

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY  
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## SENATE

Wednesday, Feb. 11, 1925.

Senate called to order by the President.

Prayer by the Rev. Milo G. Folsom of Gardiner.

Journal of previous session read and approved.

The PRESIDENT: The Chair at this time will take the opportunity to inform the Senate there will probably be a Friday session this week.

Papers from the House disposed of in concurrence.

### House Bills in First Reading

H. P. No. 15: An Act authorizing the sale of the property and assets of the Moose River Log Driving Company, and providing for the dissolution of said corporation.

H. P. No. 16: An Act to amend the charter of the Kennebec Log Driving Company, as amended by Chapter 402 of the Private and Special Laws of 1885, and further amended by Chapters 13 and 14 of the Private and Special Laws of 1917 and by Chapter two of the Private and Special Laws of 1921.

H. P. No. 87: Resolve in favor of Highmoor Farm in the town of Monmouth.

H. P. No. 89: Resolve in favor of scientific investigation in Agriculture in Aroostook County.

H. P. No. 90: Resolve making appropriation for the support and maintenance of the Maine Agricultural Experiment Station.

Resolve in favor of animal husbandry (H. D. 22.)

An Act relating to applications for Soldiers Bonus (H. D. 63.)

Mr. HINCKLEY of Cumberland: Mr. President, I have an order which I wish to present out of order, and move its passage.

ORDERED, The House concurring, that the Special Legislative Committee appointed for the purpose of investigating the proposed locations 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 10, 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 expenses of the 82nd Legislature.

Mr. HINCKLEY: Mr. President, if I may I wish to give a word of explanation in regard to this matter. Some of us realize that the proposition to build a railroad bridge over the Kennebec River without some definite understanding or agreement with the Maine Central Railroad for use of the bridge might be an unwise thing. The matter was taken up with the Maine Central Railroad officials, and they are willing to cooperate with the State of Maine with a view to making a definite proposition of what they would be willing to pay for rental, provided a definite location can be decided upon.

In order to get at that matter it is necessary to have engineers definitely make a location. And the railroad would be glad to take the matter up with the proper State authorities with a view to doing that thing. And for that reason we are asking that this committee may have the authority and have engineers go there and decide upon a location, together with engineers of the Maine Central. And it is important, of course, that the matter go along at once. I therefore move the passage and adoption of this order.

The order was passed and sent down for concurrence.

### Passed to be Engrossed

An Act to amend Section 11 of Chapter 117 of the Revised Statutes, as amended by Chapter 249 of the Public Laws of 1917, and Chapter 198 of the Public Laws of 1919, and Chapter 104 of the Public Laws of 1921, relating to salary of stenographer of Kennebec Superior Court. (S. P. 7.) (S. D. 47.)

An Act to amend Section 11 of Chapter 260 of the Public Laws of 1917, as amended by Chapter 160 of the Public Laws of 1921, increasing the salary of the stenographer of the Androscoggin Superior Court. (S. P. 8.) (S. D. 45.)

An Act ratifying Transfer of Land from State of Maine to Trustees of Gorham Academy in the County of Cumberland, and from Trustees of Gorham Academy in the County of Cumberland to State of Maine. (S. P. 35.) (S. D. 51.)

(On motion by Mr. Allen of York, tabled pending passage to be engrossed.)

An Act to Increase the Salaries of County Commissioners for Cumberland County. (S. P. 44.) (S. D. 46.)

**Passed to be Enacted**

An Act to amend Section One of Chapter Nine of the Private and Special Laws of Eighteen Hundred and Eighty-seven relating to the Camden and Rockland Water Company.

**Orders of the Day**

Mr. CASE of Washington: Mr. President, I move to take from the table S. P. 133, An Act relating to West Washington Municipal Court.

The motion was agreed to, and on further motion by the same Senator, the bill was referred to the committee on Legal Affairs.

Mr. MORRISON of Franklin: Mr. President, I move to take from the table H. D. 52, An Act to create a closed season on bear, to repeal the provisions of law as to bounties on the same, and to amend certain sections of the laws relating to bear.

The motion was agreed to, and on further motion by the same Senator, the bill was referred to the committee on Inland Fish and Game in concurrence.

Mr. MORRISON of Franklin: Mr. President, I also move to take from the table S. P. 41, An Act to amend chapter 195, P. L. 1917, relative to the powers of prison commissioners.

The motion was agreed to, and on further motion by the same Senator, the Senate voted to recede from its former action and concur with the House in the reference of this bill to the State prison committee.

