

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

Monday, March 30, 1925.

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

Prayer by the Rev. Mr. Bradford of Hallowell.

Journal of the previous session read and approved.

The SPEAKER: The Chair will state that it may be possible and convenient to have a session tomorrow afternoon. That perhaps can be better answered tomorrow morning.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. No. 290: An Act to amend Chapter 176 of the Public Laws of 1921, to regulate certain internal affairs of the Passamaquoddy Tribe of Indians.

S. P. 269: An Act to amend Section 2 of Chapter 113 of the Public Laws of 1919, relating to Indians voting.

S. P. No. 460: An Act relating to the purposes for which cities and towns may raise money.

S. P. No. 467: An Act relating to the payment of the costs in transporting persons to the State School for Girls, the Maine School for Feeble Minded, Reformatory for Women and the Reformatory for Men.

S. P. No. 84: Resolve in favor of the Reformatory for Women for maintenance and other purposes.

S. P. No. 259: Resolve in favor of the State Reformatory for Men for the erection of a building.

S. P. No. 587: Resolve in favor of the State Reformatory for Men for maintenance, personal services, repairs and equipment.

From the Senate: Report of the committees on Interior Waters and Ways and Bridges jointly on bill, an act to provide for building a bridge across the Kennebec river between the city of Bath and the town of Woolwich (S. P. 287) S. D. 116, reporting same in a new draft, S. P. 579, S. D. 242, under same title and that it ought to pass.

Comes from the Senate report

read and accepted, and the bill passed to be engrossed.

In the House, report read and accepted in concurrence, and the bill received its two several readings.

On motion by Mr. Wing of Auburn, the rules were suspended, the bill received its third reading and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Interior Waters and Ways and Bridges jointly on Resolve, proposing an amendment to Article IX of the Constitution, authorizing the issuing of bonds to be used for the purpose of building a bridge across the Kennebec River between the city of Bath and the town of Woolwich, S. P. 288, S. D. 115, reporting same in a new draft, S. P. 580, S. D. 243, under same title and that it ought to pass.

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, report read and accepted in concurrence, and the resolve received its first reading.

On motion by Mr. Dwinal of Camden, the rules were suspended, the resolve received its second reading and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Salaries and Fees reporting "ought not to pass" on bill an act to amend Section 37 of Chapter 117 of the Revised Statutes, as amended, relating to the salary of county attorney of Somerset county, S. P. 340.

Comes from the Senate the bill substituted for the report and passed to be engrossed as amended by Senate Amendment A.

M. NICHOLS of Portland: Mr. Speaker, I move that it lie on the table.

The SPEAKER: For the information the Chair will read the amendment and then entertain the motion to table.

(Senate Amendment A read by the Speaker.)

Tabled by Mr. Nichols of Portland, pending acceptance of the report in concurrence.

From the Senate: Report of the committee on Salaries and Fees on bill an act relating to the salary of

the county attorney for York county, H. P. 902, H. D. 229, reporting that the same ought not to pass, which report was accepted in the House on March 11.

Comes from the Senate, the bill substituted for the report, Senate Amendment A read and adopted, and the bill as thus amended passed to be engrossed in non-concurrence.

In the House:

(Senate Amendment A read by the Speaker.)

On motion by Mr. Stitham of Pittsfield tabled pending reconsideration.

Majority report of the Committee on Labor reporting "Ought not to pass" on 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.

Report was signed by the following members:

Messrs. WADSWORTH of Kennebec
ROBERTS of York

—of the Senate

HARRIMAN of Readfield
GILCHRIST of Thomaston
CUMMINGS of Portland
VAIL of Hodgdon

—of the House

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Messrs. SMITH of Somerset

—of the Senate.

WINN of Lisbon
DAVITT of Millinocket
STITHAM of Pittsfield

—of the House.

Comes from the Senate Majority Report read and accepted.

In the House:

Mr. WINN of Lisbon: Mr. Speaker, I move that we accept the minority report, ought to pass.

