

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Wednesday, February 11, 1925.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Atkins of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve in favor of Earl G. Holbrook for damages sustained in accident on State aid highway. (S. P. 132).

In the Senate referred to the committee on Judiciary.

In the House, on motion by Mr. Burnham of Kittery, tabled pending reference in concurrence.

From the Senate: Resolve rejecting proposed amendment to the Constitution of the United States granting to Congress power to limit, regulate and prohibit the labor of persons under eighteen years of age. (S. P. 125).

In the Senate referred to the committee on Labor.

In the House, on motion by Mr. Sturgis of Auburn, tabled pending reference in concurrence.

From the Senate: Resolve ratifying proposed amendment to the Constitution of the United States, granting Congress the power to limit, regulate and prohibit the labor of persons under eighteen years of age and declaring that the power of the several States is unimpaired thereby except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress. (S. P. 121).

In the Senate referred to the committee on Labor.

In the House, on motion by Mr. Sturgis of Auburn, tabled pending reference in concurrence.

From the Senate: An Act to amend Section 32 of Chapter 9 of the Revised Statutes of Maine, relating to the excise tax on railroads. (S. P. 143).

In the Senate referred to the committee on Taxation.

In the House referred to the committee on Taxation in concurrence,

and, on motion by Mr. Wing of Auburn, 500 copies ordered printed.

From the Senate:

**DEPARTMENT OF STATE****State of Maine**

Augusta, Jan. 7, 1925.

To the President of the Senate and the Speaker of the House of Representatives:

By direction of His Excellency, the Governor, I have the honor to transmit herewith a communication received at the Executive Department from the Secretary of State of the United States under date of June 6, 1924, enclosing a certified copy of a resolution to Congress entitled "Joint Resolution proposing an amendment to the Constitution of the United States." The text of the resolution is as follows, to wit:

"Resolve by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of each House concurring therein, that the following Article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the Constitution.

Section 1. The Congress shall have power to limit, regulate and prohibit the labor of persons under eighteen years of age.

Section 2. The power of the several states is unimpaired by this Article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Respectfully yours,

(Signed) FRANK W. BALL  
Secretary of State.

In the Senate referred to the committee on Labor.

In the House, on motion by Mr. Sturgis of Auburn, tabled pending reference in concurrence.

Communication from the Secretary of State.

**STATE OF MAINE**

Office of Secretary of State

Augusta, Feb. 10, 1925.

To the President of the Senate and Speaker of the House of Representatives:

Under the provisions of the Revised Statutes, Chapter 10, Section 71, I have the honor to herewith transmit the County Estimates for

the years 1925 and 1926 of the several counties of the State of Maine, which have been filed with the Secretary of State.

Respectfully,  
(Signed) FRANK W. BALL,  
Secretary of State.

On motion by Mr. Wing of Auburn this communication was referred to the committee on Counties.

The following bills, resolves, petitions and remonstrances were received and, upon recommendation of the committee on reference of bills, were referred to the following committees:

#### **Agriculture**

By Mr. White of Bowdoinham: An Act to change the grades of the apple packing law. (H. P. No. 478).  
(1000 copies ordered printed)

#### **Appropriations and Financial Affairs**

By Mr. Melcher of Rumford: Resolve in favor of the Rumford Hospital Association. (H. P. No. 479).

By Mr. Lausier of Biddeford: Resolve in favor of Webber Hospital Association. (H. P. No. 480.)

#### **Claims**

By Mr. Gilchrist of Thomaston: Resolve in favor of the town of Thomaston for loss of Fire Department Apparatus at fire of 1923 in State Prison (H. P. No. 481).

#### **Indian Affairs**

By Mr. Decker of Milo: An Act relating to the choice of Officers by the Penobscot Tribe of Indians. (H. P. No. 482).

