

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

Friday, February 20, 1925.

Senate called to order by the President

Prayer by the Rev. H. H. Brown of Augusta

Journal of previous session read and approved.

On motion by Mr. Carter of Androscoggin, under suspension of the rules, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday forenoon, February 24th, at ten o'clock.

Sent down for concurrence.

Subsequently the foregoing order came back from the House, read and passed in concurrence.

Papers from the House disposed of in concurrence.

From the House: Joint Resolution proposing an amendment to the Constitution of the United States (relative to child labor).

(In Senate, Feb. 10, referred to Committee on Labor).

In the House referred to the Committee on Legal Affairs in non-concurrence.

In the Senate, on motion by Mr. Smith of Somerset, tabled pending reference.

From the House: 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 eighteen 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. 121).

(In Senate, Feb. 10, referred to Committee on Labor).

In the House, referred to the Committee on Legal Affairs in non-concurrence.

In the Senate, on motion by Mr. Smith of Somerset, tabled pending reference.

From the House: 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 eighteen years of age. (S. P. 125).

(In Senate, Feb. 10, referred to Committee on Labor).

In the House, referred to the Committee on Legal Affairs in non-concurrence.

In the Senate, on motion by Mr. Wadsworth of Kennebec, tabled pending reference.

Mr. CARTER of Androscoggin: Mr. President, may I ask for information if House Document No. 150, An Act relating to limitation of right to enter on or take land, was in the list just read?

The PRESIDENT: The Chair will inform the Senator from Androscoggin that it was not. The Chair will inform the Senator that the Secretary can tell him what disposition was made of the bill in the Senate yesterday. In concurrence with the House it was referred to the committee on judiciary.

The following, petitions, etc., were presented and on recommendation by the committee on reference of bills were referred to the following committees:

Judiciary

By Mr. Speirs of Cumberland, Resolve, proposing an amendment to the Constitution, providing authority to the Legislature to require compulsory voting. (S. P. 305).

(500 copies ordered printed)

Sea and Shore Fisheries

By Mr. Clarke of Hancock, Remonstrance of A. B. Farnham of East Boothbay and 12 others (S. P. 306); Remonstrance of I. F. Poole and 17 others of Boothbay Harbor (S. P. 307), against the passage of the so-called Lamson Bill, regarding the measurement of lobsters.

By Mr. Case of Washington, Remonstrance of H. L. Woodward and 19 others of Beals (S. P. 308);

By Mr. Walker of Knox, Remonstrance of J. M. Eastman and 14 others of Boothbay Harbor (S. P. 309); against any change in the present Sea and Shore Fisheries Commission law.

Ways and Bridges and Taxation

By Mr. Clark of Hancock, Remonstrance of A. P. Davis and 39 others of Frenchboro (S. P. 310);

Mr. Walker of Knox presented Remonstrance of C. E. Freeman of Martinsville and 40 others (S. P. 311); Remonstrance of L. E. Hatch and 30 others of So. Bristol (S. P. 312); Remonstrance of W. S. Young and 40 others of Matinicus (S. P. 313);

Mr. Case of Washington presented

Remonstrance of J. P. Alley and 10 others of Beals (S. P. 314);

Mr. Speirs of Cumberland presented Remonstrance of W. P. Fowler and 90 others of Portland (S. P. 315); against any increase in the gasoline tax without exemptions to fishermen.

Bills in First Reading

An Act to prohibit plug fishing on Peabody Pond, in the County of Cumberland. (S. P. 77) (S. D. 92).

Resolve, memorializing Congress in the interest of National Defense. (S. P. 289) (S. D. 100).

Reports of Committees

Mr. Clarke from the Committee on Legal Affairs, on bill An Act to amend Section 84 of Chapter 11 of the Revised Statutes, relating to the sales of land for taxes in incorporated places. (S. P. 20) (S. D. 14), reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

Mr. Anthoine, from the Committee on Public Utilities, on bill An Act to extend the charter of the Eastern Maine Railroad. (S. P. 22) (S. D. 16), reported that the same ought to pass.

The report was accepted, and on motion by Mr. Anthoine of Cumberland, the rules were suspended and bill was given its first reading.

Passed to be Engrossed

An Act to Regulate Fishing in Bog Brooks, so-called, in Oxford and Androscoggin Counties. (H. P. 156) (H. D. 128)

An Act for Protection of Moose. (H. P. 261) (H. D. 127)

Resolve providing for the Expenses of the Contest over the Election as Representative to the Legislature from the Town of Lisbon. (H. P. 669) (H. D. 129)

An Act to Regulate Fishing in the Brooks in York, in the County of York. (H. P. 671) (H. D. 124)

(Pending passage to be engrossed tabled on motion by Mr. Allen of York.)

