

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

SENATE

Wednesday, January 7, 1925.

Pursuant to the provisions of the Constitution and laws of the State of Maine, the senators-elect to the 82nd Legislature convened in the Senate Chamber and were called to order by L. Ernest Thornton, secretary of the Senate of 1923.

Prayer by Rev. Howard H. Brown of Augusta.

The following communication was read by the secretary:

STATE OF MAINE

Office of the Secretary of State.
To L. Ernest Thornton, Secretary of the Senate of 1923.

In compliance with Section 29, Chapter 2 of the Revised Statutes, I hereby certify that the following are the names and residences of the senators-elect to the 82nd Legislature, as appears by the report of the Governor and Council under date of 1924:

First Senatorial District—Harmon G. Allen, Sanford; George C. Lord, Wells; Arthur L. Roberts, Lyman.

Second Senatorial District—Edward S. Anthoine, Portland; Harry L. Cram, Portland; Frederick W. Hinckley, South Portland; Alexander Speirs, Westbrook.

Third Senatorial District—E. Chandler Buzzell, Fryeburg.

Fourth Senatorial District—Charles Blanchard Carter, Auburn; Harry P. Lane, Lewiston.

Fifth Senatorial District—J. Blaine Morrison, Phillips.

Sixth Senatorial District—Frank W. Carlton, Woolwich.

Seventh Senatorial District—Edwin M. Foster, Waterville; Benedict F. Maher, Augusta; Herbert E. Wadsworth, Winthrop.

Eighth Senatorial District—Frank H. Holley, Anson; Clyde H. Smith, Skowhegan.

Ninth Senatorial District—Arthur A. Crafts, Greenville.

Tenth Senatorial District—Mark A. Barwise, Bangor; C. Gardiner Chalmers, Bangor; Ralph L. Perkins, Orono.

Eleventh Senatorial District—Forrest H. Bond, Jefferson.

Twelfth Senatorial District—George W. Walker, Warren.

Thirteenth Senatorial District—Hodgdon C. Buzzell, Belfast.

Fourteenth Senatorial District—Percy T. Clarks, Stonington; Joseph D. Phillips, Southwest Harbor.

Fifteenth Senatorial District—Irving W. Case, Lubec; Walter N. Miner, Calais.

Sixteenth Senatorial District—Stetson H. Hussey, Blaine; Paul H. Powers, Houlton; Allen C. T. Wilson, Presque Isle.

In testimony thereof, I have caused the seal of the State to be hereunto affixed at Augusta, this 7th day of January, A. D., 1925, of the Independence of the United States of America, the one hundred and forty-ninth.

(Seal)

(Signed)

FRANK W. BALL
Secretary of State.

Roll Call

The roll being called the following named senators-elect responded to their names: Messrs. Allen, Anthoine, Barwise, Bond, Buzzell of Oxford, Buzzell of Waldo, Carlton, Carter, Case, Chalmers, Clark, Crafts, Cram, Foster, Hinckley, Holley, Hussey, Lane, Lord, Maher, Miner, Morrison, Perkins, Phillips, Powers, Roberts, Smith, Speirs, Wadsworth, Walker, Wilson.—31

Thirty-one senators having answered to their names the secretary declared a quorum present.

Mr. ALLEN of York moved that a message be sent to the Governor and Council informing that body that a quorum of senators-elect of the 82nd Legislature is present in the Senate Chamber, ready to take and subscribe the oaths of office required by the Constitution to qualify them to enter upon their official duties.

The motion prevailed and Mr. Allen was appointed to convey such message, and thereafter reported that he had delivered the message with which he was charged, and that the Governor would attend forthwith.

Senators Take the Oath

The Governor and Council thereupon came in before whom the senators-elect took and subscribed the oaths required by the Constitution, and the Governor and suite then withdrew.

Election of President

On motion of Mr. Hinckley of Cumberland that senator with

Messrs. Lane of Androscoggin, and Case of Washington, were appointed by the secretary a committee to receive, sort and count votes for President of the Senate.