#### **Inland Fisheries and Game**

By Mr. Audibert of Fort Kent: Remonstrance of Vital E. Michaud and 39 others against the changing of the present limit of two deer to one deer. (H. P. No. 483).

By the same gentleman: Remonstrance of W. D. Stadig and 13 others against same. (H. P. No. 484).

By the same gentleman: Remonstrance of J. H. Audibert of Fort Kent and 34 others against same. (H. P. No. 485).

By Mr. Bartlett of Hanover: An Act relating to fishing in Stony Brook in Newry and in Hanover, in Oxford county. (H. P. No. 485).

By Mr. Moore of Gouldsboro: An Act relating to the taking of fish from Birch Harbor Pond in Winter Harbor, Hancock county. (H. P. No. 487).

By the same gentleman: Petition of E. H. Norris of Winter Harbor and 44 others in favor of same. (H. P. No. 488).

By Mr. Decker of Milo: Resolve appropriating money to aid in the screening of Schoodic Lake in Township 4, Range 8, Piscataquis county. (H. P. No. 489).

(On motion of Mr. Decker of Milo, 500 copies were ordered printed).

#### **Interior Waters**

By Mr. Towle of Winthrop: An Act to authorize Harry M. Stanley to construct and maintain a wharf and boat house in Lake Maranacook, in Winthrop, Maine. (H. P. No. 490).

#### **Judiciary**

By Mr. Hamilton of Caribou: An Act relating to Caribou Municipal Court. (H. P. No. 491).

(500 copies ordered printed)

By Mr. Davis of Portland: An Act relating to the Portland Public Library. (H. P. No. 500.)

(500 copies ordered printed)

By Mr. Deering of Saco: An Act to grant a new charter to the city of Saco. (H. P. No. 492).

(500 copies ordered printed)

By Mr. Lunt of North Kennebunkport: An Act relating to itinerant vendors. (H. P. No. 493).

(500 copies ordered printed)

By Mr. Dwinal of Camden: An Act relating to operation of motor vehicles. (H. P. No. 494).

(500 copies ordered printed)

By Mr. Lait of Old Town: Resolve proposing an amendment to the Constitution of the State of Maine changing the date of the State election from the second Monday of September to the Tuesday after the first Monday of November. (H. P. No. 495).

(500 copies ordered printed)

#### **Legal Affairs**

By Mr. Lait of Old Town: An Act to incorporate Old Town Herbert Gray School District. (H. P. No. 496).

(500 copies ordered printed)

By Mr. Burnham of Kittery: An Act relating to distribution of personal estate. (H. P. No. 497).

(500 copies ordered printed)

By the same gentleman: An Act relating to burying grounds. (H. P. No. 498).

(500 copies ordered printed)

By the same gentleman: An Act relating to meetings of municipal officers to accept legacies and gifts. (H. P. No. 499).

(500 copies ordered printed)

#### **Library**

By Mr. Holman of Bangor: Resolve for the purchase of 150 copies

of the history of the town of Lee. (H. P. No. 501).

#### Public Utilities

By Mr. Hamilton of Caribou: An Act authorizing the Caribou Water, Light and Power Company to lease and assign to the Great Northern Paper Company for a period of 30 years, its right to maintain piers and booms and to hold and sort logs and other lumber granted by Chapter 178 of the Private and Special Laws of Maine of 1907. (H. P. No. 502).

By Mr. Melcher of Rumford: An Act to authorize the Rumford and Mexico Water District to take water from Walker Brook in the towns of Roxbury and Weld. (H. P. No. 503).

#### Salaries and Fees

By Mr. Frost of Belfast: An Act relating to the compensation of Clerk of Courts of Waldo county. (H. P. No. 504).

#### Ways and Bridges

By Mr. Houghton of Lee: Resolve in favor of repairing road in town of Prentiss. (H. P. No. 505).

By the same gentleman: Resolve for repair of road in town of Prentiss. (H. P. No. 506).