An Act relating to Ice Fishing in Moose Hill Pond, in the Town of East Livermore, in the County of Androscoggin. (H. P. 673) (H. D. 126)

An Act Relating to the Taking of Smelts in Casco Bay. (H. P. 675) (H. D. 125)

(Pending second reading, tabled on motion by Mr. Case of Washington.)

Finally Passed

Resolve, Appropriating Money for

the Compilation and Publication of Data Concerning the Resources of the State. (H. P. 10) (H. D. 3)

Orders of the Day

Mr. ALLEN of York: Mr. President, I move to take from the table H. D. 160, An Act relating to provision for upkeep, equipment and extensions for the several normal schools and the Madawaska training school.

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

Mr. CARTER of Androscoggin: Mr. President, I rise for further information. I would like to ask the President, or the Secretary through the Chair, if the original papers of H. D. 150, which were referred to the judiciary committee in yesterday's session, are in the possession of the Senate or if they have gone from its possession.

The PRESIDENT: The Secretary hears the question.

The SECRETARY: Our records show that on Thursday, February 19—which was yesterday—that was referred in the Senate to the committee on judiciary in concurrence. We can find out by recourse to the files, whether that is in possession of the House or not, if you like.

Mr. CARTER: I do not wish to delay the Senate, but if the information can be conveyed to me later, before we leave the orders of the day.

The PRESIDENT: The question is, is that paper in the possession of the Senate?

Mr. CARTER: May it please the Chair—simply as a basis for further motion, if they are in the possession of the Senate.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Wadsworth.

Mr. WADSWORTH: Mr. President, I move that the Senate reconsider its vote whereby it referred H. D. 160 to the committee on appropriations and financial affairs.

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

Mr. SMITH of Somerset: Mr. President, I move that we reconsider our action whereby we voted to refer H. P. 306 to legal affairs.

Mr. HINCKLEY of Cumberland: What paper is that?

Mr. SMITH: Relating to child labor employment.

The motion to reconsider was agreed to, and on further motion by the same Senator the matter was laid on the table, pending reference to a committee.

Mr. ANTHOINE of Cumberland: Mr. President, I move to take from the table H. D. 63, An Act relating to application for soldiers' bonus.

The motion was agreed to, and on further motion by the same Senator the bill was passed to be enacted.

Mr. HINCKLEY of Cumberland: Mr. President, I move that we reconsider our action whereby H. D. 73 was passed to be engrossed yesterday.

The motion was agreed to.

Mr. HINCKLEY: Now, Mr. President, I move that we accept House Amendment A in concurrence with the House. I might explain that by error we passed it to be engrossed without accepting this amendment.

Mr. Powers of Aroostook: Mr. President, I should like to hear the reading of the amendment.

(Amendment read by Secretary.)

Mr. HINCKLEY: I move the adoption of House Amendment A in concurrence.

The motion was agreed to.

Mr. HINCKLEY: Now, Mr. President, I move that the bill as amended be passed to be engrossed.

On motion by Mr. Maher of Kennebec, tabled pending its passage to be engrossed.

Mr. CARTER of Androscoggin: Mr. President, the precedent having been established that the information asked for by me is now unnecessary, I move that we reconsider the vote which we took yesterday whereby we referred H. D. 150, An Act relating to limitation of right to enter on or take land, to the judiciary committee.

The PRESIDENT: The Chair would inform the Senator from Androscoggin that the paper was acted upon yesterday in concurrence with the House and it has gone to the committee, and it seems to me the proper action would be to recall it.

Mr. CARTER: Mr. President, I apprehended that the paper was in the same situation as the papers involved in the motion asked for by the Senator from Cumberland, Senator Hinckley, which papers were passed to be engrossed yesterday morning. I withdraw my motion and make a

motion in conformance with the suggestion of the Chair, that the Senate recall from the judiciary committee H. D. 150, to which committee they referred it yesterday in concurrence with the House.

The PRESIDENT: The Chair is of the impression that the proper proceeding is to pass an order. The Chair has reinforced his idea by speaking with the Secretary.

Mr. CARTER: The Senator from Androscoggin withdraws his motion.

Mr. HINCKLEY of Cumberland: Mr. President, in order to get at the matter understandingly, may I inquire through the Chair of the Senator from Androscoggin, his purpose in wishing it withdrawn?

The PRESIDENT: The Senator from Cumberland asks the question through the Chair of the Senator from Androscoggin, what his purpose is in desiring to recall this bill. He may answer if he likes.