The committee reported the whole number of votes cast 29; necessary for a choice 15.

Hodgdon C. Buzzell had 29.

The report was read and accepted and the secretary declared the Hon. Hodgdon C. Buzzell duly elected President of the Senate of the 82nd Legislature.

Mr. Hinckley then escorted President Buzzell to the chair. (Applause.)

The President's Address

Fellow Senators, Members of the 82nd Legislature of the State of Maine:

I sincerely thank you for conferring upon me the greatest honor that it is possible for you to confer upon any citizen of this State. By your united action you have made it possible for me to realize a long cherished ambition. Any words of gratitude that I might offer would fail to express my appreciation for the honor conferred and the confidence reposed.

It is my earnest hope that I may ever prove worthy of your confidence, and that during this entire session I may have your hearty cooperation. Without doubt I shall make some mistakes, and while I shall regret them exceedingly, it will be my constant desire, aim and purpose, to preside over your deliberations in a fair and impartial manner.

The people of this State have conferred a great honor upon us, an honor that seldom falls to the lot of man, but at the same time they have imposed grave personal responsibilities that we must meet. I have had some little experience in legislative matters, and frequently we hear in the halls and in the corridors that such a member is taking his responsibilities too seriously. My fellow senators, this cannot be. It is my judgment that matters of little consequence should receive our careful attention as well as those of great import. The words of James Russell Lowell perhaps best indicate my feeling about this: "Who deemeth small things are beneath his state will be too small for what is truly great."

The constitution of our State provides that this Legislature shall have full power and authority to make all reasonable laws for the defence and benefit of the people of this State, not repugnant to the constitution of this State nor to that of the United States. It seems to me that these few words I have quoted from the constitution clothe us with authority and clearly outline our course with very reasonable limitations. Judgment, prudence, caution and fidelity should direct us on that course, so that whatever laws we enact will stand the acid test of time, so that the people of our State will say that they were made for no party, creed or locality, and without regard to distinctions of citizens, but made for all.

Fellow senators, again I assure you that I thank you for the signal honor you have paid me, and the Chair awaits your pleasure.

(Long and continued applause, senators rising.)

On motion by Mr. Smith of Somerset that senator with Messrs. Craft of Piscataquis and Wadsworth of Kennebec were appointed committee to receive, sort and count votes for secretary of the Senate.

Having attended to this duty Mr. Smith of Somerset for the committee reported as follows: Whole number of votes cast, 27; necessary for a choice, 14.

Royden C. Brown had 27.

Which report was read and accepted and Royden C. Brown having received all the votes cast was declared duly elected secretary of the Senate of the 82nd Legislature.

At the request of the President, Mr. Smith escorted the secretary-elect to the Council Chamber for the purpose of taking and subscribing the necessary oaths of office required to qualify him to enter upon the discharge of his official duties.

Subsequently Mr. Smith reported to the Senate that he had attended to the duty assigned him and that Royden C. Brown had, before the Governor and Council, taken and subscribed the oaths of office required to qualify him for the discharge of the duties of the secretary of the Senate.

Secretary Brown then assumed the duties of his office.

On motion by Mr. Cram of Cumberland Messrs. Cram of Cumberland, Walker of Knox and Wilson of Aroostook were appointed committee to receive, sort and count votes for assistant secretary of the Senate.

Having attended to the duty Mr. Cram from the committee reported as follows:

Whole number of votes, 29; necessary for a choice, 15.

Chester T. Winslow had 29.

The report was read and accepted and Chester T. Winslow having received all the votes cast, was declared elected assistant secretary of the Senate for the political years 1924-25.

On motion of Mr. Wadsworth of Kennebec Messrs. Wadsworth of Kennebec, Bond of Lincoln and Clark of Hancock were appointed a committee to receive, sort and count votes for messenger of the Senate.

