

# 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 20, 1923.

Senate called to order by the President.

Prayer by the Rev. R. W. D. Smith of Hallowell.

Journal of previous session read and approved.

On motion by Mr. Speirs of Cumberland, under suspension of the rules, it was voted that when the Senate adjourn, it adjourn to meet tomorrow morning at nine o'clock.

On motion by Mr. Emery of Washington, it was

Ordered, that a message be sent to the House of Representatives, proposing a joint convention of both branches of the Legislature to be held forthwith in the Hall of the House, for the purpose of waiting upon his Excellency Governor Percival P. Baxter inviting him to attend a joint convention and to present such communication as he may be pleased to make.

The Secretary conveyed the message and subsequently reported that he had delivered the message with which he was charged.

**Message from the House**

A message was received from the House conveyed by the Clerk informing the Senate that the House concurred in the proposition of the Senate for a joint convention.

Thereupon the Senate retired to the Hall of the House for the purpose of holding a joint convention.

(For proceedings in joint convention see House Report.)

Upon the return of the Senate to its Chamber it was called to order by the President.

Papers from the House disposed of in concurrence.

From the House: S. 232, An Act authorizing the formation of non-profit, co-operative associations, with or without capital stock for the purpose of encouraging the orderly marketing of agricultural products through co-operation.

This bill was originally passed to be engrossed by the Senate. In the House, House Amendment A was adopted and the bill was passed to be engrossed as amended.

In the Senate the action whereby this bill was passed to be engrossed was reconsidered, House Amendment A was adopted in concurrence and the bill as amended was passed to be engrossed.

**Veto Message from the Governor**

STATE OF MAINE,  
Office of the Governor  
Augusta, March 20, 1923.

To the Honorable Senate and House of Representatives:

Gentlemen:—I herewith return to you without my approval "An Act to create the Kennebec Reservoir Company and define its powers."

My reasons for vetoing this measure have been given to you in detail in a message that I delivered in person this forenoon at the joint session of the Senate and House.

Respectfully submitted,

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

The message was read.

The PRESIDENT: The question before the Senate is shall this bill become law notwithstanding the objections of the Governor?

Mr. MORNEAU of Androscoggin: Mr. President, I move that the message and bill be tabled.

The motion was agreed to.

The vote was doubted.

The PRESIDENT: The Chair has already declared the vote.

Mr. BREWSTER of Cumberland: Mr. President, I move that we reconsider the vote whereby this message and bill were tabled.

Mr. BUZZELL of Waldo: Mr. President, may I inquire what the question is before the Senate. I just came in.

The PRESIDENT: The motion is reconsideration of the vote whereby this veto message and bill were tabled. The bill is An Act to create the Kennebec Reservoir Company and define its powers.

Mr. MORNEAU: Mr. President, is this reconsideration of the vote?

The PRESIDENT: The Chair will state that Mr. Brewster of Cumberland, made a motion to reconsider the vote whereby this matter was tabled. This is the question on which you are voting.

A rising vote was had and fifteen voting in favor of the motion to reconsider and seven opposed the motion was carried.

Mr. CLARK of Lincoln: Mr. President, it seems to me that this is one of the great questions before us at this session of the Legislature.

The PRESIDENT: Does the senator have a motion that he wishes to address himself to?

Mr. CLARK: I move that this message and bill lie on the table and be specially assigned for tomorrow morning.

The motion was agreed to.

#### House Bills in First Reading

House 317. An Act to amend Section 72, Chapter 11 of the Revised Statutes, relating to sale of real estate for taxes.

House 382. An Act to amend Section 51 of Chapter 32 of the Revised Statutes, as amended by Chapters 73, 211 and 227 of the Public Laws of 1917, as amended by Chapter 181 of the Public Laws of 1921, relating to trial terms of the supreme judicial court.

House 383. An Act relating to the packing and grading of apples.

House 387. An Act to amend Section 44 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, relating to the salary of the treasurer of York county.

House 389. An Act to amend Paragraph 15, Section 45, Chapter 117 of the Revised Statutes, as amended by Chapter 219, Public Laws of 1921, relating to clerk hire in county offices, in office of register of deeds in Waldo county.

House 390. An Act to authorize the city of Lewiston to issue its bonds to the amount of \$80,000 to refund its bonds now outstanding and maturing in the year 1924.

House 391. An Act in addition to and to amend Chapter 75 of the Special Laws of 1866, as amended by Chapter 18 of the Private and Special Laws of 1878, as amended by Chapter 164 and Chapter 304 of the Private and Special Laws of 1905, and as amended by Chapter 236 of the Private and Special Laws of 1911, entitled "An Act creating the South Paris Village Corporation, relating to a public sewer for said corporation."