By Mr. Lunt of North Kennebecport: Resolve making an appropriation to aid in constructing and maintaining a highway in the town of York. (H. P. No. 507).

By the same gentleman: Petition of Frank H. Ellis of York and 34 others, tax payers of York and Wells, in favor of same. (H. P. No. 508).

By the same gentleman: Petition of Joseph P. Bragdon and 15 others, taxpayers of York and Wells, in favor of same. (H. P. No. 509).

By the same gentleman: Petition of L. R. Williams and 95 others, taxpayers of York and Wells, in favor of same. (H. P. No. 510).

By the same gentleman: Petition of C. T. Weare and 54 others, taxpayers of York and Wells, in favor of same. (H. P. No. 511).

#### ORDERS

On motion by Mr. Hamilton of Caribou, it was

Ordered that the Official Reporter of the House be, and hereby is, authorized to procure the services of a typewriter operator for the use of the Assistant Reporter of the 82nd Legislature in the preparation and completion of the Legislative Record, at the same expense as was incurred at the last regular session.

#### Passed to be Engrossed

H. P. No. 71: An Act relating to the Salary of the Judge of the Municipal Court of Portland.

H. P. No. 70: An Act increasing the amount paid for Clerk Hire in the office of the Recorder of the Municipal Court of the City of Portland.

H. P. No. 27: An Act to amend Section 3, 4 and 5 of Chapter 413 of the Private and Special Laws of 1893, relating to the East Maine Conference Seminary.

H. P. No. 26: An Act to Change the Name of the Trustees of Gould's Academy in Bethel.

#### ORDERS OF THE DAY

The SPEAKER: Under orders of the day, the Chair presents a paper from the Senate, out of order:

Ordered, the House concurring, that the Special Legislative Committee appointed for the purpose of investigating the proposed location of a bridge over the Kennebec River in the vicinity of Bath and Woolwich, be authorized to continue its investigations and employ such engineering counsel as may be in their judgment required to enable them to make full report of their findings on or before March 10th, 1925, and that said committee be authorized to incur the necessary expense therefor, the same to be charged to the fund appropriated by the 81st Legislature for the expense of the 82nd Legislature.

In the Senate read and passed.

Mr. BISHOP of Boothbay Harbor: Mr. Speaker, relative to the order just read, a word of explanation may possibly be in order.

The Legislature, sometime ago, suggested the appointment of a committee to investigate sites for the Kennebec Bridge near Bath and Woolwich. This committee was appointed, attended to its duties so far as it could, investigated the situation down there, had interviews with representatives of the Waddell Engineering Company, as well as with representatives from the War Department, the latter of whom went over the draw situation in regard to navigation. In doing this your committee came to the conclusion that it still needed more data, as some things were not brought out there that we wanted, especially in relation to the approaches.

At the suggestion of Governor Brewster this order has been introduced authorizing your committee to

proceed with its investigations, employ engineering counsel, and get all the data possible and present it to you not later than March 10th. This in a few words explains the purposes of the order.

The SPEAKER: The gentleman from Boothbay Harbor, Mr. Bishop, moves the passage of the order in concurrence. The subject is open for discussion. Is it the pleasure of the House that this order have passage?

Thereupon the order received passage in concurrence.

On motion by Mr. Gagne of Lewiston, it was voted to take from the table H. P. 449, bill, an act to establish a Finance Commission of Lewiston, tabled by that gentleman on February 10, pending reference.

Mr. GAGNE: Mr. Speaker, I move that this bill be referred to the committee on Legal Affairs, the committee on reference of bills having suggested reference to the Judiciary committee.

Mr. HOLMES of Lewiston: Mr. Speaker, I wish to ask the House not to sustain the motion of my colleague (Mr. Gagne), but to sustain the order of reference of the committee on reference of bills.