Having attended to the duty Mr. Wadsworth from the committee reported as follows:

Whole number of votes cast 28; necessary for a choice 15

J. F. Ashford had 28.

The report was read and accepted, and J. F. Ashford of Augusta having received all the votes cast was declared elected messenger of the Senate for the political years 1924-1925.

On motion by Mr. Hinckley of Cumberland the secretary of the Senate cast the ballot of the Senate for Mellon Tryon of Pownal for assistant messenger, Edward C. Moody for postmaster, John F. Fowler of Augusta for doorkeeper, William Brown of Bowdoinham for folder; Philip E. Carroll of Southwest Harbor assistant folder.

And they were declared elected to their several positions.

On motion by Mr. Maher of Kennebec the same senator was charged with a message to the House of Representatives informing that body that the Senate had organized by the choice of the Hon. Hodgdon C. Buzzell as President; Royden C. Brown as secretary and Chester C. Winslow as assistant secretary.

That Senator retired to the House of Representatives and subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Hussey of Aroostook the same senator was charged with a message to the Governor and Council informing them that the Senate had organized by the choice of Hodgdon C. Buzzell as President; Royden C. Brown as secretary, and Chester Winslow as assistant secretary.

That senator retired to the Council Chamber and subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Cram of Cumberland it was

Ordered, that the President of the Senate be authorized to appoint two pages for the Senate.

The President: "I will take this matter under consideration and make the appointments later."

On motion by Mr. Perkins of Penobscot it was

Ordered, that the secretary of the Senate be authorized to secure the services of two stenographers for the present session, one for the office of the President and one for the office of the secretary.

On motion by Mr. Smith of Somerset it was

Ordered, the House concurring, that the returns for votes for Governor given in the several cities, towns and plantations of the State for the political years 1924 and 1925 be referred to a joint select committee of seven on the part of the Senate, with such as the House may join.

On motion by Mr. Hinckley of Cumberland it was

Ordered, that a committee of seven be appointed by the President to whom the returns of votes for senators for the political years 1924 and 1925 shall be referred for examination and report.

The President appointed on such committee:

Messrs. Smith of Somerset, Mayer of Kennebec, Lord of York, Barwise of Penobscot, Carter of Androscoggin, Bond of Lincoln and Clark of Hancock.

On motion by Mr. Carter of Androscoggin it was

Ordered, that the secretary of the Senate be authorized to furnish wrappers and postage stamps for each member and officer of the Senate, not exceeding five dollars in amount each, for the purpose of dis-

tributing the various reports of the departments of State and other public documents such as they may desire to mail to the citizens of the State

On motion by Mr. Holley of Somerset it was

Ordered, the House concurring, that the secretary of the Senate and clerk of the House jointly prepare the Senate and House register and that four thousand copies be printed for the use of the Legislature.

Sent down for concurrence.

On motion by Mr. Roberts of York it was

Ordered, that Fred W. Lee of Augusta be appointed official reporter of the Senate with the same compensation as paid at the last regular session of the Legislature.

On motion by Mr. Foster of Kennebec it was

Ordered, the House concurring, that the members and officers of the Legislature be furnished with express and parcel post transportation for all packages and department reports in a sum not exceeding \$5 for each member and officer thereof and that such transportation be furnished and expended under the direction of the State Library department and the unexpended balance at the close of the year 1925 shall be available for use in 1926.

Sent down for concurrence.

On motion by Mr. Miner of Washington it was

Ordered, that the secretary of the Senate be authorized to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as chaplains of the Senate in rotation during the present session.

On motion by Mr. Wadsworth of Kennebec it was

Ordered, the House concurring, that a joint committee consisting of two members on the part of the Senate and such as the House may join be appointed with full authority to make a contract with the New England Telegraph and Telephone Company for telephone service for the members of the 82nd Legislature with matters connected with their official duties.

The President appointed as members on the part of the Senate:

Messrs. Wadsworth of Kennebec and Buzzell of Oxford.

On motion by Mr. Lane of Androscoggin it was

Ordered, that the rules and orders of the Eighty-first Legislature be the rules and orders of the Senate.

