

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

Friday, March 6, 1925.

Senate called to order by the President.

Prayer by Rev. A. Francis Walch of Augusta.

Journal of previous session read and approved.

On motion by Mr. Morrison of Franklin, the rules were suspended and on further motion by the same Senator it was

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet Tuesday afternoon, March 10th, at four-thirty 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:

ORDERED, the Senate concurring, that the Committee on Labor be, and is hereby authorized and directed to investigate the condition of labor in the textile industry of the state, and in pursuance thereof to hold hearings and conduct investigations in any part of the state and to summon and examine witnesses under oath or affirmation, and to compel the production of books, papers and records which they may deem pertinent to the inquiry, and to employ stenographers and other necessary clerical help. Subpoenas for witnesses and for the production of documents shall be signed by the chairman and shall issue upon the motion of any member; they shall be served in like manner as subpoenas in grand jury investigations, and by any qualified officer. Failure to obey such subpoena shall subject the offender to the penalty of being summoned by the committee to the bar of the House of Representatives to answer to the charge of obstructing its proceedings. The committee shall proceed forthwith and conduct the inquiry expeditiously and report their findings to the Eighty-second Legislature as soon as possible, and they shall propose such remedial legislation, if any, as they shall deem wise, concerning the health of women textile workers and the public health, welfare, and safety; and such proposed legislation may be

introduced notwithstanding any rule limiting the time for introduction of new measures now adopted or to be adopted. The expenses incurred by the committee shall be charged to the appropriation for legislative expense.

In the House, House Amendment A was adopted, and the order as amended by House Amendment A was adopted.

In the Senate: Mr. POWERS of Aroostook: Mr. President, may I inquire whether the matter has been printed or not?

The PRESIDENT: It is printed.

Mr. POWERS: May I again inquire whether it is a house matter and has been referred?

The PRESIDENT: It is a House paper, and comes from the House amended by House amendment A.

Mr. HINCKLEY of Cumberland: Mr. President, is Amendment A a long document? Can that be read? (Amendment A read)

Mr. HINCKLEY: Mr. President, may I inquire whether this matter has been referred to a committee? or just what the parliamentary situation is?

The PRESIDENT: It comes from the House, House amendment A adopted, and the order adopted as amended by House amendment A. It has not been referred to a committee, as I understand.

Mr. HINCKLEY: Mr. President, I move it be tabled.

The motion was agreed to.

From the House: Report A of the Committee on Judiciary, on Resolve, authorizing Michael Burns to bring a suit at law against the State of Maine (H. D. 230), reporting "ought not to pass".

(Signed) HINCKLEY
HUSSEY
NICHOLS
HAMILTON
HALE

Report B of the same Committee, on the same subject matter, reporting "ought to pass".

(Signed) MARTIN
WING
OAKES
HOLMES
MAHER

In the House the matter was indefinitely postponed.

In the Senate: Mr. HINCKLEY of Cumberland: Mr. President, at the request of Senator Hussey who could not be here today, I move to

have the matter tabled pending the acceptance of either report.

The motion was agreed to.

Communication from the Secretary of State

STATE OF MAINE
OFFICE OF SECRETARY OF STATE

Augusta, Maine, March 5, 1925.

To the Senate and House of Representatives in Legislature assembled:

I have the honor to transmit herewith one initiative petition, filed in the office of the Secretary of State on March 4, 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 1 to 36 of Chapter 6 of the Revised Statutes relative to primary elections.

Be it Enacted by the People of the State of Maine as Follows:

Article I. 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 caucuses and conventions, 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.
(S. P. 420).

On motion by Mr. Hinckley of Cumberland, the communication, together with the accompanying petition, was referred to the committee on judiciary and sent down for concurrence.

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

Appropriations and Financial Affairs

By Mr. Chalmers of Penobscot, resolve in favor of John A. McDonald, secretary of the committee on Insane Hospitals for committee expenses (S. P. 421).

Commerce

By Mr. Walker of Knox, communication from executive committee of

the State Grange opposing Daylight Saving Time (S. P. 422).

