

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 24, 1925.

Senate called to order by the President.

Prayer by Rev. C. H. Atkins of Gardiner.

Journal of previous session read and approved.

The PRESIDENT: The Chair lays before the Senate, out of order, and under a suspension of the rules, the following resolve, by the committee on engrossed bills reported as truly and strictly engrossed. This is an emergency measure, and as I understand it there is perfect understanding, and the Governor is ready to sign this matter.

Resolve for the laying of the county taxes for the year 1925.

This resolve carrying the emergency clause required the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted. Twenty-four Senators voting in the affirmative and none opposed, the resolve was finally passed.

The PRESIDENT: The Chair lays before the Senate another resolve for laying the county taxes for the year 1926. Is it the pleasure of the Senate that this resolve be finally passed?

It was so voted and the resolve was finally passed.

Papers from the House disposed of in concurrence.

From the House: Ordered, the Senate concurring, that the committee on Legal Affairs be and is hereby instructed to hold hearings and investigate to ascertain whether or not false affidavits were made and presented to said committee at the public hearing held March 19, 1925 on H. D. No. 91, bill "An Act to Establish a Finance Commission in the City of Lewiston," and on other bills affecting the City of Lewiston, and in pursuance thereof to summon witnesses, compel production of papers and records, administer oaths; and to report their findings to the Eighty-second Legislature, together with their recommendations as to whether or not proceedings should be taken against any persons for having obstructed the proceedings of

the legislature by attempting to deceive the legislature in a public matter, or otherwise.

In the House: Read and passed.

In the Senate:

Mr. ALLEN of York: Mr. President and Senators, it does not seem to me that this honorable body at this time cares to take any action in this direction. In other words, it would be resolving itself into a grand jury hearing, to my mind, to seek into this matter, and I move that this order have an indefinite postponement.

The motion was agreed to, and the order was indefinitely postponed.

From the House: Remonstrance of Local No. 1066 of Rockland, United Brotherhood of Carpenters and Joiners of America, against the enactment of S. Doc. 99, An Act relating to poll tax (S. P. 562).

In Senate, March 20, referred to committee on Taxation.

In the House: Ordered placed on file in non-concurrence.

In the Senate: On motion by Mr. Hinckley of Cumberland, the Senate voted to recede and concur with the House.

House Bills in First Reading

An Act to amend Section 130 of Chapter 1 of the Revised Statutes, as amended by Chapter 69 of the Public Laws of 1919, relating to certification of teachers. (H. D. 202).

(On motion by Mr. Hinckley of Cumberland, under suspension of the rules, the bill was given its second reading.)

On motion by Mr. Allen of York, under suspension of the rules, the bill was passed to be engrossed).

An Act to close hunting in certain territory in Sagadahoc county to be known as the West Bath Game Preserve (H. D. 424).

(On motions by Mr. Case of Washington, under suspension of the rules, the bill was given its second reading and passed to be engrossed).

An Act relating to motor vehicle laws (H. D. 165).

(On motions by Mr. Carter of Androscoggin, under suspension of the rules, the bill was given its second reading and passed to be engrossed).

An Act to incorporate the Caribou Sewer District (H. D. 147).

(On motion by Mr. Hinckley of Cumberland, under suspension of the rules, the bill was given its second reading, and on motion by Mr. Hus-

sey of Aroostook, under suspension of the rules, it was passed to be engrossed).

An Act to amend Section 18 of Chapter 51 of the Revised Statutes as amended by Chapter 23 of the Public Laws of 1909, relating to proxies (H. D. 203).

(On motions by Mr. Powers of Aroostook, under suspension of the rules, the bill was given its second reading and passed to be engrossed).

An Act relating to land taken for parks, squares, public libraries and playgrounds (H. D. 233).

(On motion by Mr. Cram of Cumberland, under suspension of the rules, the bill was given its second reading and then on motion by Mr. Powers of Aroostook was tabled pending passage to be engrossed).

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

Judiciary

By Mr. Foster of Kennebec, petition of H. May Lawrence and 25 others of Waterville against the repeal in any manner of our present primary law (S. P. 569).

Reports of Committees

Mr. Buzzell from the committee on Agriculture, on An Act to amend Section 115 of Chapter 4 of the Revised Statutes, relating to killing uncollared dogs (S. P. 216) reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

The same senator from the same committee, on An Act relating to the adjustment of rate of interest on farm loans granted by the State (S. D. 120) reported the same in a new draft, under the same title (S. P. 570) and that it ought to pass.

Mr. Hussey from the committee on Judiciary, on resolve in favor of F. W. Cunningham & Sons for contractors' fees as per contract with the State dated October 1923 in connection with the State prison, Thomaston, Me., together with disbursements (S. D. 52) reported the same in a new draft, under the same title (S. P. 571) and that it ought to pass.