On motion by Mr. Phillips of Hancock it was

Ordered, that the State librarian be directed to provide each member and officer of the Senate with a copy of the Acts and Resolves of the Eighty-first Legislature.

On motion by Mr. Case of Washington it was

Ordered, that the secretary of the Senate prepare and have printed 150 diagrams of the Senate Chamber for the use of the Senate.

On motion by Mr. Crafts of Piscataquis, it was

Ordered, that the official reporter of the Senate be authorized to procure the services of a typist during the present session at an expense not exceeding \$350; also an assistant reporter at an expense not exceeding \$650 for the preparation and completion of the Legislative Record.

On motion by Mr. Walker of Knox it was

Ordered, that the President of the Senate be authorized to appoint a document clerk for the custody of the Senate documents.

On motion by Mr. Clarke of Hancock it was

Ordered, that the secretary of the Senate be directed to furnish for the use of the Senate four copies of the Revised Statutes of the State; one copy each of the Holy Bible, Webster's International and Standard Dictionaries; Bouviers Dictionary; Reed's Rules and Cushing's Law and Practice of Legislative Assemblies.

Communications from the executive and heads of departments.

DEPARTMENT OF STATE STATE OF MAINE

Augusta, January 7, 1925.

To the President of the Senate of the 82nd Legislature of the State of Maine.

I have the honor to herewith transmit the return of the votes cast in the

several senatorial districts in the State of Maine, at the general election held on September 8, A. D. 1924.

Respectfully yours,

FRANK W. BALL,

Secretary of State.

Report accepted and referred to the committee on senatorial vote.

Message from the House

A message was received from the House of Representatives by its clerk informing the Senate that the House of Representatives had organized by the choice of William Tudor Gardiner as Speaker, Clyde F. Chapman of Belfast as Clerk, and Roy C. Fish of Belfast as assistant clerk.

Department of State
State of Maine

Augusta, Jan. 7, 1925

To the President of the Senate and to the Speaker of the House of Representatives of the Eighty-second Legislature of the State of Maine.

I have the honor to herewith transmit the returns of the votes cast for Governor in the several cities, towns and plantations in the State of Maine at the general election held on September 8, A. D., 1924.

Respectfully yours,

FRANK W. BALL,

Secretary of State

Referred to the committee on gubernatorial vote.

The President appointed as such committee on the part of the Senate, with such as the House may join:

Messrs. Hinckley of Cumberland, Wadsworth of Kennebec, Wilson of Aroostook, Maher of Kennebec, Morrison of Franklin, Miner of Washington, Allen of York.

Sent down for concurrence

Department of State
State of Maine

Augusta, Jan. 7, 1925

To the President of the Senate and 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 which resolution is as follows, to wit:

"Resolved 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:

ARTICLE

"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,

FRANK W. BALL,

Secretary of State.

Placed on file and sent down for concurrence.

State of Maine
Office of the Governor

Augusta, Jan. 7, 1925.

To the Honorable Senate and House of Representatives:

I have a farewell address which I should like to offer before a joint convention of the Senate and House immediately after their organization is completed, Wednesday morning, and respectfully request that such a convention be held in the House of Representatives.

Respectfully yours,

PERCIVAL P. BAXTER,

Governor of Maine

On motion by Mr. Cram of Cumberland, it was

Ordered, that a message be sent to the House of Representatives proposing a convention of the two branches of the Legislature be held forthwith in the Hall of the House for the purpose of inviting the Governor, the Hon. Percival P. Baxter, to attend the convention and present a farewell address.

On motion of Mr. Maher of Kennebec, it was

Ordered, that the secretary of the Senate be directed to furnish each member and officer of the Senate with three daily papers published in the state, such as each member and officer may select.

On motion by Mr. Hinckley of Cumberland, the vote was reconsidered.

ered whereby the message pertaining to child labor amendment was placed on file and on further motion by the same senator the matter was tabled.