A viva voce vote being taken, the motion to accept the minority report failed of passage.

Mr. BRAGDON of Perham: Mr. Speaker, I move the acceptance of the majority report.

The SPEAKER: The House hears the motion. Is it your pleasure of the House that the majority report be accepted?

Mr. HOLMES of Lewiston: Mr. Speaker, as the matter is very important, I move that it lie on the table and be assigned for Wednesday morning.

Calls of "No" from various parts of the House.

A viva voce vote on the motion to table being taken, the motion was lost.

The SPEAKER: The motion now is that of the gentleman from Perham, Mr. Bragdon, that the majority report, ought not to pass, be accepted.

A viva voce vote being taken, the motion to accept the majority report in concurrence prevailed.

The following resolve was received, and upon recommendation of the committee on reference of bills was referred to the following committee:

Appropriations and Financial Affairs

By Mr. Deering of Saco: Resolve in favor of Elwin H. Simons, Document Clerk of the House of Representatives, for extra services in preparing the weekly cumulative index to Senate and House Documents. (H. P. 1257.)

Orders

On motion by Mr. Stitham of Pittsfield, it was

Ordered, that the House Committee on Engrossed Bills be authorized to employ such additional help and pay for such overtime work in the engrossing department as may be necessary in order that there may be no delay in presenting the engrossed bills to the House.

Mr. HOLMES of Lewiston: Mr. Speaker, referring back to the Child Labor amendment matter I wish to give notice under the rules, that tomorrow morning I will move to reconsider. Therefore, I ask that the papers be held by the Clerk.

The SPEAKER: The House hears the notice.

Reports of Committees

Mrs. Allen from the Committee on Education reported "Ought not to

pass" on bill An Act providing for the use of the English Language in this State. (H. P. No. 542) (H. Doc. No. 122)

Mr. Eustis from same Committee reported same on bill An Act relating to the Formation of Unions for the employment of Superintendents of Schools. (H. P. No. 692) (H. Doc. No. 161)

Mr. Dudley from same Committee reported same on bill An Act relating to the University of Maine. (H. P. No. 1123) (H. D. No. 369)

Mr. Pierce from same Committee reported same on bill An Act relating to the Superintendence of Schools through the union of towns. (H. P. No. 1082) (H. Doc. No. 326)

Mr. Dudley from same Committee reported same on Resolve in favor of Limerick Academy for general maintenance. (H. P. No. 439)

Mr. Hall from same Committee reported same on Resolve in favor of Lee Academy for liquidation of certain indebtedness. (H. P. No. 289)

Mr. Seidel from the Committee on Legal Affairs reported same on bill, An Act relating to an Act to encourage and provide for a system of uniform accounting in cities, towns and village corporations. (H. P. No. 1134) (H. Doc. 352)

Mr. Bartlett from same Committee reported same on bill An Act relating to the detention of operators of motor vehicles while under the influence of intoxicating liquors. (H. P. No. 1133) (H. Doc. No. 351)

Mr. Atwood from same Committee reported same on bill An Act relating to actions against bankrupts. (H. P. No. 1106) (H. Doc. No. 337)

Mr. Thompson from same Committee reported same on bill An Act to amend Section 14 of Chapter 32 of the Revised Statutes, relating to cinematograph and moving-pictures. (H. P. No. 1058) (H. Doc. No. 282)

Mr. Dwinall from same Committee reported same on bill An Act in relation to bonds required of executors and administrators. (H. P. No. 1060) (H. Doc. No. 285)

Mr. Mitchell from the Committee on Taxation reported same on bill An Act to raise an excise tax on corporations organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing of mechanical purposes. (H. P. No. 903) (H. Doc. No. 217)

On motion by Mr. Wing of Auburn, it was voted to substitute the bill for the report for the purpose of amendment.

On further motion by Mr. Wing, new draft was offered in place of the bill; on further motion by the same gentleman 500 copies of the new draft were ordered printed.

On further motion by the same gentleman, the matter was tabled and especially assigned for Wednesday morning.

