption from taxation of the estate of War Veterans.

House 339: Resolve in favor of Leslie E. Jacobs, Secretary to committee on State Reformatories and State Schools, expense as per schedule visiting the institutions.

House 340: Resolve appropriating

money for the care, maintenance and repairs of Port William Henry in the town of Bristol.

House 352: Resolve providing for aid in the payment of premiums awarded by the Houlton Agricultural Society.

House 360: Resolve appropriating money for the purpose of operating the Fish Hatcheries and Feeding Stations for Fish, for the protection of fish, game and birds and for printing the report of the Commissioner of Inland Fisheries and Game and other expenses incident to the administration of the Department of Inland Fisheries and Game.

House 362: Resolve providing a State Pension for Jane Anne Sewall of York

House 363: Resolve providing a State Pension for Ada M. Cowan of Sidney.

House 364: Resolve for increase of Pension of Sarah J. Everson.

House 365: Resolve in favor of Wilmore Quimby of Haynesville for State Pension

House 368: Resolve in favor of Blanch A. Grant for State Pension.

House 369: Resolve providing a State Pension for Hattie C. Knowlton of Liberty

House 370: Resolve creating a State Pension for John B. Wallace of Lubec

House 354: An Act to amend the Charter of the city of Calais, providing for the election of a City Manager.

House 356: An Act to regulate the sale of vinegar.

House 357: An Act to amend Section 9 of Chapter 219 of the Public Laws of 1917, relating to the screening of lakes and ponds.

House 358: An Act to amend Section 52 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, relating to the setting of traps in organized or incorporated places.

House 359: An Act to amend Section 18 of Chapter 45 of the Revised Statutes, as amended by Section 2 of Chapter 98 of the Public Laws of 1921, relating to the issuing of lobster licenses.

House 361: An Act to amend the Charter of the city of Eastport.

House 366: An Act to amend Sec-

tion 84 of Chapter 16 of the Revised Statutes, relating to contracts with academies

House 367: An Act to amend Section 91, Chapter 53, Revised Statutes as amended by Chapter 39, Public Laws of 1919, relating to annual statement of conditions of Insurance Companies, and providing a penalty for neglect to file the statement.

House 371: An Act to amend Section 27 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, and by Chapter 196 of the Public Laws of 1919, and by Chapter 218 of the Public Laws of 1921, relating to use of traps, spears, and nets in taking fish in inland waters.

House 372: An Act to incorporate the Yarmouth Water District.

House 334: Resolve appropriating money to set forth the natural agricultural industrial and recreational advantages of the State of Maine.

House 342: An Act to amend Chapter 173 of the Public Laws of 1919 relating to the registration of resident hunters.

(House amendment A adopted in concurrence.)

House 230: Resolve in aid of navigation on Moosehead Lake.

House 163: An Act additional to Chapter 433 of the Private and Special Laws of 1907, entitled "An Act to incorporate the Portland Water District," and to limit and define the powers of the trustees of said water district in certain things.

(In the House the report of the committee was accepted and House amendment A was adopted. Later the amendment was rejected and then the House rejected the whole matter.

On motion by Mr. Hinckley of Cumberland the report of the committee "ought to pass" was accepted.)

House 248: Resolve providing for the purchase of "Music and Musicians of Maine."

(In the House the report of the committee "ought to pass" was accepted and later the bill was indefinitely postponed.

On motion by Mr. Cram of Cumberland the report of the committee was accepted in concurrence.)

House 211: Resolve providing for the purchase of "Maine 1783-1815."

Communication from the Governor

STATE OF MAINE,

Office of the Governor

March 8, 1923

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

I return herewith without my approval

to resolve, to Place the Flags of Maine in the World War in the Hall of Flags.

This Resolve would have been in order and I gladly should have given it my approval had it not been that the placing of the flags already has been attended to by the Governor and Council and there is no need of action being taken by the Legislature.