Inland Fisheries and Game

By Mr. Morrison of Franklin, petition of H. B. Stanwood and 27 others (S. P. 423); petition of F. R. Seavey of Norway and 21 others (S. P. 424); petition of George P. Shaw of Oxford and 31 others (S. P. 425); petition of George W. Clayton of Sanford and 40 others (S. P. 426); petition of Elmer S. Bird, president Knox County Fish and Game Association, and other officers of said Association (S. P. 427); petition of H. F. Richardson of Canton and 35 others (S. P. 428) in favor of amending the law so that all receipts of the department of Inland Fisheries and Game may be used for fish propagation and fish and game protection.

Judiciary

By Mr. Smith of Somerset, An Act to amend Chapter 238 of the Public Laws of 1919, as amended by Chapter 222 of the Public Laws of 1921, relating to Workmen's Compensation (S. P. 429).

(1000 copies ordered printed)

By Mr. Bond of Lincoln, petition of the county commissioners of Lincoln county asking favorable consideration of bill for payment of fines in automobile cases to the counties rather than the State (S. P. 430).

By Mr. Smith of Somerset, remonstrance of Local Division 714 of the Amalgamated Association of Street and Electric Railway Employees of America (S. P. 431); remonstrance of Local Union No. 418, Portland, Maine, of International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America (S. P. 432) against Senate Document No. 85, An Act to prevent illegal interference with the business of another.

By Mr. Foster of Kennebec, remonstrance of George B. Jackson of Waterville, and 22 others (S. P. 433);

By Mr. Bond of Lincoln, remonstrance of Oscar N. Haglund of Waterville and 15 others (S. P. 434);

By Mr. Crafts of Piscataquis, remonstrance of F. J. Pritham and 27 others of Greenville (S. P. 435); remonstrance of Bertha W. Powlesland and 6 others of Greenville (S. P. 436); remonstrance of Ellen P. Emstead and 16 others of Greenville (S. P. 437); remonstrance of Mrs. Collin W. McEachern and 35 others of Greenville Jct. (S. P. 440); remonstrance of R. S. Chapman and 11

others of Greenville and vicinity (S. P. 441);

By Mr. Walker of Knox, remonstrance of J. H. Chase and 40 others of Jackson and Monroe (S. P. 438); remonstrance of Elwin Adams of Liberty and 41 others (S. P. 439) against the repeal in any manner of our present Direct Primary Law.

Labor

By Mr. Smith of Somerset, resolution of Local Division 714 of the Amalgamated Association of Street and Electric Railway Employees of America in favor of the Old Age Assistance Act. (S. P. 442);

By Mr. Walker of Knox, remonstrance of Northern Light Grange No. 6, Winterport, (S. P. 443); remonstrance of North Waldo Pomona Grange No. 24 (S. P. 444);

By Mr. Bond of Lincoln, communication from Executive Committee of the State Grange (S. P. 445), opposing the Child Labor Amendment.

By Mr. Smith of Somerset, resolution of Local Division 714 of the Amalgamated Association of Street and Electrical Railway Employees of America (S. P. 446) in favor of the Child Labor Amendment.

Legal Affairs

By Mr. Wadsworth of Kennebec, An Act relating to the Department of the Attorney General. (S. P. 447).

Taxation

By Mr. Smith of Somerset, remonstrance of Local Division 714 of the Amalgamated Association of Street and Electric Railway Employees of America against S. D. 126, An Act relating to the taxation of Auto Transportation Companies. (S. P. 448).

Ways and Bridges

By Mr. Bond of Lincoln, communication from Executive Committee of the State Grange opposing any further bond issue. (S. P. 449).

Ways and Bridges and Taxation

Jointly

By the same Senator, communication from Executive Committee of the State Grange favoring a substantial increase in the gasoline tax. (S. P. 450).

On motion by Mr. Wadsworth of Kennebec, the rules were suspended, and the same Senator introduced, out of order, the following resolve:

RESOLVE to appropriate moneys for the payment of certain claims and department overdrafts for which

no legislative appropriation has been made, and to provide for carrying on the activities of the departments and institutions for the remaining months of the fiscal year ending June 30, 1925, and for other purposes.