Mr. MAHER of Kennebec: Mr. President, I hardly know what is the right motion to make, but I will make this, to take from the table H. D. 75, which the Calendar says I tabled yesterday, and which I did not and know nothing about.

The motion was agreed to, and on motion by Mr. Hinckley of Cumberland the bill was referred to the committee on Legal Affairs

Mr. HINCKLEY of Cumberland: Mr. President, I move to take from the table S. P. 113, An Act to extend the charter of Patten Water and Power Company.

The motion was agreed to, and on further motion by the same Senator,

the bill was referred to the committee on Judiciary in concurrence with the House.

Mr. WALKER of Knox: Mr. President, I move that we take from the table H. P. 415, An Act to increase the salary of the Register of Deeds for Knox county.

The motion was agreed to, and on further motion by the same Senator the bill was referred to the committee on Salaries and Fees in concurrence.

Mr. SPEIRS of Cumberland: Mr. President, H. D. 44 An Act relating to a tax on gasoline, was assigned for today. When I asked that it be assigned for today, I thought there was to be a session on Friday. There are other bills coming along very similar in nature to that, and I would like to have them go along to the same committee, and these bills are assigned to different committees. I therefore move that we retable the bill today

The motion was agreed to.

Mr. ALLEN of York: Mr. President, I move to take from the table An Act ratifying the transfer of land from the State of Maine to trustees of Gorham Academy in the County of Cumberland, and from the trustees of Gorham Academy in the County of Cumberland to State of Maine (S. D. 51) (S. P. 35), tabled by me a few moments ago.

The motion was agreed to.

Mr. ALLEN: I understand, Mr. President, that this has been passed to be engrossed and no motion is necessary. Am I correct?

The PRESIDENT: I think that is right, Senator Allen.

Mr. CRAM of Cumberland: Mr. President, I move that we take from the table S. P. 131, An Act requiring owners of certain motor vehicles and trailers to furnish security for their civil liability on account of personal injuries caused by their motor vehicles and trailers.

The motion was agreed to.

Mr. HINCKLEY of Cumberland: Mr. President, this matter was recommended by the committee on Reference to the Judiciary committee. It is immaterial to me whether it goes to the Judiciary committee or to the Legal Affairs committee. But it is one of the most far-reaching bills that has ever been presented to any

Legislature. There is as much law involved in it as in any matter that has been presented to this Legislature, and other states that have passed, or attempted to pass, bills of this kind have found constitutional and other questions of great moment. It seems to me that when a proposition is made to the Legislature of the State of Maine to require every person owning an automobile or a truck to carry liability insurance, or to furnish a bond on the same, that the Legislature should be very careful in seeing that a bill is prepared and passed having all of the protection and guarantees and safeguards which it is possible to put in a bill of that kind, and I cannot conceive of a matter so full of legal questions going to a committee that is comprised of laymen who are not supposed to understand or appreciate these legal complications.

I believe that the committee on reference acted wisely when they made the reference to a legal committee, and I certainly hope,—although there is an element of insurance in it, that is secondary, the question of protection to the public is the main thing to be considered in connection with this bill—and I certainly hope that this Senate will follow the recommendation of the committee on reference and send it to a legal committee, and not simply because the mercantile and insurance committee perhaps want a bill before them—that is not sufficient reason. I hope that the motion does not prevail.

The PRESIDENT: Did you wish to make a motion?

Mr. HINCKLEY: There is a motion now that it should go before the committee on mercantile affairs and insurance, and I am opposing that motion.

The PRESIDENT: The Chair will say that that vote was declared and the proper motion to be considered will be to reconsider that vote.

Mr. HINCKLEY: I understood I caught the ear of the Chair before that was declared.

The PRESIDENT: The Chair is sorry to state that he was perhaps a little previous.

Mr. HINCKLEY: I move to reconsider.

Mr. MAHER of Kennebec: Mr. President, speaking to the motion of the Senator from Cumberland, Senator Hinckley. I will say that—explaining the action of the committee on reference anent this particular

measure—not only what the Senator has said was of great weight, but of more controlling importance was the fact that this very same principle, under a different act, was before the Legislature two years ago. I was somewhat familiar with it because I introduced it myself, and it was referred to the committee on Judiciary and they had a very extended hearing thereon, and at that time there was a sharp division, and finally the matter did not emerge in a definitely formulated state to warrant passage. But the judiciary committee this year being made up so that there are five men on there who were there last year, and this same subject matter having gone there last year, in addition to the reasons suggested by the Senator from Cumberland, Senator Hinckley, that it is bristling with legal questions, the committee on reference thought that it would be of all possible assistance that this new measure on the same subject should go to a committee more or less familiar with it. The committee of reference I am sure had no private opinion in the matter and no desire at all to do other than facilitate the disposition of the matter.