More than a year ago I formulated plans to procure two flag cabinets in which to place the battle flags of the Spanish War and of the World War. It took me some time to get the plans drawn and to place the contract. All details, however, were attended to and the order placed for the cabinets several months ago, notice of which was published in the newspapers. I am daily expecting the arrival of the cabinets and hope they will come before the Legislature adjourns so that the Senators and Representatives may see that the flags have been properly cared for by the Governor and Council.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

The message was read by the Secretary.

The PRESIDENT: This Resolve was finally passed in the House over the veto of the Governor by a vote of 133 in the affirmative and 4 in the negative and as a two thirds vote was received it was passed over the Governor's veto. It now comes to the Senate for the constitutional roll call on the question whether it shall be finally passed and become law notwithstanding the objections of the Governor.

Mr. BUZZELL of Waldo: Mr. President and members of the Senate, the Governor has just sent me a statement here and wanted me to present it to the Senate. It is in substance what is contained in the veto message, but in addition to what is contained in that message this statement says that he expects daily these cabinets to arrive at the freight station. He says that the steps taken by him and the Council are agreeable

to the veterans of the World War and the Spanish War, and that they have expressed their approval of what has been done.

I present this statement in accordance with his wishes.

Mr. EATON of Oxford: Mr. President I desire to have this statement from the Governor read in detail.

The PRESIDENT: Does the senator from Waldo, Mr. Buzzell, wish that to be entered upon the records and read by the Secretary?

Mr. BUZZELL: Yes, indeed, there is no objection. I will read it in full.

"Early in 1922 Governor Baxter secured sketches and estimates for the flag cabinets in which to place the Spanish and World War flags. Every detail has been attended to, the contract has been let and any day the Governor expects to have a notice that the flag cabinets are at the freight yards in Augusta. These cabinets will be placed one on the right and one on the left of the rotunda, and will match the present cabinets. If it not necessary for the Legislature to take any action, the money has been provided for by the Governor and Council, and the veterans of the World War and of the Spanish War have expressed their approval of what has been done.

If the resolve is passed, it would be necessary of course for the Governor and Council to disregard it, because they cannot overrule the present contract, and it would not be advisable to procure more than the two cabinets already ordered, for the total number of flags is only 10—three Spanish War and seven of the World War. The Governor and Council acted in good faith at the suggestion of the War veterans, and whatever action the Legislature now takes is superfluous because nothing more can be done than already has been done.

Cost of \$3000 per cabinet.

(Signed) P. B. B. Gov."

Mr. HINCKLEY of Cumberland: Mr. President, if I understand correctly, this resolve was presented by a veteran of the World War, a member of the House. I feel that the Legislature has a perfect right to declare itself on this matter. If a contract has already been made it can do no harm, but it certainly is proper for this Legislature to declare itself on this resolve and go on record.

The PRESIDENT: The Chair will

ask the Secretary to read the resolve. It is short.

(The resolve was read by the secretary.)

"State of Maine

In the year of our Lord one thousand nine hundred and twenty-three.

Resolve to place the Flags of Maine in the World War in the Hall of Flags.

Whereas the great struggle which came to an end November 11th, 1918, known as the World War, and

Whereas, in that struggle the flags of the various units representing the State of Maine were borne with signal distinction, and

Whereas, on June 14th, 1919, those flags were officially presented to the State of Maine, and

Whereas, to date they have not yet been placed in the Hall of Flags, therefore be it

Resolved: That it is the sense of this Legislature that as a mark of respect to those colors and as a fitting tribute to the men who served thereunder, that provision be made forthwith for the placing of those flags in suitable cases and depositing same in the rotunda, graced by the flags of former wars.

In order to effectuate this purpose and exhibit this simple honor, be it

Resolved: That whatever expense is incurred thereby shall be defrayed from the moneys in the treasury not otherwise expended and that this work of love and respect shall be done under the direction of the Governor and Council."

The PRESIDENT: The question before the Senate is—Shall this resolve be finally passed notwithstanding the objections of the Governor?

The secretary will call the roll, and those who wish to sustain the veto of the Governor will vote "No," and those who wish to pass the resolve over the veto of the Governor, will vote "yes."