On motion by Mr. Maher of Kennebec, it was

Ordered, the House concurring, that the document clerk prepare each week for the use of the Legislature a cumulative index of the bills and resolves introduced during the session showing the precise steps taken by each, and that 300 copies be printed.

Sent down for concurrence.

On motion by Mr. Maher of Kennebec, it was

Ordered, the House concurring that all bills and resolves shall be printed pending reference to a committee and when same are advertised for hearing the advertisement shall give the number of the bill and state whether it is a Senate or House document.

Sent down for concurrence.

The PRESIDENT: In connection with the ordered passed a few minutes ago, and which has received concurrence on the part of the House, in which it was ordered the message be sent to the House of Representatives proposing a convention of the two branches to be held forthwith in the House for the purpose of inviting the Governor, Hon. Percival P. Baxter, to deliver a farewell address, it is now in order for the secretary of the Senate to convey the message.

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 its clerk informing the Senate that the House concurred in the proposition for a joint convention to be held forthwith in the Hall of the House for the purpose of listening to a farewell address by His Excellency, Governor Baxter.

The PRESIDENT: The Senate hears the message.

The Senate thereupon proceeded to the Hall of the House.

(For proceedings in joint convention, see House report.)

Upon the return of the senators to their Chamber the Senate was called to order by the President.

On motion by Mr. Maher of Kennebec, it was

Ordered, that five thousand copies of the farewell address of Governor Percival P. Baxter be printed.

On motion by Mr. Allen of York, a recess was taken until 2.30 o'clock this afternoon.

AFTERNOON SESSION

Senate called to order by the President at 3 o'clock.

On motion by Mr. Clarke of Hancock, it was

Ordered, that a message be sent to the House of Representatives proposing a convention of the two branches of the Legislature forthwith in the Hall of the House for the purpose of electing a Secretary of State, Treasurer of State, Attorney-General and Seven Executive Councilors.

The secretary conveyed the message and subsequently reported that the House members were engaged in drawing their seats and that it was impossible to deliver the message with which he was charged.

On motion by Mr. Wadsworth of Kennebec, it was

Ordered, that the President of the Senate be authorized to appoint an assistant document clerk for the custody of the Senate documents.

On motion by Mr. Hinckley of Cumberland it was

Ordered, that the secretary of the Senate purchase such stationery, office supplies and equipment as may be needed to carry on the business of the Senate, and as may be requested by the president and approved by the Senate.

On motion by Mr. Holley of Somerset, it was

Ordered, the House concurring, that the joint rules and orders of the 81st Legislature be the joint rules and orders of this Legislature except that the same be amended by inserting in the first section containing the list of committees after the words "on library," the words "on Maine publicity."

Sent down for concurrence.

On motion by Mr. Buzzell of Oxford it was

Ordered, that the Senate hold one session a day commencing at 10 o'clock in the forenoon until further ordered.

Veto Messages from the Governor:

STATE OF MAINE
Office of the Governor
Augusta, January 7, 1925.

To the Honorable Senate and House of Representatives:

I return herewith without my approval

Resolve, to Retire Maine Forestry District Deficit.

This resolve was presented to the 81st Legislature contrary to an understanding between the then forest commissioner and myself. A loan of fifty thousand dollars was advanced the said commissioner from the State Contingent Fund in order to meet certain heavy bills incurred for fire fighting during the year 1922. It was agreed between us at that time that the forestry district should return this money to the State treasury out of its next year's funds, and I was surprised when this resolve cancelling the loan was presented to me without notice and without any word from the commissioner explaining his action.

I did not return the resolve to the 81st Legislature for I felt that the members did not understand the situation and that there was not time during the last days of the session to explain it to them.

This matter, however, now has been adjusted and the loan repaid. In view of this, the resolve, if it became law, would be of no effect for the matter is closed.

Respectfully submitted,
PERCIVAL P. BAXTER,
Governor of Maine.

On motion by Mr. Holley of Somerset, the message and accompanying papers were tabled and especially assigned for next Wednesday.

