

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

Thursday, February 26, 1925.

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

Prayer by the Rev. Mr. Webber of Hallowell.

Journal of the previous session read and approved.

The SPEAKER: Mr. Frank Socoby, Representative of the Passamaquoddy Tribe of Indians is present. The messenger will escort him to his seat as the House welcomes him as the Representative of his Tribe.

(Applause, the members rising)

From the Senate: Bill, an act relating to the adjustment of rate of interest on farm loans granted by the State. (S. P. No. 330) (S. D. No. 120).

In the Senate referred to the committee on Agriculture.

In the House, on motion of Mr. Eustis of Strong, tabled pending reference in concurrence.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill, an act relating to the supervision, regulation and conduct of the transportation of persons over the public highways of the State of Maine by automobiles, jitney busses and auto stages by the Public Utilities Commission, and to provide for the furnishing of security for civil liability on account of personal injuries and property damage caused by same.

In the Senate, referred to the committee on Public Utilities.

In the House, on motion by Mr. Drake of Bath, tabled pending reference in concurrence.

From the Senate: Communication transmitting copy of resolution to Congress entitled "Joint Resolution proposing an amendment to the Constitution of the United States" relating to Child Labor which was referred to the Committee on Legal Affairs in non-concurrence in the House February 19th.

Comes from the Senate that body insisting on its former action where- by the same was referred to the

Committee on Labor, and asking for a Committee of Conference with the following members appointed on the part of the Senate: Messrs. Smith of Somerset, Bond of Lincoln, Wadsworth of Kennebec.

In the House, on motion by Mr. Hale of Portland, that body voted to adhere and join in the committee of conference, and the Chair appointed as conferees on the part of the House, Messrs. Hale of Portland, Sturgis of Auburn and Dudley of Woodstock.

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 18 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. No. 121) which was referred to the Committee on Legal Affairs in non-concurrence with the House February 19th.

Comes from the Senate that body insisting on its former action where- by the same was referred to the Committee on Labor, and asking for a Committee of Conference, and the following members were appointed on the part of the Senate: Messrs. Smith of Somerset, Bond of Lincoln, Wadsworth of Kennebec.

In the House, on motion by Mr. Hale of Portland, that body voted to adhere and join in the committee of conference, and the Chair appointed as conferees on the part of the House, Messrs. Hale of Portland, Sturgis of Auburn and Dudley of Woodstock.

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 18 years of age; (S. P. No. 125) which was referred to the Committee on Legal Affairs in the House February 19th in non-concurrence.

Comes from the Senate that body insisting on its former action where- by the same was referred to the Committee on Labor, and asking for a Committee of Conference, and the following members were appointed on the part of the Senate: Messrs. Wadsworth of Kennebec, Smith of Somerset, Bond of Lincoln.

In the House, on motion by Mr. Hale of Portland, that body voted to adhere and join in the committee of conference, and the Chair appointed as conferees on the part of the House, Messrs. Hale of Portland, Sturgis of Auburn and Dudley of Woodstock.

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

Inland Fisheries and Game

By Mr. Audibert of Ft. Kent: Remonstrance of Wm. B. Pinkham of Fort Kent and nine others against any new legislation changing the present limit of two deer to one deer (H. P. No. 917).

Judiciary

By Mr. Metcalf of Farmington: Remonstrance of A. E. Morse and 50 others in opposition to repeal in any manner of our present Direct Primary Law (H. P. No. 918).

By Mr. Johnson of Brownville: Remonstrance of Mrs. Minnie Hayes and others of Parkman against same (H. P. No. 919).

Legal Affairs

By Mr. Nichols of Portland: An Act relating to land taken for parks, squares, public libraries and playgrounds (H. P. No. 920).

(500 copies ordered printed)

Sea and Shore Fisheries

By Mr. Moore of Gouldsboro: Remonstrance of E. W. Cole and 31 others of Gouldsboro against the passage of the so-called Lamson Bill regarding the measurement of lobsters (H. P. No. 921).