I will say that two years ago—this may be aside from the point—having introduced this same subject matter, and having been very much interested in its passage, I would suggest to the Senate just one question that arose, so that you may at once see how important the proposition is and how worthy it is of consideration by some legal committee. The gist of the thing is that there shall be compulsory automobile insurance or bond, in other words, that there shall be some pecuniary answering for negligent damage done upon the highways. At first glance that appears, of course, to appeal to every one, that there should not be allowed to run rampant over the highways of this State people in automobiles who are not financially responsible for the damage which may ensue from their negligent acts.

But what are you going to do with reference to people from outside the State? We can legislate very readily for people within the State, but what are we to do in this era of publicity with outside people who are coming here to spend money, and whom we wish to enjoy all of our great natural advantages? We cannot reach them perhaps without coming in contravention with the Federal Constitution. That is just

one suggestion. But that is the reason the committee of reference suggested the committee on judiciary.

Mr. CRAM of Cumberland: Mr. President, I rise first to ascertain the parliamentary situation. My recollection is, and the report so shows, that yesterday we reconsidered our vote whereby it was referred to the committee on judiciary, and it was then laid on the table. Therefore it seemed to me this morning that I was perfectly in order in taking it from the table and moving to refer it to the committee on mercantile affairs and insurance.

Mr. MAHER: Mr. President, simply speaking from recollection, and not being familiar with the record, my understanding of the situation is not as the Senator from Cumberland, Senator Cram says. I think his motion of yesterday was to table, and the record shows that it was tabled pending reference to the committee on judiciary. I am quite sure that there was no motion for reconsideration made until this morning.

Mr. CRAM: Mr. President, it seems too bad to take up the time of the Senate in deciding this matter.

The PRESIDENT: The Chair will rule any time the Senator from Cumberland desires.

Mr. CRAM: Perhaps we can refer to the stenographic record and that will show we did reconsider and the matter was then laid on the table.

Mr. HINCKLEY of Cumberland: Mr. President, on the statement of the Senator from Cumberland, Senator Cram—I was not here yesterday—it would seem that the Senate reconsidered for the purpose of tabling the bill, and that the reconsideration was only for that purpose; and no action except tabling has been taken. So that a motion is in order now to have it referred on reconsideration to the committee on judiciary. That would be the parliamentary situation.

Mr. CRAM: Mr. President, this bill was referred to the committee on judiciary and we reconsidered that vote. However, Mr. President, that may be,—I ask what the pending question is:

The PRESIDENT: The pending question before the Senate is on the motion to reconsider the vote whereby we have just referred this to the committee on mercantile affairs and insurance.

Mr. CRAM: Then, Mr. President, I will state that it seems to me this

bill is a matter largely of insurance. There are certain legal questions involved, and I will admit there are many of them, but the practical question, it seems to me, is the one which has to have consideration from the first, and the committee on insurance is a committee which handles matters of insurance, and I feel they are thoroughly competent to pass upon this matter. Of course they are in a situation where they can obtain any legal advice which they think advisable in connection with the construction of the bill and its effect.

The PRESIDENT: The pending question before the Senate is on the motion of the Senator from Cumberland, Senator Hinckley, who moves that we reconsider the vote whereby we voted to refer S. P. 131 to the committee on mercantile affairs and insurance.

What is the pleasure of the Senate?

The motion was agreed to, and on further motion by the same Senator the bill was referred to the committee on Judiciary.

Mr. WADSWORTH of Kennebec: Mr. President, may I ask the Senator from Androscoggin, through the Chair, if he will assign a time for consideration of H. D. 76.

The PRESIDENT: The Senator from Androscoggin hears the request of the Senator from Kennebec.

Mr. CARTER of Androscoggin: Mr. President, I would suggest Friday morning, at ten o'clock, to take from the table H. D. 76, Resolve for the appointment of one or more persons to represent the State in certain proposed changes in freight rates affecting the people of the State.

Mr. WADSWORTH: I thank you, Mr. President.

Mr. MAHER of Kennebec: Mr. President, I move to take from the table H. D. 85, An Act relating to registration of motor vehicles of non-residents and fees of residents.

The motion was agreed to, and on further motion by the same Senator the bill was referred to the committee on judiciary in concurrence.

On motion by Mr. Cram of Cumberland,

Adjourned until tomorrow morning at ten o'clock.