Mr. CARTER: Mr. President, I am very willing to answer. Here is a bill of which the title is misleading. It got by me in that I did not realize as to what the subject matter of the bill was.

The title is "An Act relating to limitation of the right to enter on and take land," and as I gather the subject matter of the bill it is under the Mill Act, so called. Anyone damming a stream or creating a pond, can flow out graveyards. And I have heard that there may possibly be other legislation affecting possibly the same subject matter, and my purpose was to place this bill on the table pending the introduction of any further legislation, that they might go along together to the judiciary committee. If that answers the Senator.

Mr. HINCKLEY: Mr. President, I have an impression, if I may speak of it, that the matter has probably been advertised by the judiciary committee already. We are trying to keep our work right up, and further, Mr. President, it would be reconsidered only today and in order to withdraw it from the judiciary committee it must be acted upon by the committee which will not meet before the session adjourns, so I cannot see how the motion will have any effect.

Mr. MAHER of Kennebec: Mr. President, I do not know that we are talking on any particular motion—more or less informally—but it would seem to me that—I have the act in my hand which the Senator

from Androscoggin has in mind—he has either missed the scope of it or sees something in it that I do not see. I think it has nothing to do with the Mill Act, but is a proposition with reference to the taking of lands by right of eminent domain for railroad locations. Under the present statute, I understand, whenever there is a dwelling house—a man's castle—or a graveyard, the right of eminent domain does not reach over so that a railroad can take it. I understand procedure of that sort has always gone to the judiciary committee. I see nothing here about any flowing, if I have it correctly.

Mr. CARTER: Far be it from me, a mere member of the Bar, to suggest a proposition of law to those who will later speak upon it from the proud pedestal of the judiciary committee, but at the cursory glance which I have been able to give this bill at this time, it seems to me it is a bill that should possibly go along with others, and which I would like to have an opportunity to give some study to, irrespective of the definition and construction of the bill of my brother Senator.

For that purpose my attempt is to get the bill upon the table, and for that purpose I made the motion to recall it from the judiciary committee, to which committee I shall move that it be referred at a later time.

Mr. MAHER: Mr. President, if I do not interrupt other senators, if I am not out of order in availing myself of the same privilege that the Senator from Androscoggin has, of speaking twice, it would seem to me that this proposition was beating the devil around the bush. As I understand, the Senator from Androscoggin desires now to pass an order recalling this measure from the judiciary committee for the purpose of tabling it and later referring it to the judiciary committee. If I get the purport of his remark, that being so I would simply suggest—the matter is of no concern to me—we might expedite matters by leaving it where it is, and when the other matters come along which he thinks are germane to this we can refer them to the judiciary committee.

Mr. HINCKLEY: Mr. President, may I state, through the President, that the judiciary committee always plans to extend every courtesy to anybody who is interested in the matters before that committee. I will state, in this matter, every courtesy

will be extended to the Senator from Androscoggin county, and the matter will be assigned, if assigned now, for a later date so that he will have ample opportunity to prepare himself on it and present any matter he desires.

Mr. CARTER: Mr. President, with no discourtesy to anybody, and in the belief in the courtesy extended to all, I now have an order which I would like to present and move its passage:

ORDERED: That H. D. 150 be recalled from the committee on judiciary.

The Chair declared the motion agreed to, but the same was doubted by the Senator from Cumberland, Senator Hinckley.

A viva voce vote was then had and the Chair declared the motion agreed to and the order adopted, unless a division was called for.

Mr. HINCKLEY: Mr. President, I ask for a division.

Mr. MAHER: Mr. President, I hope the Senator from Cumberland will not insist upon a division on this matter. We are establishing here in these late days when the sun is setting high and the solstice is approaching, the precedent of recalling matters from committees when they have been referred thereto, in order to later refer them to the same committee. I suggest that we expedite matters by considering this a closed incident, and send it down to the House and let them act thereon. They may differ and ask for a committee of conference.

I hope the Senator will not insist upon a division.

Mr. HINCKLEY: Mr. President, I always yield to the judgment of the Senator from Kennebec. I withdraw my motion.

The PRESIDENT: You have voted to recall this bill from the committee.

The PRESIDENT: Are there any other matters that we may take up at this time under orders of the day and expedite matters? The Chair wants to state that we are enjoying such harmony all the time that it is most beautiful, and that we are getting along very fast indeed, and are making a record for ourselves, and if we can work a little faster it will please the Chair.

On motion by Mr. Allen of York, Adjourned until Tuesday, February 24, at 10 o'clock.