House 393. An Act to provide for the designation and registration of farm names.

House 388. Resolve in favor of the Central Maine Sanatorium for fire protection.

House 392. Resolve providing aid in

the control and suppression of the European corn borer.

#### Communication from the Treasurer of State

STATE OF MAINE

Augusta

Treasury Department

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

Gentlemen:—Section 14, Article IX, of the Constitution of Maine empowers the Legislature to authorize the Treasurer of State to negotiate a temporary loan not to exceed \$300,000. Article XLII of the Constitution, an amendment adopted in 1919, raises the debt limit to \$800,000. Chapter 204 of the Public Laws of 1917 authorizes the Treasurer, in any year in which he and the Governor and Council may deem it necessary, to negotiate a temporary loan in accordance with Article IX, Section 14, of the Constitution as stated above.

The Treasurer suggests that the public interest demands that Chapter 204 of the Public Laws of 1917 be amended to raise the borrowing power of the State to \$800,000 and that the statute conform to Article XLII of the constitution. Our monthly warrants often call for the expenditure of over one million and a half dollars and it may well happen that at times the State finds itself faced with the necessity of making a temporary loan in anticipation of incoming funds. I believe it is entirely in accord with good business administration that this safeguard should be extended to the Treasury, if the State's bills are to be promptly paid when due.

The attorney general's office, at my suggestion, has prepared a bill, the effect of which will be, if enacted into law, to reconcile the statutes with the provisions of the constitution, regarding the matter of a temporary loan. This bill will be introduced by the senator from Kennebec, Senator Wadsworth, and I recommend its consideration and passage.

Respectfully yours,

(Signed) W. L. BONNEY,  
Treasurer of State.

Read by the secretary and ordered placed on file.

#### Orders

On motion by Mr. Brewster of Cumberland, it was

Ordered that 2000 copies of the Governor's veto message on the Kennebec

Reservoir Company be printed for the use of the Legislature

#### Reports of Committees

Mr. Allen from the committee to consider the Cole report, on An Act relating to the expenditure of the department of public schools (S. D. 164), reported the same ought to pass.

The report was accepted and the bill was given its first reading.

Mr. Carlton from the committee on public utilities, on An Act conferring power upon the Public Utilities Commission to prescribe the standard for coal in this State (Senate Doc. No. 159), reported that legislation thereon is inexpedient.

The report was accepted and sent down for concurrence.

The same senator from the same committee, on An Act to supply the town of Winthrop with pure water, reported that the same ought to pass.

The same senator from the same committee, on An Act to incorporate the Winthrop Water District, reported that the same ought to pass.

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

#### Passed to be Engrossed

House 349. An Act to prohibit the conferring of degrees without special authorization.

House 351: An Act to amend Section 25 of Chapter 24 of the Revised Statutes, relating to penalty for falsely assuming to be an officer.

House 375: Resolve, appropriating money for the Maine School for the Deaf.

House 376: An Act to authorize the town of Southport to construct a bridge over the tide-waters to Joe Island Gut.

House 377: An Act to authorize the city of Lewiston to issue its bonds to the amount of \$200,000 to construct an armory in the city of Lewiston.

House 378: Resolve, in favor of H. G. Smallidge for services at the organization of the House at the Eighty-first Legislature.

House 379: Resolve, in favor of William A. Heal, Secretary of Committee on Sanatoriums.

Senate 249: An Act to amend Sections 1 and 5 of Chapter 169 of the Public Laws of 1919, as amended by Chapter 183 of the Public Laws of

1921, relating to the support of dependents of soldiers, sailors, and marines.

#### Passed to be Enacted

An Act to amend Sections Forty-four and Forty-five of Chapter Ten, of the Revised Statutes, Relating to taxes in unincorporated places.

An Act to amend sections Sixty-three and Sixty-four of Chapter Eight of the Revised Statutes, Relating to Maine Forestry District taxes. An Act to amend Section Thirty of Chapter Fifty-six of the Revised Statutes, as amended by Chapter Seventy-six of the Public Laws of Nineteen Hundred and Seventeen and by Chapter Fifty-three of the Public Laws of Nineteen Hundred and Nineteen, relating to branch railroad tracks.

An Act to amend Chapter Sixty-nine of the Public Laws of Nineteen Hundred and Twenty-one, relating to the fiscal year of the State.

An Act to amend the Charter of the city of Calais, providing for the election of a city manager.

An Act to amend Section Nine of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, relating to the screening of lakes and ponds.