By Mr. Frost of Eastport: Remonstrance of R. Spear and 22 others of Eastport against any change in the present Sea and Shore Fisheries Commission Law (H. P. No. 922).

By Mr. Boman of Vinalhaven: Remonstrance of E. Thomas and 30 others of Isle au Haut against same (H. P. No. 923).

By the same gentleman: Remonstrance of C. B. Teel and 41 others of Vinalhaven against same (H. P. No. 924).

By the same gentleman: Remonstrance of Guy Simpson and 11 others of Cribhaven against same (H. P. No. 925).

By the same gentleman: Remonstrance of A. W. Gray and 33 others of Matinecus against same (H. P. No. 926).

By Mr. Mansfield of Jonesport: Remonstrance of S. T. Openshaw and 34 others of Jonesport against same (H. P. No. 927).

By the same gentleman: Remonstrance of A. Beal and 34 others of W. Jonesport against same (H. P. No. 928).

By the same gentleman: Remonstrance of M. F. Lamson and 21 others of Jonesport against same (H. P. No. 929).

By Mr. Moore of Gouldsboro: Remonstrance of W. Schultz and 36 others of Gouldsboro against same (H. P. No. 930).

By the same gentleman: Remonstrance of John Hammond and 16 others of Gouldsboro against same (H. P. No. 931).

By the same gentleman: Remonstrance of Carleton Crowley and 13 others of Corea against same (H. P. No. 932).

By the same gentleman: Remonstrance of Henry Bryant and 34 others of Corea against same (H. P. No. 933).

Taxation

By Mr. Nichols of Portland: An Act relative to assessment of Taxes. (H. P. No. 934.)

(500 copies ordered printed)

Taxation and Ways and Bridges

By Mr. Piper of Jackman: Remonstrance of Frank McKenzie and others of Rockwood against three cent gasoline tax without exemptions (H. P. No. 935).

Reports of Committees

Mr. Frost from the committee on Indian Affairs reported ought not to pass on bill, An Act relating to the choice of officers by the Penobscot Tribe of Indians (H. P. No. 482).

Mr. Greenleaf from the committee on Interior Waters reported same on resolve changing the name of Adams Pond in Newfield to Rockhaven Lake (H. P. No. 607).

Same gentleman from same committee reported same on resolve changing the name of Turner Pond in Newfield to Mirror Lake (H. P. No. 608).

Same gentleman from same committee reported same on resolve in aid of navigation on the Lower Lakes (H. P. 323) as the appropriations asked for are included in Public Utilities Commission bill.

Mr. Kitchen from the committee on Ways and Bridges reported same on resolve in favor of the city of Belfast, for repairs and construction on the road from Belfast to Lincolnville Ctr.

Reports read and accepted and sent up for concurrence.

Mr. Frost from the committee on Indian Affairs reported ought to pass on resolve in favor of Frank Socoby, representative of the Passamaquoddy Indians (H. P. No. 365).

Same gentleman from same committee reported same on resolve in favor of Newell Gabriel, representative of the Penobscot Tribe of Indians (H. P. No. 364).

Mr. Boynton from same committee reported same on resolve making appropriations for the Passamaquoddy Tribe of Indians for the years July 1, 1925 to June 30, 1927 (H. P. No. 307).

Reports read and accepted and the resolves ordered printed under the joint rules.

Mr. Decker from same committee on bill, An Act relating to the Penobscot Tribe of Indians (H. P. No. 61) reported same in a new draft (H. P. No. 937) under same title and that it ought to pass.

Mr. Ingraham from the committee on Mines and Mining on bill, An Act in favor of the Monson, Maine, Slate Company (H. P. No. 334), reported same in a new draft (H. P. No. 936) under same title and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the joint rules.

First Reading of Printed Bills

H. P. No. 317: An Act relating to fishing in certain waters in Franklin and Oxford counties.

(On motion by Mr. Bragdon of Perham tabled pending assignment for third reading).