On further motion by the same Senator, the Resolve was referred to the committee on appropriations and financial affairs.

Reports of Committees

Mr. Lord, from the Committee on Agriculture, on An Act to regulate the practice and business of horse-shoeing; providing for the insurance of licenses; providing for the appointment of examiners and defining their duties; defining certain misdemeanors and providing penalties therefor (H. D. 141) reported that the same ought not to pass.

The report was read and accepted and sent down for concurrence.

Mr. Hinckley, from the Committee on Salaries and Fees, on An Act to amend Section 15 of Chapter 15 of the Public Laws of 1923, relating to the Kennebunk Municipal Court (S. P. 243) reported that the same ought not to pass.

On motion by Mr. Allen of York, the bill was recommitted to the committee on salaries and fees.

Mr. Chalmers, from the Committee on Appropriations and Financial Affairs, on An Act to change the personnel of the Budget Committee (S. D. 39) reported the same in a new draft, under the same title (S. P. 45) and that it ought to pass.

The report was accepted and the bill was tabled for printing under the joint rules.

Mr. Crafts, from the Committee on Inland Fisheries and Game, on An Act relating to dogs found chasing moose, caribou or deer (S. P. 164) reported that the same ought to pass.

On motion by Mr. Hinckley of Cumberland, tabled pending acceptance of the report of the committee.

The same senator, from the same Committee, on An Act to create a game sanctuary in Knox County, to be known as the Knox County Game Preserve (S. P. 163) reported the same in a new draft, under the same title (S. P. 452) and that it ought to pass.

The report was accepted and the bill tabled for printing under the joint rules.

The majority from the committee on Public Health, on An Act to accept the provisions of the Act of the Congress of the United States, approved November 23, 1921, entitled an Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes (S. D. 56), reporting that the same ought to pass.

(Signed) PHILLIPS,
PIERCE,
PEASLEE,
MITCHELL,
McDONALD,
HARRIMAN,
MINER.

The minority from the same Committee, on the same subject matter, reporting that the same ought not to pass.

(Signed) GREENLEAF.

On motion by Mr. Powers of Aroostook, tabled pending acceptance of either report.

Mr. Hinckley, from the Committee on Salaries and Fees, on An Act to amend the law relating to the salary of the Librarian of the State of Maine (S. P. 141) reported the same in a new draft, under the same title (S. P. 453) and that it ought to pass.

The same senator from the same committee, on An Act to amend Section 3 of Chapter 325 of the Private and Special Laws of 1897, relating to the Municipal Court of Waterville (S. P. 96) reported that the same ought to pass.

The same senator, from the same Committee, on An Act increasing the salary of the Postmaster of the Senate (S. P. 244) reported that the same ought to pass.

The same senator, from the same Committee, on An Act providing for and fixing the salaries of the Probation Officer and Assistant Probation Officer for the County of Cumberland (S. P. 180) reported that the same ought to pass.

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

Passed to be Engrossed

"Resolve, to appropriate money for co-operative agricultural work between the College of Agriculture of

the University of Maine and the United States Department of Agriculture (H. D. 33).

(On motion by Mr. Wadsworth of Kennebec, tabled pending second reading.)

An Act to amend Section 1 of Chapter 147 of the Revised Statutes, relating to the State Board of Charities and Corrections (H. D. 46).

An Act to regulate the appointment of guardians for adults and the appointment of conservators when the Judge of Probate is interested and to amend Sections 4 and 10 of Chapter 72 of the Revised Statutes (H. D. 68).

An Act relating to the Monson Maine Slate Company. (H. D. 236).

An Act relating to the Penobscot Tribe of Indians. (H. D. 237).

Resolve, m. king appropriations for the Passamaquoddy Tribe of Indians for the years July 1st, 1925, to June 30th, 1927. (H. D. 238).

An Act to Amend Chapter 195 of the Public Laws of 1887, as amended, entitled, An Act incorporating the city of Waterville. (H. D. 239).

An Act to incorporate the Cousins and Littlejohn's Islands Village Corporation. (H. D. 240)

An Act Additional to and Amendment of Chapter 35 of the Revised Statutes, relating to the prevention of contagious diseases among animals. (H. D. 241).

