

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

Tuesday March 3, 1925

Senate called to order by the President.

Prayer by Rev. A. T. McWhorter of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Resolve, to reject the proposed twentieth amendment to the Constitution of the United States, being the Child Labor Law, so-called. (H. D. 61)

In Senate, Feb. 26, referred to Committee on Labor.

In the House, voted to adhere to its former action whereby the resolve was referred to the Committee on Legal Affairs.

Mr. HINCKLEY of Cumberland: Mr. President, I move that we insist and ask for a committee of conference.

The motion was agreed to, and the Chair appointed as such committee on the part of the Senate, Messrs. Smith of Somerset, Wadsworth of Kennebec and Bond of Lincoln.

From the House: An Act to amend Chapter 184 of the Public Laws of 1921, as amended by Chapter 211 of the Laws of 1923, relating to the supervision, regulation and conduct of the transportation of persons over the public highways of the State of Maine by automobiles, jitney busses and auto stages by the Public Utilities Commission. (S. D. 119)

In Senate, Feb. 24, referred to Committee on Public Utilities.

In the House, referred to the Committees on Mercantile Affairs and Insurance and Public Utilities jointly in non-concurrence.

The Senate, on motion by Mr. Cram of Cumberland, voted to recede and concur with the House.

From the House: An Act to amend Paragraph A of Section 47 of Chapter 211 of the Public Laws of 1921 relative to fees for registration of vehicles. (S. D. 36)

In Senate, Feb. 18, passed to be engrossed.

In the House, House amendment "A" and House amendment "B" adopted and the bill was passed to be engrossed as amended by House

Amendment "A" and House Amendment "B"

In the Senate tabled on motion by Mr. Hinckley of Cumberland.

House Bills in First Reading

An Act to amend Section 60 of Chapter 126 of the Revised Statutes relating to old, diseased or disabled animals.

(On motion by Mr. Barwise of Penobscot, tabled pending acceptance of the report of the committee on agriculture, ought not to pass.)

An Act to regulate loans the payment of which are secured by mortgage or pledge of household furniture. (H. D. 145)

(On motion by Mr. Cram of Cumberland, tabled pending acceptance of the report of the committee on judiciary, ought not to pass.)

An Act relating to fishing in brook emptying into Thompson Lake at Oxford, known in Oxford and Otisfield as Greely Brook, and in the town of Norway as Lombard Brook. (H. D. 220)

An Act to regulate fishing in Miller Brook, a tributary to Moose Pond, in the town of Bridgton, in the county of Cumberland. (H. D. 218).

An Act relating to payment of bounty on bob-cats, loupervier or Canada lynx killed in the State of Maine. (H. D. 222).

An Act relating to the Portland Public Library. (H. D. 221).

An Act relating to the Female Orphan Asylum at Portland. (H. D. 223.)

Communication from the Secretary of State**STATE OF MAINE****OFFICE OF SECRETARY OF STATE**

Augusta, Maine, March 3, 1925.

To the Senate and House of Representatives in Legislature assembled:

I have the honor to transmit herewith two initiative petitions, filed in the office of the Secretary of State on February 27, 1925, proposing to the Legislature for its consideration, under the provisions of Article XXXI of the Constitution of Maine, the following bill:

An Act to Repeal Sections One to Thirty-six of Chapter Six of the Revised Statutes Relative to Primary Elections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MAINE AS FOLLOWS:

Article 1. Sections 1 to 36 inclusive,

of Chapter 6 of the Revised Statutes and acts amendatory thereof and additional thereto, relating to nominations of candidates for office by primary elections, are hereby repealed.

Article II. All nominations of candidates for any and all State or county offices, including United States Senator, member of Congress, and member of the State Legislature shall hereafter be made at and by party conventions and caucuses, in the same manner as nominations were made prior to the passage of Chapter 199 of the Public Laws of 1911 and Chapter 221 of the Public Laws of 1913.

Respectfully,

(Signed) FRANK W. BALL,
Secretary of State.

The communication was read, and on motion by Mr. Hinckley of Cumberland, together with accompanying petitions, was referred to the committee on judiciary.

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

Education

By Mr. Allen of York, An Act to repeal Chapter 217 of the Public Laws of 1919, relative to appropriations for the several normal schools and the Madawaska Training School. (S. P. 372.)

Judiciary

By Mr. Wilson of Aroostook, petition of F. M. Poland and others in favor of retaining the primary law. (S. P. 373.)

By the same senator, remonstrance of Elmer F. Webber of Mapleton and others (S. P. 374); remonstrance of Mrs. Arthur Flanigan, Mapleton, and others (S. P. 375); remonstrance of Mrs. Annie Craig, Mapleton, and others (S. P. 376) against any radical change or repeal of the present direct primary law.