The SPEAKER: The indications are that there will be a session tomorrow morning and that we will then adjourn until Tuesday afternoon, the reason being the holding of town meetings in several localities on Monday.

H. P. No. 373: An Act to regulate Fishing in Miller Brook a tributary to Moose Pond in the town of Bridgton in the county of Cumberland.

H. P. No. 500: An Act relating to the Portland Public Library.

H. P. No. 602: An Act relating to fishing in Brook emptying into Thompson Lake at Oxford, known in Oxford and Otisfield as Greely Brook, and in the town of Norway as Lombard Brook.

H. P. No. 914: An Act relating to the Female Orphan Asylum of Portland.

H. P. No. 915: An Act relating to payment of Bounty on Bob Cats, Loupcervier or Canada Lynx killed in the State of Maine.

Passed to be Engrossed

S. P. No. 22: An Act to extend the Charter of the Eastern Maine Railroad.

S. P. No. 80: An Act to amend Paragraph A of Section 47 of Chapter 211 of the Public Laws of 1921, relative to fees for registration of vehicles.

H. P. No. 877: An Act to regulate fishing in the portion of Moose River above Brassua Lake, in the county of Somerset.

H. P. No. 879: An Act to amend Chapter 110 of the Private and Special Laws of the year 1909, relating to the Good Will Home Association.

S. P. No. 27: Resolve making appropriation for the study and control of the fruit or blueberry fly in Maine.

(Tabled by Mr. Sturgis of Auburn pending second reading).

Orders of the Day

The SPEAKER: Under Orders of the Day there is a special assignment of "An Act to provide a new charter for the city of Lewiston abolishing Political Party Designations therein, and providing for a referendum to the electors of Lewiston," tabled by the gentleman from Lewiston, Mr. Gagne, pending reference.

Mr. GAGNE of Lewiston: I move that that act be referred to the Committee on Legal Affairs.

Mr. HOLMES of Lewiston: Mr. Speaker and Members, I should like to take just a moment to recall to the recollection of the members of the House the brief history of matters in regard to the charter of the City of Lewiston so far as they are in this Legislature today.

I would say that this bill is the one which was introduced by me and was referred by the Committee on Reference of Bills to the Judiciary Committee, and I wish to remind the members of the House that perhaps three or four weeks before that, a bill affecting the charter of the city of Lewiston was introduced by my colleague, Mr. Gagne of Lewiston, and was ordered referred to the Judiciary Committee by the Committee on Reference of Bills, and then, upon motion of my colleague (Mr. Gagne) this House overruled the Committee on Reference of Bills

and referred the bill to the Committee on Legal Affairs.

By reference to the calendar of the Senate which lies on the table this morning, we can see that that bill, the one introduced by my colleague, (Mr. Gagne), then went to the Senate and is there lying on the table on the question of its reference. Shortly after the vote on the first bill, the bill of my colleague which the House referred to the Legal Affairs Committee, overruling the Committee on Reference of Bills, several of the members of the House told me that in voting to refer it to the Legal Affairs Committee they did not intend to vote upon the bill as they were not informed as to its merits, but were actuated by the desire to be courteous to my colleague because it was his bill, and I was extremely pleased to be told that by members because I think we will all agree on this, that we hope the time will never come when any member of this House will fail to receive the highest courtesy from the House. That is one of the great traditions of the Legislature of Maine.

But in order that the House may not think that I am asking for courtesy in this matter as a personal matter, I wish to say, Mr. Speaker and Members, that although this bill bears my name—because it must bear the name of some legislator in order to be introduced—it is, in fact, a bill prepared and drafted by a Committee of non-partisan citizens in Lewiston called "The Mayor's Non-Partisan Committee," and introduced by me at their request and I think that I can say, with fair knowledge and a quite reasonable degree of certainty, that that Committee would like to have the House sustain the order of reference of the Committee on Reference of Bills, which Committee has referred it to the Judiciary Committee.