An Act to amend Section Twenty-seven of Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, as amended by Chapter Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Seventeen, and by Chapter One Hundred and Ninety-six of the Public Laws of Nineteen Hundred and Nineteen, and by Chapter Two Hundred and Eighteen of the Public Laws of Nineteen Hundred and Twenty-one, relating to use of traps, spears and nets in taking fish in inland waters.

An Act to amend Section Forty-nine of Chapter Two Hundred and Eleven of the Public Laws of Nineteen Hundred and Twenty-one, relating to the weight of heavy vehicles.

An Act to amend Section Fifty-eight of Chapter Eighty-seven of the Revised Statutes, relating to the setting aside of verdicts by single justices.

An Act to repeal Chapter One Hundred and Fifty-one of the Public Laws of Nineteen Hundred and Nineteen, providing for the collection of agricultural statistics by assessors.

An Act to repeal Chapter Fourteen of the Public Laws of Nineteen Hundred and Twenty-one, relating to protection of deer in the town of York.

An Act to amend Section Seven of Chapter Ninety-five of the Revised Statutes, as amended by Chapter Forty-seven of the Public Laws of Nineteen Hundred and Twenty-one, relating to the foreclosure of mortgages.

An Act to amend Section Forty-one of Chapter One Hundred and Seventeen of the Revised Statutes, as amended by Chapter One Hundred and Sixty-seven of the Public Laws of Nineteen Hundred and Seventeen, by Chapter Two Hundred and Fourteen of the Public Laws of Nineteen Hundred and Nineteen, and Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Twenty-one, relating to salaries of sheriffs.

#### Finally Passed

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.

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

#### Orders of the Day

The PRESIDENT: This brings us to the special assignment for today, the Senate order relative to recess committee constituted to consider reorganization of the judicial system.

The Chair recognizes Mr. Brewster of Cumberland.

Mr. BREWSTER: Mr. President, at the request of some of those interested in this matter I would appreciate it if the Senate would permit this matter to be specially assigned for Thursday, and I make that motion.

The motion was agreed to and the order was tabled and specially assigned for next Thursday.

On motion by Mr. Hinckley of Cumberland, Senate 53, An Act to amend Section 10, Chapter 172 of the Public Laws of 1919, relating to local health officers, was taken from the table.

On further motion by the same senator House Amendment A was adopted in concurrence and the bill was passed to be engrossed as amended by House Amendment A.

On motion by Mr. Speirs of Cumberland, the following pension resolves were taken from the table:

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

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 Alonzo E. Peabody of Dixmont for State pension.

Resolve, for State pension in favor of Rena Cooley.

Resolve, for State pension for Annie E. McLean.

On further motion by the same senator, the several resolves were then finally passed.

On motion by Mr. Cram of Cumberland, the House report from the committee on interior waters "ought not to pass," on An Act to provide for a commission to be known as the People's Rights and Water Power Commission of the State of Maine, was taken from the table.

On further motion by the same senator, the report of the committee was accepted in concurrence.

On motion by Mr. Clark of Lincoln, S. 194, Resolve for the laying of county taxes for the year 1923, was taken from the table.

On further motion by the same senator, the resolve was passed to be engrossed as amended by House Amendment A, in concurrence.

Mr. WADSWORTH of Kennebec: Mr. President, I would like to ask permission of the Senate to introduce An Act out of order, which corresponds to the recommendation of the Treasurer of State this morning. I move that we receive this act out of order.

The PRESIDENT: The Chair will state that it will be necessary to suspend the order in regard to the introduction of bills after March 6th.

Mr. HINCKLEY of Cumberland: Mr. President, inasmuch as this is a matter which seems to be absolutely necessary, according to the recommendation of the State Treasurer this morning, I move that the rules be suspended and the bill received.

The motion was agreed to, the

rules were suspended, and the bill, An Act to amend Chapter 204 of the Public Laws of 1917, authorizing the Treasurer of State to negotiate temporary loans, was received and read by the Chair.

The PRESIDENT: Does the senator from Kennebec have any motion he desires to make in regard to what should be done with this bill?

Mr. WADSWORTH: Mr. President, I move that it be referred to a committee, unless there is objection.

Mr. HINCKLEY: Mr. President, I have in mind that it would take a

week to advertise this bill, and in a matter of this kind it is usual to suspend the rules and pass it along.

I move that the rules be suspended and that the bill be given its two readings and be passed to be engrossed.

The motion was agreed to and the bill was read twice and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Elliott of Knox,

Adjourned until tomorrow morning at 9 o'clock.