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

Passed To Be Engrossed

An Act to amend Section 127 of Chapter 87 of the Revised Statutes relating to affidavits of plaintiffs being received as prima facie evidence (H. D. 224).

An Act to relieve the State of the necessity of alleging and proving the non-existence of a Federal permit in proceedings for punishment for unlawful transportation of liquor and for forfeiture of vehicles, boats, etc. (H. D. 255).

(On motion by Mr. Wilson of Aroostook, tabled pending passage to be engrossed).

Resolve in favor of the Directors of the Port of Portland (H. D. 415).

An Act to amend Section 15 of Chapter 173 of the Public Laws of 1921 and Chapter 175 of the Public Laws of 1923, relating to State School Fund Covering Unexpended Balances (S. D. 91).

An Act to amend Section 30 of Chapter 24 of the Revised Statutes, as amended by Chapter 37 of the Public Laws of 1917, relating to the location of ways crossing railroad tracks (S. D. 174).

Passed to Be Enacted

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

An Act to amend Paragraph A of Section 47 of Chapter 211 of the Public Laws of 1921, relating to fees for Registration of vehicles (S. D. 36).

An Act relating to clerk hire by the Judge of the Municipal Court of Waterville (S. D. 164).

An Act to amend Section 3 of Chapter 114 of the Private and Special Laws of 1913, entitled "An Act to increase the salary of the Recorder of the Western Hancock Municipal Court (S. D. 200).

An Act to extend the charter granted to the Columbia Falls Water Company for two years (S. D. 190).

An Act Relating to the Salary of the Librarian of the Maine State Library. (S. D. 168).

An Act to Authorize the Payment of an Annuity by the City of Portland to Sarah Mulhern (S. D. 192).

An Act Relating to Fishing in Sunday River, in Oxford County. (H. D. 301).

An Act to Incorporate Cornelia Warren Community Association (H. D. 302).

An Act to Provide for the Schooling of Children in the Towns Where

Their Parents Have Temporary Residence. (H. D. 84).

An Act Relating to the Taking of Clams in Steuben. (H. D. 307).

An Act to Incorporate Houston Brook Driving Company (H. D. 299).

An Act to Extend the Charter Granted to the Salisbury Cove Water Company, for the Taking of Water from Lake Wood, and Furnishing Water to the Village of Salisbury Cove, for Two Years. (H. D. 305).

An Act to Amend an Act to Incorporate the Hallowell Water District. (H. D. 346).

An Act Relating to the Taking of Smelts from Cobscook River, Cobscook Bay, Orange River, Denny's River and Their Tributaries. (H. D. 306).

An Act Relating to Standard Time. (H. D. 260).

An Act Relating to the Trapping of Fur-Bearing Animals. (H. D. 268).

An Act Relating to the Salary of the Clerk of Courts, Knox County. (H. D. 315).

An Act to Ratify and Make Legal the Acts and Doings of Katahdin Electric Company of Patten, Maine. (H. D. 314).

An Act Relating to Police Regulations at Stations. (H. D. 311).

An Act, to Prohibit the Building of Smelt Traps in the Waters of Harrington River, in Washington County. (H. D. 313).

An Act to Regulate the Taking of Muskrats in Certain Territory in Washington, Hancock and Oxford Counties. (H. D. 347).

Finally Passed

Resolve, to Increase the State Pension of Maria N. Varrell of York. (H. D. 345).

Resolve, in Favor of Adelaide France of Sedgwick for State Pension. (H. D. 343).

Resolve, for Teacher's Pension for Etta M. Patten. (H. D. 303).

Resolve, to Increase the State Pension of Annie M. Welch of Kennebunk. (H. D. 342).

Resolve, Providing for a State Pension for Mary C. Kimball of Carmel. (H. D. 344).

Resolve, Providing for a State Pension for Granville Baker of Hampden. (H. D. 304).

Resolve, in Favor of Ann M. Hiltz of Newburg, for State Pension. (H. D. 309).

Resolve, in Favor of Zebedee

Cushman of Kennebunk for an Increase of Pension. (H. D. 312).

Resolve, Providing for an Increase of State Pension for Helen B. Hobart of Farmington. (H. D. 310).

Resolve, Providing for an Increase in State Pension for Ada M. Cowan of Sidney. (H. D. 349).

Resolve, in Favor of Louis Nason of West Gardiner for State Pension. (H. D. 348).

Orders of the Day

On motion by Mr. Powers of Aroostook, H. D. 233, bill, An Act relating to land taken for parks, squares, public libraries and playgrounds, tabled by that senator this morning, was taken from the table.

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

On further motion by the same senator the rules were suspended and the bill was passed to be engrossed.

On motion by Mr. Hinckley of Cumberland, S. D. 202, bill, An Act relating to dogs found chasing moose, caribou or deer was taken from the table.