An Act to permit ice fishing in Bauneg Beg Pond, so-called in Sanford and in North Berwick, in the County of York. (S. D. 139).

(On motion by Mr. Allen of York, tabled pending second reading.)

An Act to amend Sections 3 and 18 of Chapter 113 of the Private and Special Laws of 1921, relating to Western Washington Municipal Court. (S. D. 140).

Mr. ROBERTS of York: Mr. President, I move for a suspension of the rules in order that I may present an order out of order.

The motion was agreed to.

Mr. ROBERTS: Mr. President, there is before the Senate an act relative to hunting and fishing, and by request of the Governor, who has prepared this order, I present it at this time and move it have a passage.

STATE OF MAINE
IN LEGISLATURE
March 4, 1925.

Whereas, it has been the popular assumption for generations that

the wild lands were open to all the citizens of the State for hunting and fishing, subject only to such regulations as may be made from time to time by the Legislature in the exercise of the police power, and

Whereas, there is now pending before the Joint Committee of the Legislature on State Lands and Forest Preservation, a bill entitled "An Act Relative to Hunting and fishing," and

Whereas, Section one of said act reads as follows:

"The common law right of the individual to hunt and camp on uninclosed wood lands belonging to another, and the right to cross and recross such lands to lawfully fish and fowl on great ponds, rivers and streams, shall not be denied or abridged to any person in this State" and

Whereas, it now appears imperative that the present legal rights of the public as aforesaid on the wild land be determined.

Now, Therefore, ordered, the House concurring, that in accordance with the provisions of the Constitution of this State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give this Legislature their opinion on the following questions:

Question Number One

Have the citizens of Maine the right to go upon the uninclosed wood lands belonging to another, without his leave, to hunt and take fish or for any other purpose, in addition to the right definitely given by the Colonial ordinances of 1641-47 to cross such lands to fish and fowl on the great ponds?

Question Number Two

Do the citizens of Maine while exercising any of the rights referred to in the foregoing question have the right to camp temporarily on said land?

Mr. POWERS of Aroostook: Mr. President, this is a request of the Justices of the Supreme Judicial Court for an opinion. The Legislature in the past has made requests on solemn occasions, which requests the Court has answered. Also, unfortunately, in the past the Legislature has made these requests on occasions which the Court has not deemed solemn, using the word "solemn" in the technical sense, and of course, to ask a question on an occasion which

is not in the opinion of the Court solemn, is merely frivolous and takes the time of the Court.

Now, Mr. President, I move that this matter be referred to a special committee of the Senate consisting of those members of the Senate who belong to the legal fraternity, and that such committee report back to the Senate at the very earliest date, either Tuesday afternoon or Wednesday morning of next week, as to the advisability of this action.

The PRESIDENT: The Senate has heard the motion of the Senator from Aroostook, Senator Powers, that the subject matter of this order which has been read be referred to a special committee of the Senate and that the same be reported on by that committee by Tuesday next. What is the pleasure of the Senate?

Mr. POWERS: Mr. President, I would suggest that the report of the committee be made on Wednesday morning, as we shall adjourn until Tuesday afternoon.

Mr. MAHER: Mr. President, I would ask the Senator from Aroostook, Senator Powers, through the Chair, if he does not think perhaps it would be advisable to widen the scope of his motion so as to include members of the House.

Mr. POWERS: That suggestion would be very welcome. It was just the action of the Senate that I had reference to.

Mr. MAHER: I thought it might facilitate matters by having a joint committee.

The PRESIDENT: The Senate has heard the motion of the Senator from Aroostook. What is the pleasure of the Senate?

The motion was agreed to.

Orders Of The Day

On motion by Mr. Smith of Somerset, the vote was reconsidered whereby bill, An Act relating to workmen's compensation, was referred to the committee on judiciary.

The same Senator then moved that the bill be referred to the joint committees on judiciary and labor.

Mr. Hinckley of Cumberland then moved that the matter be tabled pending reference to a committee.

The motion was agreed to.