The secretary called the roll. Those voting "yes" were Messrs. Cram, Croxford, Eaton, Emery, Farrington, Hinckley, Hussey, Kirschner, Morison, Powers, Ryder, Sargent, Speirs, Trefethen, Wadsworth, Wilson—16. Those voting "no" were Messrs. Adams, Allen, Bemis, Brewster, Buzzell, Carlton, Clark Elliot, Phillips, Smith, Spencer, Stevens—12. Absentees: Messrs. Bailey, Morneau, Putnam—3.

Sixteen senators voting "yes" and 12 voting "no," the resolve failed to pass over the Governor's veto.

Bills in First Reading

S. 239. Resolve in favor of the Maine railroad committee.

S. 240. Resolve in favor of W. M. Stuart, postmaster of the Senate of the 81st Legislature.

S. 241. Resolve in favor of Warren L'routy.

S. 242. Resolve in favor of George A. Dow, postmaster of the House of the 81st Legislature.

Reports of Committees

Mr. Hinckley from the committee on judiciary, on An Act to amend Section 64 of Chapter 86 of the Revised Statutes, relating to property exempt from attachment (Senate Doc. No. 91), reported that the same ought not to pass.

(On motion by Mr. Cram of Cumberland, tabled pending acceptance of the report).

Mr. Hussey from the same committee, on An Act to establish a superior court in the counties of Waldo and Knox (Senate Doc. No. 79), reported that the same ought not to pass.

Mr. Brewster from the committee on legal affairs, on An Act to amend Chapter 50 of the Public Laws of 1917, relating to warning signs at grade crossings (Senate Doc. No. 133), reported that the same ought not to pass.

Mr. Speirs from the committee on pensions, on resolve of Mrs. Alfred Polk, Lewiston, for State pension, reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. WADSWORTH, from the committee on Insane Hospitals on Resolve, in favor of the Augusta State Hospital for maintenance during the years July first, 1923 to June thirtieth, 1924, and July first, 1924 to June thirtieth, 1925, reported the same in a new draft, under the same title, and that it ought to pass.

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

Mr. CRAM, from the committee on Legal Affairs, on An Act to amend Section 51 of Chapter 51 of the Revised Statutes, relating to change of name of a corporation (Senate Doc. No. 70) reported that the same ought to pass.

(On motion by Mr. Cram of Cumberland the rules were suspended and the bill was given its first reading.)

The same Senator, from the same committee, on An Act relating to the distribution of the assets of an insolvent estate (Senate Doc. No. 153), reported that the same ought to pass.

(On motion by Mr. Cram of Cumberland the rules were suspended and the bill was given its first reading.)

Mr. PHILLIPS, from the committee on Salaries and Fees, on An Act to amend Section 37 of Chapter 117 of the Revised Statutes of 1916, relative to the salaries of county attorneys, reported the same in new draft, under title of "An Act to amend Section 37 of Chapter 117 of the Revised Statutes of 1916, relative to the salaries of county attorney of Somerset County," and that it ought to pass.

The same Senator, from the same committee, on An Act to amend Section 13 of Chapter 117 of the Revised Statutes of Maine, 1916, as amended by the Public Laws of 1919, relating to the compensation of registers of deeds, reported the same in a new draft under the same title, and that it ought to pass.

Mr. CROXFORD, from the committee on State Sanatoriums, on Resolve, in favor of Northern Maine Sanatorium, at Presque Isle, Aroostook County, for personal services, maintenance, repairs and improvements, reported the same in a new draft, under the same title, and that it ought to pass.

Mr. SPENCER, from the committee on Temperance, on An Act to amend Section 18 of Chapter 135, Revised Statutes, relating to bail, reported that the same ought to pass.

The same Senator, from the same committee, on An Act to amend Section 21, Chapter 128, Revised Statutes, relating to conspiracies, reported that the same ought to pass.