The pending question being the second reading of the bill.

Mr. HINCKLEY: Mr. President, I now move that this bill have its second reading; and may I just say a word at this time. It is that we all realize as the last days of the session approach there will be so many bills piling up that we cannot give them proper consideration, and during the next two or three days every bill that is passed to be engrossed will mean that the printer will be able to get through with his work and we will save just so much time on the last end of the session; for this reason I hope that each senator will make an effort to see that all bills that can be will be passed to be engrossed, and if there be any question in regard to any bill, it can be taken up on its final enactment.

The motion was agreed to, and the bill received its second reading.

On further motion by the same senator the rules were suspended and the bill was passed to be engrossed.

On motion by Mr. Carter of Androscoggin, S. D. 175, bill, An Act relating to traveling peddlers, dealers, salesmen and solicitors of orders for punch boards, seal cards, slot

gambling machines or other implements, apparatus or materials of any form of gambling, was taken from the table.

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

On further motion by the same senator the bill was then passed to be engrossed.

On motion by Mr. Morrison of Franklin, H. D. 79, bill, An Act relating to clerk hire in the office of the Clerk of Courts in Knox county, was taken from the table.

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

On further motion by the same senator the bill was passed to be enacted.

On motion by Mr. Morrison of Franklin, S. D. 155, bill, An Act to change the salary of the superintendent of the State School for Boys, was taken from the table.

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

Mr. HINCKLEY of Cumberland: Mr. President, I would like at this time to ask through the Chair if it is the intention to take from the table several of these matters of this same character. If such is the intention, it seems to me it would facilitate matters to take them from the table all at once.

The PRESIDENT: The senator from Franklin, Senator Morrison, hears the inquiry of the senator from Cumberland, Senator Hinckley.

Mr. MORRISON: Mr. President, I will say that such is the intention.

The PRESIDENT: The Chair will state that the senator can make his motion for enactment if he desires after the measures have been taken from the table.

On motions made by Mr. Morrison the following bills were then taken from the table:

S. D. 153: Bill, An Act relating to allowance for clerks in the Register of Deeds of Cumberland county.

S. D. 163: Bill, An Act relating to the Farmington Municipal Court.

S. D. 154: Bill, An Act relating to the salary of the Judge and Recorder of the Sanford Municipal Court.

H. D. 263: Bill, An Act to increase the salary of the Register of Deeds in the county of Lincoln.

H. D. 265: Bill, An Act relating to clerk hire in the office of the regis-

ter of probate in Knox County.

H. D. 271: Bill, An Act relating to compensation of judges of probate.

H. D. 292: Bill, Act to increase the salary of the county Attorney for Knox county.

The pending question being the passage of these bills to be enacted.

On further motion by the same Senator the bills were then passed to be enacted.

On motion by Mr. Morrison of Franklin, H. D. 350, Bill, An Act relating to taking herring in the Sheepscot river, was taken from the table.

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

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

On motion by Mr. Roberts of York, S. D. 234, bill, An Act prohibiting pollution with mill waste of the lakes and ponds and certain specified rivers, brooks and streams of the state, was taken from the table.

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

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

On motion by Mr. Speirs of Cumberland, H. D. 413, bill, An Act to require the teaching of the constitution of the United States in public and private schools, was taken from the table.

The pending question being the second reading of the bill.

On further motion by the same Senator the bill received its second reading.

On further motion by the same Senator, the rules were suspended and the bill was passed to be engrossed.

On motion by Mr. Chalmers of Penobscot, H. D. 416, resolve in favor of the directors of the Port of Portland, was taken from the table.

Mr. Chalmers announced that by an error the resolve appeared on the calendar to have been tabled by the Senator from Cumberland, Senator Anthoine.

The pending question being the second reading of the resolve,

On further motion by Mr. Chalmers the resolve received its second reading.

On further motion by the same Senator the rules were suspended and the resolve was passed to be engrossed.

On motion by Mr. Smith of Somerset, S. P. 340, Senate report from the committee on salaries and fees, reporting "ought not to pass" on bill, An Act relating to the salary of the county attorney of Somerset county, was taken from the table.

The pending question being the acceptance of the report of the committee,

Mr. SMITH: Mr. President, I will now move to substitute the bill for the report of the committee, and I will say that if I am accorded that privilege I will then retable the measure and offer an amendment a little later.

The motion was agreed to.

On further motion by the same Senator the bill was then tabled for the offering of an amendment.

On motion by Mr. Foster of Kennebec, S. D. 226, bill, An Act to increase the salary of the postmaster of the House, was taken from the table.

The pending question being the second reading of the bill,

Mr. Foster then moved that the bill be indefinitely postponed.

The motion was agreed to.

On motion by Mr. Hussey of Aroostook, H. D. 308, House report from the committee on judiciary, reporting "ought to pass" on bill, An Act relating to conveyances not effectual against others unless recorded was taken from the table.