On motion by Mr. Carter of Androscoggin, S. P. 203, Senate report from the committee on salaries and

fees, reporting "ought not to pass" on bill, An Act to amend section 44 of chapter 117 of the Revised Statutes, as amended by chapter 219 of the Public Laws of 1921, increasing the salary of the county treasurer of Androscoggin County, was taken from the table.

Mr. CARTER: Mr. President, This bill affecting the pay of an Androscoggin county official was placed on the table yesterday simply that it might not get by any of the people of that county. Nothing having been said to me in relation to the same either by my colleague, who is not present this morning, or by anybody else, I will now move the acceptance of the report of the committee.

The motion was agreed to, and the report of the committee was accepted.

Mr. MORRISON of Franklin: Mr. President, Senate paper No. 416, being bill, An Act to amend chapter 140 of the Private and Special Laws of 1921, relating to the Farmington Municipal Court, was reported in a new draft, and I suppose the same should have been tabled for printing of the new draft. I therefore move that the Senate reconsider its action whereby this bill was given its first reading and assigned for its second reading.

The motion was agreed to.

On further motion by the same Senator the bill was then laid upon the table for the printing of the new draft.

Mr. MORRISON: Mr. President, Senate paper No. 417 being bill, An Act to amend section 48 of chapter 24 of the Revised Statutes, relating to the powers and liabilities of plantations, was reported in a new draft. I therefore move that the Senate reconsider its action whereby this bill was given its first reading.

The motion was agreed to.

On further motion by the same Senator the bill was laid upon the table for the printing of the new draft.

On motion by Mr. Powers of Aroostook, H. P. 607, House report from the committee on interior waters, reporting "ought not to pass" on resolve changing the name of Adams Pond in Newfield to "Rockhaven Lake", was taken from the table.

The pending question being the acceptance of the report of the committee in concurrence.

On further motion by the same Senator, the report of the committee was accepted in concurrence.

On motion by Mr. Powers of Aroostook, H. P. 608, House report from the committee on interior waters, reporting "ought not to pass" on resolve changing the name of Turner Pond in Newfield to "Mirror Lake," was taken from the table.

The pending question being the acceptance of the report of the committee in concurrence.

On further motion by the same Senator the report of the committee was accepted in concurrence.

On motion by Mr. Wadsworth of Kennebec, H. D. 24, resolve making appropriation for the support and maintenance of the Maine Agricultural Experiment Station, was taken from the table.

The pending question being the passage of the resolve to be engrossed.

On further motion by the same Senator the resolve was passed to be engrossed.

On motion by Mr. Hinckley of Cumberland, order providing for an investigation of the condition of the labor and textile industry, tabled by that Senator this morning, was taken from the table.

Mr. HINCKLEY: Mr. President, this appears to be a most important matter and should be given very mature and careful consideration and investigation before being acted upon one way or the other, and I therefore move that the matter be referred to the committee on legal affairs.

On motion by Mr. Smith of Somerset, the order was laid upon the table pending its reference to a committee.

On motion by Mr. Clarke of Hancock, H. D. 127, bill, An Act providing for the protection of moose, was taken from the table.

The pending question being the passage of the bill to be enacted,

Mr. Clarke then yielded to the Senator from Franklin, Senator Morrison.

On motion by Mr. Morrison the bill was again laid upon the table.

On motion by Mr. Maher of Kennebec, S. D. 100, resolve memorializ-

ing Congress in the interest of national defense, was taken from the table.

The pending question being the final passage of the resolve,

Mr. MAHER: Mr. President, I tabled this resolve, recognizing the immemorial custom of state legislatures and their right to memorialize the National Congress, but convinced that that was a matter that should be only very sparingly done, and desiring to examine the particular subject under consideration; and having done that it seems to me that it measures up to the importance

required in the exercise of this unusual but yet immemorial custom; and so I have no objection to it, and I now yield to its author, Senator Anthoine.

Mr. Anthoine of Cumberland then moved that the resolve be given its final passage.

The motion was agreed to, and the resolve was finally passed.

On motion by Mr. Hinckley of Cumberland,

Adjourned until Tuesday, March 10, at 4.30 in the afternoon.