STATE OF MAINE
Office of the Governor
Augusta, January 7, 1925.

To the Honorable Senate and House of Representatives:

I return herewith without my approval Senate Bill No. 273, entitled Resolve, to appropriate money to pay for egg lobsters purchased in 1922.

When this resolve came to me I was not sufficiently informed as to the merits of the claims against the State for the purchases referred to, and I had no time for investigation. Later I found that the purchases had been made contrary to the orders of the Governor and Council,

but that the error was unintentional and that the men who sold the lobsters to the State acted innocently and in good faith.

In view of these facts I subsequently arranged to have the bills paid, for it did not seem proper that the fishermen should wait for two years for their money. This resolve, if it became law, would be of no effect.

Respectfully submitted,
PERCIVAL P. BAXTER,
Governor of Maine.

On motion by Mr. Holley of Somerset, the message and accompanying papers were tabled and especially assigned for Wednesday next.

STATE OF MAINE
Office of the Governor
Augusta, January 7, 1925.

To the Honorable Senate and House of Representatives:

I return herewith without my approval Senate Bill No. 297 of the 81st Legislature. This bill is entitled

An act to amend Chapter 132 of the Public Laws of 1919 as amended by Chapter 203 of the Public Laws of 1921, entitled, An Act to create the Maine Water Power Commission.

Under Article IV, part third, section two, where the Legislature has adjourned within the five day period allowed the Chief Executive for the consideration of a bill presented for his signature, the said bill shall become a law "unless returned (by the Governor) within three days after their (the Legislature's) next meeting"

The incident herein referred to is popularly called a "pocket veto." During the closing hours of the 81st Legislature one Act and four Resolves were passed by that body and presented to me for action. As I did not deem it wise at the time either to approve or disapprove these measures I took no action in regard to them. Since April, 1923, these documents have been in the custody of the Secretary of State awaiting their fate at the hands of the 82nd Legislature. The law provides that these measures be considered separately and so I am submitting herewith five messages.

This Act, amending the law that created the Maine Water Power Commission, provides for the continuance of that Commission. As that body was a creature of my own making naturally I had no prejudice against prolonging its life if there

had been good and sufficient reason for doing so, and I have had sympathetic consideration to its plea for a reprieve. I however have come to the conclusion that there is no need of a separate commission to study Maine's water powers, and that the results accomplished during the Commissioner's life did not justify its existence or warrant its cost.

The work of this Commission consisted chiefly in measuring the flow of our rivers. This has been taken care of satisfactorily during the past two years by the Public Utilities Commission at a total expense of \$5,000 per year, \$10,000 for the two year period. The total appropriation called for by the bill now before you was \$25,000; consequently \$15,000 has been saved by the State by reason of my refusal to approve this measure. Moreover the interests of the State have not suffered because the Commission has gone out of existence.

It is not often that a Chief Executive has the privilege of reducing the total number of State Commissions, and thereby lightening the taxpayers' burden. When the public interest warrants so doing and opportunity offers it should not be neglected. The Maine Water Power Commission would be a useless appendage to our Government and I see no reason why it should be revived.

It of course is within the power of the 82nd Legislature to recreate this Commission, if it deems it wise to do so. In such event, however, no doubt

the Legislature will wish to frame its own law, after careful investigation of the subject.

I return this to you without my approval.

Respectfully submitted,

PERCIVAL P. BAXTER

Governor of Maine

On motion by Mr. Holley of Somerset, the message and accompanying papers were tabled and especially assigned for Wednesday next.

At this time the secretary of the senate again conveyed the message to the House in regard to a joint convention, 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 this body that the House concurred in the proposition for a joint convention to be held forthwith in the Hall of the House for the purpose of electing a Secretary of State, Treasurer of State, Attorney General and seven Executive Councillors.

The Senate thereupon proceeded 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 Senators to their Chamber the Senate was called to order by the President.

On motion by Mr. Hinckley of Cumberland, adjourned until tomorrow morning at 10 o'clock.