Mr. Leland from the committee on Taxation reported ought not to pass on bill an act relative to assessment of taxes. (H. P. 934) (H. D. 231)

Same gentleman from same Committee reported same on Bill "An Act providing for an Exemption from Taxation on Mortgaged Real Estate." (H. P. No. 1147) (H. Doc. No. 364)

Same gentleman from same Committee reported same on Bill "An Act relating to the Duties of Assessors." (H. P. No. 1114) (H. Doc. No. 370)

Mr. Mitchell from same Committee reported same on Resolve amending Section 8 of Chapter 9 of the Constitution, as amended by Article 26 of the Constitution, providing for an Income Tax. (H. P. No. 1062) (H. Doc. No. 288)

(Tabled by Mr. Boody of Windham pending acceptance of the report.)

Mr. Dunbar from the Committee on Ways and Bridges reported same on bill "An Act relating to a Tax upon Gasoline" (H. P. No. 418) (H. Doc. No. 89).

Same gentleman from same Committee reported same on Bill "An Act to amend Sections 2, 5, 6 and 8 of Chapter 224 of the Public Laws of 1923, relating to a Tax upon Gasoline" (H. P. No. 892) (H. Doc. No. 214).

Same gentleman from same Committee reported same on Bill "An Act to amend Sections 2, 5 and 6 of Chapter 224 of the Public Laws of 1923, relating to a Tax upon Gasoline." (H. P. No. 246) (H. Doc. No. 44).

(Tabled by Mr. Hamilton of Caribou pending acceptance of the report.)

Mr. Sargent from the Committee on Public Utilities on Bill "An Act creating the Maine Power authority and defining its Duties" (H. P. No. 1141) (H. Doc. No. 359) reported that legislation thereon is inexpedient.

(Tabled by Mr. Norwood of Warren pending acceptance of the report.)

Reports read and accepted and sent up for concurrence.

Mr. White from the Committee on Appropriations and Financial Affairs

reported "Ought to pass" on Bill "An Act relating to Provision for Upkeep, Equipment and Extensions for the several Normal Schools and the Madawaska Training School." (H. P. No. 677) (H. Doc. No. 160).

Mr. Fuller from the Committee on Legal Affairs reported same on Resolve relating to Apportionment of Representatives among the several counties, cities, towns, plantations and classes in the State of Maine (H. P. 1136) (H. Doc. No. 354).

Reports read and accepted and the bill and resolve having already been printed, the bill was read twice, the resolve read once under suspension of the rules, and tomorrow assigned.

Mr. Jordan from the committee on Library reported same on resolve for the purchase of 125 copies of the History of the town of Dresden. H. P. 621, H. D. 132.

Report read and accepted and the resolve having already been printed was read once under suspension of the rules; and on motion by Mr. Wing of Auburn, the resolve had its second reading under suspension of the rules and was passed to be engrossed.

Mr. Crockett from the committee on Library reported ought to pass on resolve providing for the purchase of "Music and Musicians of Maine."

Report read and accepted and the resolve ordered printed under the Joint Rules.

Mr. Deering from the Committee on Appropriations and Financial Affairs on Bill "An Act to authorize the State Auditor to carry forward to the succeeding year construction accounts and to constitute them continuous carrying accounts for the purposes designated by the Legislature." (H. P. No. 1120) (H. Doc. No. 370) reported same in a new draft (H. P. No. 1255) under same title and that it "Ought to pass."

Mr. White from same Committee reported same on Resolve in favor of Fort William Henry (H. P. No. 678) reported same in a new draft (H. P. No. 1254) under title of "Resolve for the better preservation, protection and perpetuation of certain old Forts situated in this State," and that it "Ought to pass."

Mr. Hamilton from the Committee on Judiciary on Bill "An Act authorizing the recording of Marketing Agreements of co-operative Agricultural Associations and requiring that Liens hereby attached to Crops before delivery to the Association, and to the Member's Interest in the As-

sociation after such delivery be collected through the Association" (H. P. No. 1100) (H. Doc. No. 317) reported same in a new draft (H. P. No. 1256) under same title and that it "ought to pass."