Legal Affairs

By Mr. Cram of Cumberland, An Act relating to the administration of assignments for the benefit of creditors. (S. P. 377.)

(500 copies ordered printed.)

Judiciary

By Mr. Carter of Androscoggin, An Act to amend Section 1 of Chapter 97 of the Revised Statutes relating to right to erect and maintain mill dams

and to divert water by a canal for mills. (S. P. 389.)

(1000 copies ordered printed.)

Taxation

By Mr. Holley of Somerset, An Act amending the powers of the Board of State Assessors in relation to the equalization and adjustment of assessment of the several municipalities. (S. P. 390.)

(500 copies ordered printed.)

Sea and Shore Fisheries

By Mr. Bond of Lincoln: Remonstrance of John Snowman and 16 others of Southport (S. P. 378); remonstrance of Henry Jones and 25 others of South Bristol (S. P. 379); against the passage of the so-called Lamson Bill regarding the measurement of lobsters.

By the same Senator: Remonstrance of A. B. Farnham and 12 others of East Boothbay (S. P. 380) remonstrance of W. E. Brewer and 34 others of Southport; (S. P. 381); remonstrance of Mell Burnham and 5 others of Boothbay (S. P. 382); remonstrance of E. O. Thompson and 10 others of Loudville (S. P. 383); remonstrance of S. H. Jones and 10 others of South Bristol (S. P. 384) against any change in the present Sea and Shore Fisheries Commission law.

Ways and Bridges and Taxation

Jointly

By the same Senator: Remonstrance of N. M. Pierce and 41 others of Southport (S. P. 385); remonstrance of Alfred Barter and 39 others of Boothbay Harbor (S. P. 386) against any increase in the tax on gasoline without exemption to fishermen.

Bills in First Reading

Resolve, authorizing the Forest Commissioner to sell and convey a certain interest of the State in Township One, Range 7, Penobscot County.

An Act to repeal Section 43 of Chapter 19 of the Revised Statutes as amended by Chapter 194 of the Public Laws of 1923 relative to health officers.

(On motion by Mr. Hinckley of Cumberland, tabled pending second reading.)

An Act to repeal section 21 of Chapter 34 of the Revised Statutes relating to the use of the score card system by agricultural societies in

the judging of dairy products. (S. D. 135.)

Reports on Committees

Mr. Crafts, from the Committee on Inland Fisheries and Game, on An Act to regulate fishing in Muddy Pond, in the town of Damariscotta, in the county of Lincoln (S. P. 225) reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

Mr. Lord, from the same Committee, on An Act to permit ice fishing in Bauneg Bog Pond, so-called, in Sanford and in North Berwick, in the County of York (S. P. 226) reported that the same ought to pass.

Mr. Phillips, from the Committee on Insane Hospitals, on Resolve, in favor of the Bangor State Hospital for maintenance and other purposes (S. P. 47) reported the same in a new draft, under the same title (S. P. 387) and that it ought to pass.

The same Senator, from the same Committee, on Resolve, in favor of the Augusta State Hospital for maintenance for the fiscal years 1926 and 1927 (S. P. 73) reported the same in a new draft, under the same title (S. P. 388) and that it ought to pass.

Mr. Hinckley, from the Committee on Judiciary, on An Act to change the name of the City of South Portland (S. D. 86) reported that the same ought to pass.

Mr. Powers from the Committee on Legal Affairs, on An Act to amend Section 2 of Chapter 95 of the Public Laws of 1917 as amended by Section 2 of Chapter 7 of the Public Laws of 1923, relating to the giving of checks and drafts on banks where the maker has not sufficient funds (S. D. 41) reported that the same ought to pass.

Mr. Morrison, from the same Committee, on An Act to amend Sections 3 and 18 of Chapter 113 of the Private and Special Laws of 1921, relating to West Washington Municipal Court (S. P. 133) reported that the same ought to pass.

The reports were read and accepted and the bills and resolves tabled for printing under the joint rules.

Passed to Be Engrossed

An Act to regulate fishing in certain ponds in Somerset county. (H. D. 123.)

An Act to regulate fishing in the portion of Moose River above Brassua Lake, in the county of Somerset. (H. D. 209.)

Resolve, to double stack the State Library. (S. D. 35.)

An Act to amend Chapter 62 of the Public Laws of 1923, relating to the production and sale of certified seed. (S. D. 55.)

Joint Resolution, favoring the acquiring and maintenance by the United States government of a suitable vessel, constructed and equipped especially as an ice breaker, to be stationed and operated solely on the Maine coast. (S. D. 66.)