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

The same Senator, from the same committee on An Act to amend Section 45, Chapter 127 Revised Statutes, as amended by Chapter 291, Public Laws of 1921, relating to intoxicating liquors (Senate Doc. No. 54), reported that the same ought to pass.

(On motion by Mr. Hinckley of Cumberland under suspension of the rules, the bill was given its first reading.)

Passed to be Engrossed

House 211: Resolve, in favor of the erection of a State of Maine Building on the grounds of the Eastern States Agricultural and Industrial Exposition, Inc., at West Springfield, Massachusetts.

House 219: An Act to accept the provisions of the Act of the Congress of the United States, approved November twenty-three, 1921, entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes.

(On motion by Mr. Allen of York, tabled pending passage to be engrossed, and assigned for consideration tomorrow).

House 233: Resolve, amending the Constitution of the State of Maine so as to limit appropriations for denominational, sectarian, parochial, or religious institutions and purposes until December 31, 1930 and so as to prohibit such appropriations after December 31, 1930. (House Doc. No. 233).

House 238: Resolve, in favor of a bridge over the St. Croix River between Vanceboro, Maine, and St. Croix, New Brunswick.

House 329: Resolve, granting the consent of the State to the building of a bridge between 'Big Five Island' and 'Hen Island' in the town of Georgetown.

House 330: An Act to amend Chapter 69 of the Public Laws of 1921, relating to the fiscal year of the State.

House 331: Resolve, authorizing the acceptance of a donation to Blaine Memorial Fund.

House 332: Resolve, authorizing the Treasurer of State to accept from the executors of the will of John Prescott, two five hundred dollar United States Liberty Bonds in lieu of the legacy of one thousand dollars left by said Prescott to the Western Maine Sanatorium at Hebron.

(On motion by Mr. Smith of Somerset, tabled in order to make a correction.)

Passed to be Enacted

(Emergency Measure)

An Act to provide for an issue of State Highway and Bridge Bonds.

This bill carrying the emergency clause required the affirmative vote of two-thirds of the membership of the Senate on its passage to be en-

acted. Twenty-eight senators voting in the affirmative and none opposed, the bill was passed to be enacted.

Finally Passed

(Emergency Measure)

Resolve, in favor of a bridge between Howland and Enfield.

This resolve carrying the emergency clause required the affirmative vote of two-thirds of the membership of the Senate on its final passage. Twenty-seven Senators voting in the affirmative and none opposed, the resolve was finally passed.

Passed to be Enacted

An Act to create the Kennebec Reservoir Company and define the powers thereof.

An Act to incorporate the Auburn Water District.

An Act to amend Section 4 of Chapter 197 of the Public Laws of 1917, as amended, relating to the State Department of Health.

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.

An Act to amend Section 32 of Chapter 117 of the Revised Statutes, as amended by Chapter 183 of the Public Laws of 1917, and by Chapter 152 of the Public Laws of 1921, relating to the Board of State Assessors.

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

An Act to amend Chapter 352 of the Private and Special Laws of 1905, as amended by Section 4 of Chapter 357 of the Private and Special Laws of 1909, relating to the Caribou Municipal Court.

An Act to amend Chapter 206 of the Private and Special Laws of 1907, relating to the West Branch Driving and Reservoir Dam Company.

An Act to amend Section 33 of Chapter 81 of the Revised Statutes, relating to Notice of Sale.

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, November 11th.

An Act to amend Section 45 of Chapter 117 of the Revised Statutes, as amended by Chapter 214 of the Public Laws of 1919 and Chapter 219 of the Public Laws of 1921 relating to

clerk hire in office of Register of probate in Washington county.

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

An Act relating to taking of clams in Machiasport.

An Act relating to the Good Templars' Hall in Dexter.

An Act to repeal the Act incorporating the town of Forest City.

An Act to amend Section 40 of Chapter 127 of the Revised Statutes, as amended by Chapter 108 of the Public Laws of 1919, relating to prosecutions for violation of the intoxicating liquor laws.

Finally Passed

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

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

Resolve, in favor of Charles E. Bradford, for State pension.