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on bill an Act relating to granting of licenses for operating motor vehicles," (H. P. No. 204) (H. Doc. No. 43.)

Report was signed by the following members:

Messrs. HINCKLEY of Cumberland
HUSSEY of Aroostook
—of the Senate
WING of Auburn
HALE of Portland
HOLMES of Lewiston
NICHOLS of Portland
OAKES of Portland
HAMILTON of Caribou
—of the House

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. MAHER of Kennebec
—of the Senate
MARTIN of Augusta
—of the House

On motion by Mr. Kinsman of Augusta, tabled pending acceptance of either report, and especially assigned for Wednesday morning.

First Reading of Printed Bills and Resolves

H. P. No. 339: An Act to authorize the construction and maintenance of a bridge across Beach Creek in Bristol.

H. P. No. 787: An Act to incorporate the Richmond Water District.

H. P. No. 1242: An Act to regulate the manufacture and sale of soft drinks, syrups and non-alcoholic beverages.

H. P. No. 1244: An Act relating to open season on certain game birds.

H. P. No. 1247: An Act to incorporate the Union River Railway Company.

H. P. No. 1248: An Act to incorporate the Old Town Water District.

H. P. No. 1249: An Act to extend

the charter of the Great Pond Railway Company.

H. P. No. 1250: An Act relating to the analysis of water used for domestic purposes.

H. P. No. 1251: An Act to amend section 37 of chapter 55 of the Revised Statutes, as amended by chapter 128 of the Public Laws of 1919, relating to the authorization of issue of stocks, bonds and notes by public utilities.

H. P. No. 1252: An Act to incorporate the Personal Finance Company.

H. P. No. 501: Resolve for the purchase of one hundred and fifty copies of the History of the Town of Lee.

Mr. WING of Auburn: Mr. Speaker, I move, out of respect to our colleague, that the rules be suspended and this resolve be given its second reading at this time.

Thereupon the rules were suspended and the resolve received its second reading and was passed to be engrossed.

H. P. No. 1243: Resolve in favor of the secretaries of certain committees of the 82nd Legislature for expenses of said committees in performing legislative duties.

On motion by Mr. Wing of Auburn, the rules were suspended, the resolve had its second reading and was passed to be engrossed.

H. P. No. 1245: Resolve in favor of the Town of Hampden.

H. P. No. 1246: Resolve making available funds for the State's share of reconstruction under the Bridge Act of the substructure of the Gardiner and Randolph Bridge.

On motion by Mr. Leland of Sangerville, the vote was reconsidered whereby tomorrow morning was assigned as the time for the second reading of the above resolve; and on further motion by the same gentleman the rules were suspended, the resolve had its second reading at this time and was passed to be engrossed.

Passed to Be Engrossed

S. P. No. 38: An Act relating to penalty for reckless driving of motor vehicles.

H. P. No. 117: An Act to repeal Chapter 389 of the Private and Special Laws for the year 1905, entitled, An Act to grant certain powers to the town of Eden.

H. P. No. 559: An Act relating to

fishing for smelts in Eastern River.

(Tabled by Mr. Littlefield of Kennebunk, pending passage to be engrossed.)

H. P. No. 801: An Act amending an act relating to taking of clams in the town of Machiasport.

H. P. No. 806: An Act for the State to acquire the American portion of the International Bridge at Calais in Washington County and to provide for its maintenance.

(Tabled by Mr. Pierce of Sanford pending third reading, and especially assigned for tomorrow morning.

H. P. No. 1228: An Act to regulate night hunting and fishing.

(Tabled by Mr. Flint of Monson pending third reading.)

The SPEAKER: The Chair is informed that the Senate intends to adjourn to 9.30 tomorrow morning, and it presumes that that hour is still agreeable to the House.

H. P. No. 1238: An Act to regulate the sale of filled milk.

H. P. No. 65: Resolve providing for the purchase of selections from the autobiography of Elizabeth Oakes Smith edited by Mary Alice Wyman.