An Act to amend Section 5 of Chapter 37 of the Revised Statutes, as amended by Chapter 66 of the Public Laws of 1919, relating to the registration of milk dealers. (S. D. 74.)

An Act to prohibit ice fishing in Kennebunk Pond, in the county of York. (S. D. 124.)

Orders of the Day

Mr. MAHER of Kennebec: Mr. President, I want to present out of order a joint resolution and move its passage.

Joint Resolution

WHEREAS a native son of one neighboring state and also the distinguished citizen by adoption of our parent Commonwealth of Massachusetts has been destined by fate to be the third Chief Magistrate of the Union to be chosen from New England and mindful that as an individual he typifies the best there is in American manhood;

BE IT RESOLVED that the Senate and House of Representatives of the State of Maine in the Legislature assembled hereby expresses its sense of appreciation of this profound honor, and

BE IT FURTHER RESOLVED that there be spread upon the records of this Legislature an appreciation of the high esteem for the fine manhood, splendid ability and lofty purpose of Calvin Coolidge, President of the United States, and that a message of congratulation be sent to him from this Legislature together with its best wishes for his health and prosperity and the continued honor and greatness of our common country.

Passed and sent down for concurrence.

Mr. MAHER of Kennebec: Mr. President, in conformity with my agreement with the senator from

Aroostook, chairman of the legal affairs committee, at the last session, I now offer to take from the table H. D. 91, An Act to establish a finance commission in the city of Lewiston. I note the gentleman from Androscoggin, Mr. Lane, who made the pending motion, is not present, and I would ask through the Chair, if it would make any difference, if the senator himself would retable it until tomorrow morning until he is here.

The motion to take from the table was agreed to, and on further motion by Mr. Powers of Aroostook, the matter was retabled.

On motion by Mr. Hinckley of Cumberland, H. D. 217, 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 or mechanical purposes, was taken from the table and on further motion by the same senator was referred to the committee on taxation in concurrence.

On motion by Mr. Carter of Androscoggin, H. D. 212, An Act relating to warning signs at grade crossings, was taken from the table and on further motion by the same senator was referred to the committee on public utilities in non-concurrence with the House.

On motion by Mr. Carter of Androscoggin, S. P. 350, An Act relating to the taxation of auto transportation companies, was taken from the table and on further motion by the same senator was referred to the committee on taxation.

On motion by Mr. Speirs of Cumberland, S. D. 110, An Act to incorporate Dexter P. Cooper to develop and utilize the power of the tides in the Bay of Fundy and waters adjacent thereto, was taken from the table and on further motion by the same senator it was voted to accept the report of the committee on reference and refer it to the committee on judiciary.

On motion by Mr. Holley of Somerset, H. D. 21, Resolve in favor of Highmoor Farm in the town of Monmouth, was taken from the table and on further motion by the same senator the resolve was finally passed.

On motion by Mr. Holley of Somerset, H. D. 22, Resolve in favor of Animal Husbandry, was taken from the table and on further motion by the same senator the resolve was finally passed.

On motion by Mr. Wadsworth of Kennebec, the Senate reconsidered its action whereby it accepted the report of the committee on insane hospitals in favor of the Augusta Insane Hospital, and on further motion by the same senator the matter was tabled pending acceptance of the report.

On motion by Mr. Wadsworth of Kennebec, the Senate reconsidered its action whereby it accepted the report of the committee on insane hospitals in favor of the Bangor Insane Hospital, and on further motion by the same senator the matter was tabled pending acceptance of the report.

On motion by Mr. Hinckley of Cumberland, H. D. 154, An Act to incorporate the Winding Ledges Power Company, was taken from the table and on further motion by the same senator it was referred to the judiciary committee in accordance with the report of the reference committee.

Mr. CRAM of Cumberland: Mr. President, I move that we reconsider our vote whereby we referred H. D. 154, An Act to incorporate the Winding Ledges Power Company to the committee on judiciary.

Mr. HINCKLEY of Cumberland: Mr. President, I hope that at this late hour the Legislature will get down to business and not table these most important matters. I certainly can see no reason at this time, where it must be understood by themembers, why it should not be referred to a committee and I certainly, in this matter, can see no reason why the judgement of the committee of reference, which is composed of the President of our Senate and another member who has had a lot of experience acting in conjunction with the members of the House, should not be considered favorably and I hope that this matter will not be reconsidered at this time.

Mr. CRAM: I would like to ask, Mr. President, the parliamentary situation?

The PRESIDENT: It is on your motion to reconsider the vote whereby this bill was referred to the committee on judiciary.

Mr. CRAM: And that is the pending question?

The PRESIDENT: It is.

Mr. HINCKLEY: I would like to ask Senator Cram, through the Chair, his reason for reconsidering.