Briefly, Mr. Speaker, I will give the two reasons that appeal to me, and I think other members of the Lewiston delegation, and I think also to the committee on reference of bills, and perhaps to the committee on Judiciary; and I hope that the members of the committee on Legal Affairs will not feel that we are wrong and will not feel that there is any matter of pride in it. Those two committees are the law committees, and either one, of course, has equal power and authority with the other; but the city of Lewiston is the second city of size in the State and surely deserves courteous treatment from the Legislature. The city of Lewiston has representation upon the Judiciary committee but none upon the Legal Affairs committee. It has one member on the Judiciary. We feel that, as a matter of courtesy to the great city of Lewiston, the bill should be referred to the committee on Judiciary where Lewiston has representation.

Also, Mr. Speaker, one other reason! This bill is very fundamental in its nature—I do not mean to argue the question of the merits of the bill—but being serious and important I wish to call your attention to the fact that upon the Judiciary committee

there now sits a gentleman who has given special study to a similar phase of municipal government relating to the city of Auburn, the gentleman from Auburn, Mr. Wing; and also upon the Judiciary committee are three or four gentlemen who, two years ago, considered and studied similar questions concerning the city of Portland. I refer to the gentleman from Portland, Mr. Haie, the gentleman from Portland, Mr. Nichols, the gentleman from Portland, Mr. Oakes, and the senator from Cumberland, Mr. Hinckley.

Now I think that these two reasons had weight with the committee on reference of bills. Therefore, Mr. Speaker, I respectfully urge the House not to sustain the motion of my colleague from Lewiston, Mr. Gagne, but to support the order of reference of the committee on reference of bills.

Mr. GAGNE of Lewiston: Mr. Speaker, just a few words in favor of sending it to the committee on Legal Affairs. This is not without courtesy to the Judiciary committee, but, fellow members of the House, I like to be on the same footing as my colleague from Lewiston (Mr. Holmes). He has the advantage over me of being a learned lawyer. Now the Legal Affairs committee is composed of lawyers who know the law and I think they have good judgment; and, fellow members, if it goes to the Legal Affairs committee, my colleague, Mr. Holmes, will have to go and plead before that committee the same as I will, and we will be on an equal footing. I feel that this is only justice and I hope you will sustain my motion.

The SPEAKER: The motion before the House is that of the gentleman from Lewiston, Mr. Gagne, who moves that the bill, An Act to establish a Finance Commission of Lewiston be referred to the committee on Legal Affairs. The question is on that motion. Is the House ready for the question?

A viva voce vote being doubted,

A division of the House was had.

Seventy-six voting in the affirmative and 54 in the negative, the motion that the bill be referred to the committee on Legal Affairs prevailed.

The SPEAKER: The members will find upon their desk a calendar which shows the matters lying on the table. If any of these matters can be taken

from the table, it will expedite business.

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On motion by Mr. Hamilton of Caribou, it was voted to take from the table, H. P. No. 418, bill, An Act relating to tax on gasoline, tabled by that gentleman on February 5th, pending reference; and on further motion by the same gentleman the bill was referred to the committee on Ways and Bridges.

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On motion by Mr. Oakes of Portland, it was voted to take from the table H. P. No. 9, report of committee on Legal Affairs on bill, An Act to provide for the settlement of estates of Absentees tabled by that gentleman February 5, pending acceptance of report; and on further motion by the same gentleman the report of the committee, ought not to pass, was accepted.

The SPEAKER: The Chair at this time will suggest to the members that the time is drawing to a close for the introduction of matters of private and special legislation, and the members will bear in mind that the "close time" begins at four P. M. next Monday. While that rule that we have adopted applies only to private and special legislation, there is no reason for delay or hesitation in the introduction of matters relating to general legislation; and if members contemplate the introduction of such bills, it would facilitate our business if they should be prompt in introducing the same. The indications are at present that we will sit on Friday of this week. The Clerk will read the notices.

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On motion by Mr. Morse of Oakland,  
Adjourned until ten o'clock tomorrow morning.