Resolve, providing for the purchase of "History of Aroostook."

Resolve, in favor of Olive E. Brann of Augusta for State pension.

Resolve, increasing the State pension of Meldon Nealley of Brewer.

Resolve, increasing the State pension of Catherine Nelligan of Brewer.

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.

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

Resolve, for State pension for Annie D. McLean.

Resolve, for State pension in favor of Rena Cooley.

Resolve, for the laying of the county taxes for the year 1924.

(On motion by Mr. Speirs of Cumberland, all the pension resolves in the above list were tabled pending final passage.)

Mr. BUZZELL of Waldo: Mr. President, will the senator from Cumberland assign a time for the consideration of the resolves he has just tabled?

Mr. SPEIRS: I cannot, for other bills are coming along and we want them to go into a blanket resolve.

Mr. ALLEN of York: Mr. President I would like to inquire if those bills come up automatically next Wednesday?

The PRESIDENT: The Chair will state that they will.

Orders of the Day

On motion by Mr. Hinckley of Cumberland, Senate Document 199, An Act to revise and consolidate the banking laws of this State was taken from the table.

The same senator then moved the adoption of Senate Amendment A, S. D. 238.

Senate Amendment A was adopted and the bill as amended by Senate Amendment A was then passed to be engrossed.

Mr. EATON of Oxford: Mr. President, on the bill tabled by me yesterday, An Act to amend Chapter 3, Section 3 of the Revised Statutes, relating to the printing and binding of reports of certain state departments, has the Senate adopted House Amendment A?

The PRESIDENT: The Chair will state that it has not.

Mr. EATON: I move the adoption of House Amendment A in concurrence.

The motion was agreed to, House Amendment A was adopted in concurrence and the same senator offered Senate Amendment A and moved its adoption:

Senate Amendment A to bill, An Act to amend Chapter 3, Section 31, of the Revised Statutes relating to printing and binding of certain state departments.

Said bill, as amended by House Amendment A is hereby amended by striking out in line 10 the following words: "The commissioner of agriculture," and by adding in line 25, after the words "Bath Military and Naval Orphan Asylum" the following: "the report of the commissioner of agriculture shall not exceed 1500 copies."

Senate Amendment A was adopted.

Mr. ALLEN of York: Do I understand that Senate Amendment A is an amendment to House Amendment A?

The PRESIDENT: The Chair does not so understand it. The language of the amendment is a little ambiguous. "Said bill as amended by House Amendment A."

Does the Chair understand from the Senator from Oxford that this amendment affects the House amendment at all?

Mr. EATON: It does not. It was my understanding that House Amendment A would perhaps be adopted before this Senate amendment, and that was the reason for my language. Probably it is not very clear.

The PRESIDENT: House Amendment A having been adopted in concurrence, and Senate Amendment A having been adopted, according to the endorsements on the paper here it would appear that the Senate has not reconsidered its original engrossment. That was not called to the attention of the Chair. Is it the pleasure of the Senate that we reconsider the vote whereby we adopted Senate Amendment A.

The vote was reconsidered and the Senate then voted to reconsider the action whereby House Amendment A was adopted; and then the vote whereby the bill was passed to be engrossed was reconsidered. House Amendment A was then adopted in concurrence, Senate Amendment A was adopted, and the bill as amended was passed to be engrossed.

Senate down for concurrence.

The PRESIDENT: There has one bill come from the House, 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.

This bill was finally passed by the Senate on February 28, and pursuant to a House order it was passed March 6, 1923. The Governor returned this bill to the House, and all votes whereby it was passed to be enacted and passed to be engrossed were reconsidered. House Amendment A was offered and subsequently indefinitely postponed; then again the bill was passed to be engrossed and passed to be enacted. It now comes to the Senate with this rather peculiar situation. The Senate needs to take no further action on it except to note on its record the fact that today it will be delivered again to the Governor, from which date will be reckoned the five days under the Constitution.

On motion by Mr. Hussey of Aroostook,

Adjourned until tomorrow morning at nine o'clock.