The PRESIDENT: Senator Hinckley asks through the Chair of Senator Cram his reason for moving to reconsider this vote. He may answer if he likes.

Mr. CRAM: Mr. President, I would reply through the Chair that this proposed act now before the Senate for reconsideration is a matter relating to a power company, being H. D. 154. That is a utility matter, and matters of public utility have in the main been referred to the committee on public utilities, and I consider that is the proper reference in this case that the public utilities committee should consider the matter, and that the committee on judiciary, while they have had some matters of that kind, should in this case concede it to the Public Utilities Committee.

Mr. CARTER of Androscoggin: Mr. President, in considering the motion before the Senate, it seems to me, along the line that Senator Cram has spoken, that these matters in the early part of the session, if my recollection is correct, on the chartering of power companies and the extension of such charters were sent to the public utilities. For some reason or other the committee on reference have seen fit in the latter part of the session to refer these matters to the committee on judiciary. There are two matters coming up the latter part of the week, one of which I rather hoped by preserving silence, might be sent to the public utilities if the other is sent to the judiciary. It really seems to me in these matters that without differing at all times with the committee on reference, if they have a committee on public utilities organized at all, which is functioning in any where near a proper way, that the chartering of companies which are essentially public utilities should be sent to that committee, and I certainly hope the vote will be reconsidered.

Mr. HINCKLEY: Mr. President, throughout my experience in the Legislature, these power companies have gone to the committee on judiciary it has been the practice in this Legislature, and I assume that is the reason that the committee on reference, made up of the President of the Senate and the Speaker of the

House and other experienced members, have been recommending that they go to the committee on judiciary. I know of nothing in this bill that in any way would make it a public utility matter. It is a proposition to develop power on some water way in the State of Maine for the purpose of developing industry along that water way. I do not know anything about whether the merits or demerits are one way or the other. I am not interested in that respect. But it seems to me, having been recommended by this committee to go there, and when there is nothing to show that any of that water power will ever be used for a public utility, it being a proposition to develop power, that a legal committee is the place for it and not a public utilities such as has been suggested. I have no objection to the public utilities matters going to the public utilities committee, but I say to this Legislature, that the committee on reference is right—this is not a public utility matter in any sense of the word.

Mr. POWERS of Aroostook: Mr. President, I rise to a point of order. The question before the Senate is not whether this is to be referred to the judiciary or the public utilities, the question is on Senator Cram's motion to reconsider, and the only question before the Senate is whether we are going to extend the courtesy of reconsideration to Senator Cram.

Mr. HINCKLEY: Mr. President, the question was asked Senator Cram through the President for what purpose he wished to reconsider, and he said for the purpose of making the motion that it be sent to the public utilities, and that is the reason I am raising the question now.

Mr. CARTER: Mr. President, if I am not out of order and if my interpretation and construction of the English language is correct, Section 3 of the bill which is as follows: "The said corporation is authorized to make, generate, buy and sell electricity in the county of Aroostook in accordance with the general statutes of the State of Maine relating to that business" would at least intimate that it might possibly be a public utility.

The PRESIDENT: Is the Senate ready for the question?

Mr. HINCKLEY: Mr. President, I move that in view of the fact that

we have a small number present, that the matter be tabled.

The PRESIDENT: The pending question is on the vote to reconsider which takes precedence of the vote to table. The pending question is on the motion of the senator from Cumberland, Senator Cram, to reconsider the vote whereby we voted to refer An Act to incorporate the Winding Ledges Power Company to the committee on judiciary.

Is this the pleasure of the Senate? All those in favor will say Aye—it is a vote unless doubted. (Doubted.)

The PRESIDENT: All those in favor of reconsidering this vote will rise and stand until counted (20.) Opposed (2).

Twenty having voted to reconsider the vote whereby this was referred to the committee on judiciary and two against it, you have voted to reconsider your action.

Mr. HINCKLEY: Mr. President, I move the matter now be tabled.

The vote being doubted a viva

voce vote was had and the matter was tabled pending reference to a committee.

On motion by Mr. Maher of Kennebec, the Senate voted to reconsider its vote whereby it referred S. D. 110, An Act to incorporate Dexter P. Cooper to develop and utilize the power of the tides in the Bay of Fundy and waters adjacent thereto. to the committee on judiciary, and on further motion by the same Senator the bill was tabled.

On motion by Mr. Allen of York, H. D. 229. An Act relating to the salary of the county attorney for York county, was taken from the table, and on further motion by the same senator was sent to the committee on salaries and fees in concurrence.

On motion by Mr. Chalmers of Penobscot, adjourned until ten o'clock tomorrow morning.