Mr. GAGNE of Lewiston: Mr. Speaker and gentlemen, in reference to that bill, I knew beforehand that my colleague from Lewiston, Mr. Holmes had nothing to do with the drafting of that bill because that bill was drafted by the same people who were opposing the present ruling of the city of Lewiston, and we do not intend to have any confusion. That is my reason, and my only reason, for sending that bill with the other because those two bills going together would make it clearer to the members of the Committee on Legal Affairs. And I hope that every

member, if possible, will sustain me in this.

Mr. HOLMES of Lewiston: I wish to ask that when the vote is taken it be taken by yeas and nays.

Mr. ROY of Lewiston: Mr. Speaker and members, so far as the reference of that bill is concerned, I really cannot see what difference it makes whether it goes before the Judiciary Committee or the Committee on Legal Affairs. It seems to me that we have faith in both of those committees that they will act on this matter in all justice to all parties, and as far as I am concerned it makes no difference to me, but since it has been already referred to the Judiciary Committee, I do not see why it cannot remain where it is, and why that committee cannot act justly on it as to whether it shall pass or not. It seems to me that in all fairness it ought to go to the committee to which the Committee on Reference of Bills referred it.

Mr. CUMMINGS of Portland: Mr. Speaker, I have no personal interest whatever in this matter, but it occurs to me that the difference of opinion between the two gentlemen from Lewiston is this: The bill presented by Mr. Holmes of Lewiston, and referred by the Senate, as I understand it, to the Judiciary Committee, would appear before a committee of which Mr. Holmes himself is a member, and while I may be mistaken—and if I am I would be glad to have either of the gentlemen correct me—I feel that Mr. Gagne's objection and his desire to have it referred to the Legal Affairs Committee is based largely upon that fact, that the man presenting the bill is on the committee before which he desires the bill to have a hearing and he feels that a more impartial hearing would be given if it went to the Committee on Legal Affairs. Now, if I am wrong on that I will be glad to be corrected, but that is the way it appears to me and that is the way I understand it.

Mr. HOLMES of Lewiston: Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER: The gentleman from Lewiston, Mr. Holmes, will state his question of personal privilege.

Mr. HOLMES: As the gentleman from Portland, (Mr. Cummings), has raised the question of my personal presence upon the Judiciary Committee, I think I have the right to say that at the instance of one of the senators from Androscoggin, Mr.

Lane, I wrote a letter to Mr. Lane, informing him that when these two matters introduced, one by Mr. Gagne and one by myself, came to a hearing before the Judiciary Committee, if they did, I would retire from the committee and take no part either in the hearing or in the executive consultation afterwards, and that Mr. Lane might make whatever use of my letter he saw fit.

The SPEAKER: The gentleman from Lewiston, Mr. Holmes, has asked that when the vote is taken, it be taken by the yeas and nays. For this to occur there must be a desire on the part of one-fifth of the members expressed for a yea and nay vote. As many as are in favor of having a yea and nay vote upon this question will rise and stand in their places until counted, and the monitors will return the count. As many as want a yea and nay vote will please stand.

A division being had,

Nineteen voting in the affirmative and 86 in the negative the motion for a yea and nay vote was lost.

The SPEAKER: Is the House ready for the question, the question being on the gentleman from Lewiston, Mr. Gagne, that this bill be referred to

the committee on Legal Affairs? As many as are in favor of this motion will say aye, and those opposed will say no.

A viva voce vote being taken, the motion that the bill be referred to the committee on legal affairs prevailed.

The SPEAKER: Under orders of the day it is in order for members who have matters on the table to take them therefrom and thus expedite the business of the session.

On motion by Mr. Lamson of South Portland, it was voted to take from the table report of committee on Sea and Shore Fisheries, reporting new draft on bill, An Act to provide for better protection of clams in Perry (H. P. 415), tabled by that gentleman February 25, pending acceptance of the report; and on further motion by the same gentleman the report ought to pass in new draft was accepted, and the new draft was ordered printed under the joint rules.

On motion by Mr. Marden of Waldo.

Adjourned until ten o'clock tomorrow morning.