

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 14, 1925.

Senate called to order by the President.

Prayer by Rev. Milo G. Folsom of Gardiner.

Journal of previous session read and approved.

On motion of Mr. MAHER of Kennebec, the rules were suspended and the same Senator presented two bonds of the Hon. W. L. Bonney, Treasurer of State, which were referred to the Committee on Appropriations and Financial Affairs, and sent down for concurrence.

Papers from the House disposed of in concurrence.

The following bills and resolves were presented and on recommendation of the committee on reference of bills were referred to the following committees:

Mercantile Affairs and Insurance

By Mr. Cram of Cumberland: An Act regulating the payment of losses under certain policies of liability insurance.

(500 copies ordered printed.)

Judiciary

By Mr. Anthoine of Cumberland: An Act to Provide the Method of Nominating Candidates for Office.

(One thousand copies ordered printed.)

Legal Affairs

By Mr. Cram of Cumberland: An Act to Amend Sections Thirty-one, Thirty-two and Thirty-three of Chapter Seven of the Revised Statutes of 1916, Relating to Elections and Providing Ballot Boxes with Devices for Registering and Endorsing Ballots Deposited Therein.

(500 copies ordered printed.)

Pensions

By the same Senator: An Act Amendatory of and Additional to Chapter 148 of the Revised Statutes Relating to State Pensions, creating a Field Agent for Blind and Guide; and defining the duties and compensation of such Field Agent and Guide.

(500 copies ordered printed.)

Orders of the Day

The following bills and resolves having been referred to this Legis-

lature by the last preceding Legislature were taken from the files and referred to the Committees and sent down for concurrence:

Claims

Resolve in favor of the town of Prentiss.

Labor

Resolve in favor of an Amendment to the Constitution of the United States Prohibiting Employment of Women and Children in Industry more than Forty-eight Hours in a Week.

Legal Affairs

An Act to Confer Certain Additional Powers upon the Municipal Officers of Cities and Towns.

Library

Resolve in favor of the Purchase of the History and Maps of the People and the Town of New Sweden.

Resolve providing for the purchase of "Music and Musicians of Maine."

Education

An Act to Repeal An Act entitled An Act to Incorporate the Boothbay Harbor School District.

An Act to Amend the Charter of Portland Academy.

Temperance

An Act making it Unlawful for any Person to Have Intoxicating Liquors in his Possession in any Public Place.

The President laid before the Senate veto message of Governor Baxter on "Resolve, to Appropriate Money to Pay for Egg Lobsters Purchased in 1922."

Mr. HOLLEY of Somerset: Mr. President, the matter having been before the Senate, I move that it take its usual course.

The PRESIDENT: The pending question before this Senate is Shall this Resolve be passed notwithstanding the objections of the Governor?

Mr. HOLLEY: Mr. President, before we vote, may the Governor's veto be read in full?

The PRESIDENT: The Secretary will please read it.

(The message was read by the Secretary.)

STATE OF MAINE

Office of the Governor

Augusta, January 7, 1925.

To the Honorable Senate and House of Representatives:

I return herewith without my ap-

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

Mr. HINCKLEY of Cumberland: Now, Mr. President, may I inquire through the President whether or not any Senator has information as to whether these bills have been paid. The veto states that arrangements were made to pay them, which is not a statement that they were paid. I would like to know definitely.

The PRESIDENT: Does any Senator desire to answer the Senator from Cumberland, Senator Hinckley?

Mr. HOLLEY: I am informed, but not possibly from an authentic source, that arrangements have been made so that they will be paid. I have no idea but that this amount has been arranged for, and I very sincerely hope that this Senate will sustain the veto of the Governor in this matter. I think it is perfectly proper.

The PRESIDENT: If there is no discussion, the Chair will state that this question requires a yea and nay vote. When you vote "No" you vote to sustain the veto, and when you vote "yes" you vote that this resolve be passed notwithstanding the objections of the Governor. Perhaps I will put it in another way: When you vote no, you mean in substance, no, this resolve shall not be passed; but when you vote yes, you mean in substance and say so by your vote, yes, this resolve shall be passed. All senators are supposed to vote unless excused. Is the Senate ready for the

question? If so, the Secretary will call the roll.

The roll was called, and all Senators being present and voting "nay," the veto of the Governor was sustained.

The President laid before the Senate veto message of Governor Baxter on "Resolve, to Retire Maine Forestry District Deficit," and recognized the Senator from Somerset, Senator Holley, who had tabled the matter.

Mr. HOLLEY: Mr. President, the matter being before the Senate, I move that it take its usual course provided by the Constitution.

Mr. WADSWORTH of Kennebec: Mr. President, may we have the veto message read?

The PRESIDENT: The Secretary will read.

(The message was read by the Secretary.)

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 \$50,000 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,
(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

The PRESIDENT: The pending question before the Senate is on the Resolve which has just been read, Shall this Resolve be passed notwithstanding the objections of the Governor? A vote "no" and a vote "yes" has the same significance in this matter as just explained by me. It will require a yea and nay vote.

The roll was called, and all senators being present and voting nay, the veto of the Governor was sustained.

The President laid before the Senate veto message of Governor Baxter on "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".

The PRESIDENT: Does any Senator request a reading of the message?

Mr. CRAM of Cumberland: Mr. President, I think it would be a little clearer to us all.

(The Secretary read the message):

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 2, 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 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 pro-

vides that these measures be considered separately and so I am submitting herewith five veto 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 gave 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 Commission's life did not justify its existence or warrant its cost.

The work of the 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, or \$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 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' burdens. 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 re-create 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,
(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

The PRESIDENT: The pending question is on the Act, the message in regard to which has just been read. Shall the Act become a law notwithstanding the objections of

the Governor. A vote "no" is a vote in favor of sustaining the veto. A vote "yes" will provide that the Act shall become a law notwithstanding his objection. A yea and nay vote is required.

The roll was called and all Sen-

ators being present and voting nay, the veto of the Governor was sustained.

On motion by Mr. Lane of Androscoggin, adjourned until tomorrow morning at ten o'clock.