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

Mr. Hussey moved that the bill be passed to be engrossed.

Mr. Powers of Aroostook moved that the bill be retabled pending its passage to be engrossed.

The motion was agreed to.

On motion by Mr. Perkins of Penobscot, H. P. 717, House report from the committee on Legal Affairs, reporting "ought not to pass" on bill, An Act to establish ordinances for the town of Orono, was taken from the table.

The pending question being the acceptance of the report of the committee,

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

On motion by Mr. Allen of York, H. D. 229, House report from the committee on Salaries and Fees, reporting "ought not to pass" on bill, An Act relating to the salary of the County Attorney for York County, was taken from the table.

Mr. ALLEN: Mr. President, I would like at this time to have the bill substituted for the report of the committee, and if I am accorded that privilege I will then retable the matter for the purpose of offering an amendment. Accordingly, I will move that the bill be substituted for the report of the committee. The motion was agreed to.

On further motion by the same Senator the bill was then tabled for the purpose of offering an amendment.

On motion by Mr. Cram of Cumberland, S. D. 137, report from the committee on Legal Affairs, reporting "ought not to pass," on bill, An Act relating to the administration of assignment for the benefit of creditors, was taken from the table.

Mr. Cram then yielded to the Senator from Aroostook, Senator Fowers.

Mr. Powers then moved that the report of the committee be accepted.

The motion was agreed to.

On motion by Mr. Cram of Cumberland, S. D. 169, bill, An Act increasing the salary of the postmaster of the Senate, was taken from the table.

The pending question being the second reading of the bill.

Mr. Cram then moved that the bill be indefinitely postponed.

The motion was agreed to.

The PRESIDENT: Are there any other matters that can be taken from the calendar at this session?

Mr. HINCKLEY of Cumberland: Mr. President, there appears on the calendar to be one matter specially assigned for today, H. D. 296, bill An Act relating to Primary Elections.

On motion by Mr. Powers of Aroostook, H. D. 296, bill, An Act relating to primary elections, was taken from the table, and on further motion by the same Senator the bill was retabled and specially assigned for consideration tomorrow morning.

Mr. CARTER of Androscoggin: Mr. President, there was a measure this morning indefinitely postponed, and my colleague from Androscoggin was not present in the room at that time and therefore cannot make the motion which I now make for him, as he wishes to be heard upon this matter if the Senate shall see fit.

I move that we reconsider the vote whereby we indefinitely postponed a House order which instructed the Legal Affairs committee to bring before it certain signers of certain affidavits read in their hearing in the matter pertaining to the establishment of a finance commission in the city of Lewiston.

Mr. ALLEN of York: Mr. President, I would like to inquire of the Senator from Androscoggin, Senator Lane, if he wishes to make his remarks this morning.

The PRESIDENT: The Senator may answer through the Chair.

Mr. LANE: Mr. President, I would like to have a day to consider it and take it up tomorrow morning.

Mr. ALLEN: Mr. President, I do not think this is anything more than fair, as long as he was not here, but that is up to the Senate.

The motion to reconsider was agreed to, and on motion by Mr. Lane, the matter was tabled and especially assigned for tomorrow morning.

Mr. HINCKLEY: I would like to inquire of the Chair if the order relative to adjournment until half past nine in the forenoon was a permanent order, or was applicable only to this morning?

The PRESIDENT: The Chair will rule that in the absence of any special order adjournment will be until ten o'clock.

Mr. ALLEN of York: Mr. President, I will state for the information

of the Senator from Cumberland, Senator Hinckley, that the order that went in yesterday applied only to this morning.

Mr. HINCKLEY: Mr. President, I will ask that the Senate remain in session for a little while in order that I may have another order prepared.

The PRESIDENT: The Chair will state that there is no objection on the part of the Chair, but also will state that the President of the Senate and the Speaker of the House and members of both branches have usually gotten together and considered that matter before an order has been presented, but of course any order that the Senator from Cumberland, Senator Hinckley, wishes to present the Senate will entertain.

Mr. HINCKLEY: Mr. President, I had in mind that the order applied to the balance of the session. It seems to me that we certainly should get together at nine-thirty o'clock, if not at nine o'clock in the morning, but I am willing to compromise on nine-thirty o'clock. It looks to me as if tomorrow will be a long day for us, and if we could start at nine-thirty it would give us that additional time.

The PRESIDENT: The Chair would suggest that the Senator from Cumberland, Senator Hinckley, who is the floor leader of the Senate, confer with the floor leader of the House, and will state that anything that is agreed upon will be satisfactory to the Chair.

Are there any other matters that can be taken from the table at this time. If not, a motion to adjourn will be in order.

On motion by Mr. Foster of Kennebec,

Adjourned until to-morrow morning at ten o'clock.