H. P. No. 387: Resolve in favor of Trustees of Juvenile Institutions.

H. P. No. 389: Resolve in favor of State School for Boys.

H. P. No. 1237: Resolve in favor of State School for Girls.

The SPEAKER: While we do not intend to offer any bills for enactment, there is one here as to which an amendment is proposed. It being House Paper 1220, H. D. 430, an act relating to kindergartens as part of the common school course.

On motion by Mr. Bragdon of Perham the House voted to reconsider its action whereby this bill was passed to be engrossed, and that gentleman offered House Amendment A and moved its adoption as follows:

"Amend House Document 430 by striking out the word "and" in the fifth line of the first paragraph and inserting in place thereof the word "its."

The SPEAKER: The amendment appears to be a verbal one. Is it the pleasure of the House that this amendment be adopted?

Thereupon House Amendment A was adopted, and the bill as amended by House Amendment A was passed to be engrossed.

Orders of the Day

On motion by Mr. Hamilton of Caribou it was voted to take from the table House Document 44, House Paper 246, an act to amend Sections 2, 5 and 6 of Chapter 224 of the Public Laws of 1923, relating to a tax upon gasoline, the report of the committee on Ways and Bridges being ought not to pass, which report was tabled by that gentleman, pending acceptance of the report.

On further motion by the same gentleman, the bill was substituted for the report for the purpose of amendment.

On further motion by Mr. Hamilton new draft was offered in place of the bill; and on further motion by the same gentleman 500 copies of the new draft were ordered printed; and on further motion by the same gentleman the matter was tabled for the purpose of printing.

Mr. HOLMES of Lewiston: Mr. Speaker, one of the gentlemen of the House who is not present at this moment wishes to discuss the matter of gasoline taxes, and suggested that it would be more conducive to the speedy handling of business if all the bills relating thereto were considered at one time. Therefore, at his request, I move that we reconsider the action of the House in regard to two or three of these matters which were accepted a few moments ago, and I make that motion for the purpose of tabling them.

The SPEAKER: There is another bill, House Document 214, an act relating to a tax upon gasoline, the report of the committee being ought not to pass which report was accepted a few moments ago by the House. Does the gentleman wish to move the reconsideration of that action?

Mr. PAGE of Skowhegan: Mr. Speaker, I thought it would be well enough to have all of these tax bills heard at the same time and then we could consider them all together, rather than accept one report and

reject the others. Really I do not know which one was accepted.

The SPEAKER: The gasoline bills thus far have all been reported adversely. The Chair is informed that the committee is about to report out a new draft on a two-cent tax. Possibly the purpose of the gentleman may be accomplished by offering amendments to the bill on its way to passage. Does the gentleman from Lewiston (Mr. Holmes) withdraw his motion?

Mr. HOLMES of Lewiston: Yes, Mr. Speaker.

Mr. Hamilton of Caribou: Mr. Speaker, for the purpose of information to those who are interested. I can say that this new draft is a three-cent tax with exemptions, and that the new bill that is coming in, as I understand it, will be the two-cent tax without exemptions, so that these two can be tried out together.

The SPEAKER: Would the gentleman inform the House whether that two-cent bill has gone to the Senate from the Ways and Bridges committee?

Mr. HAMILTON: It has not. As I understand it, it must come here first.

The SPEAKER: When may it be expected in the House?

Mr. HAMILTON: I could not tell you.

The SPEAKER: Has any member of the Ways and Bridges committee that information?

Mr. LELAND of Sangerville: Mr. Speaker, I do not know whether the House Chairman of the Ways and Bridges Committee is in his seat or not, but I would say for the information of the House that not later than Wednesday a favorable report of the committee on the gasoline tax will be presented to this House. I can say that the report coming is the unanimous report of the Joint Committee of Taxation and Ways and Bridges.

On motion by Mr. Sargent of Sedgwick,

Adjourned until 9:30 tomorrow morning.