

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

## HOUSE

Wednesday, January 5, 1927.

In convention of the members-elect of the Eighty-Third Legislature.

This day being the day designated by the Constitution of the State for the meeting of the Eighty Third Legislature, the members-elect of the House of Representatives assembled in the hall of the House of Representatives at 10 o'clock A. M. and were called to order by Clyde R. Chapman, clerk of the last House.

Prayer was offered by the Rev. Mr. McWhorter of Augusta.

A communication was received from the Secretary of State transmitting a certified roll of the Representatives-elect of the Eighty Third Legislature.

A call of the roll by the clerk revealed the presence of a quorum and 150 members responded to the call.

On motion by Mr. Wing of Auburn, Messrs. Wing of Auburn, Foster of Ellsworth, Ellis of Fairfield, Hammond of Van Buren, Flint of Monson, Piper of Jackman and Marden of Waldo were appointed a committee to wait upon the Governor and inform him of the presence of a quorum of the members-elect of the House of Representatives, and request his attendance to administer the oath required by the Constitution to enable them to enter upon the discharge of their official duties. Subsequently Mr. Wing reported that the committee had discharged the duty assigned it, and that His Excellency, the Governor, was pleased to say that with his council he would forthwith attend upon the Convention for the purpose indicated in the message.

The report of the committee was accepted.

Thereupon the Governor, attended by his Council, came in and administered, and the members elect subscribed, the oaths necessary to qualify them to enter upon the discharge of their official duties.

The Governor and Council then withdrew.

On motion by Mr. Page of Skowhegan, Messrs. Page of Skowhegan, Rounds of Portland, Kinsman of Augusta, Greenleaf of Auburn, Greene of Madison, Blaisdell of Franklin and Bisbee of Damariscotta were appointed a committee to re-

ceive, sort and count votes for Speaker.

Having attended to the duties assigned it, Mr. Page from the committee reported 149 votes cast; necessary for a choice, 75; Mr. Martin of Augusta had 130 and Mr. Lait of Old Town had 19.

The report was accepted.

Burleigh Martin was thereupon declared Speaker of the House of Representatives for the present session and was conducted to the Chair by Mr. Lait of Old Town amid prolonged applause.

Mr. LAIT of Old Town: It gives me great pleasure at this time to introduce Burleigh Martin as your Speaker. (Applause, the audience rising.)

At this point a bouquet of flowers from Governor and Mrs. Brewster was brought to the Speaker's desk by the Messenger, amid further applause.

SPEAKER MARTIN: Members of the Eighty Third Legislature: It is needless for me to say that I deeply appreciate the honor which you have conferred upon me. At this time I also wish to thank Mrs. Brewster and Governor Brewster for the roses which are at my left.

I am exceedingly mindful of my own limitations for this office, and I earnestly urge your support and consideration in this position.

I have met you on your farm, in your home and in your office, and I know something of the hopes and aspirations and ambitions which you bring here for work in this Legislature, and I know that your hopes, ambitions and aims lead to one common goal, that is, genuine, unselfish service for the State; and under God's guidance may we so serve the State of our love and our homes,—the State of Maine.

The Chair awaits your pleasure. (Applause).

On motion by Mr. Metcalf of Farmington, Messrs. Metcalf of Farmington, McLean of Bar Harbor, Boston of Gardiner, Norwood of Warren, Bishop of Boothbay Harbor, Forham of Canton and Smith of Bangor were appointed a committee to receive, sort and count votes for Clerk of the House.

Mr. BERRY of Waterville: Mr. Speaker, I understand that the Democratic party has no nominee and places no nominee before this House for the office of Clerk, I therefore move you that the com-

mittee cast the vote of this House for the Republican nominee.

The motion prevailed and Clyde R. Chapman was declared unanimously elected clerk of the House for the Eighty Third Legislature. (Applause, the House rising.)

On motion by Mr. Flint of Monson, Messrs. Flint of Monson, Maloon of Bowdoin, Greene of Madison, Carleton of Winterport, Dennison of East Machias, Milliken of Old Orchard and Williams of Webster were appointed a committee to receive, sort and count votes for assistant clerk of the House.

On motion by Mr. Berry of Waterville, it was voted that the committee cast its unanimous vote for the Republican nominee, Harvey R. Pease of Wiscasset as Assistant Clerk.

The motion prevailed and Harvey R. Pease was declared unanimously elected Assistant Clerk of the House for the Eighty Third Legislature.

On motion by Mr. Deering of Saco, that gentleman was charged with a message to the Governor, notifying him of the organization of the House by the election of Hon. Burleigh Martin as Speaker, Clyde R. Chapman as Clerk, and Harvey R. Pease as Assistant Clerk.

Mr. Deering subsequently reported that he had discharged the duty assigned him.

The report was accepted.

On motion by Mr. Greenleaf of Auburn, that gentleman was charged with a message to the Senate informing that body of the organization of the House by the election of Hon. Burleigh Martin as Speaker, Clyde R. Chapman as Clerk and Harvey R. Pease as Assistant Clerk.

Mr. Greenleaf subsequently reported that he had discharged the duty assigned him.

The report was accepted.

At this point a message was received from the Senate through Senator Morrison of Franklin County, informing the House that the Senate had been duly organized by the choice of Hon. Frank H. Holley as President, Royden V. Brown as Secretary and Chester T. Winslow as Assistant Secretary.

On motion by Mr. Holman of Bangor that gentleman conducted the Clerk and Assistant Clerk to the Governor to take and subscribe the oaths necessary to qualify them to enter upon the discharge of their official duties, and subsequently reported that he had discharged the duty assigned him, and that the Clerk and Assistant Clerk had taken and subscribed the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties, which report was accepted.

Thereupon Clyde R. Chapman and Harvey R. Pease, as Clerk and Assistant Clerk respectively, appeared and entered upon the discharge of their official duties.

### ORDERS

On motion by Mr. Flint of Monson, it was,

Ordered, that H. Ralph Hayes of Chelsea be Messenger; Frank H. Treworgy of East Surry be Assistant Messenger; George A. Dow of Portland, Postmaster; D. S. Clement of Winthrop, Mail Carrier; Fred C. Barnes of Bangor, First Folder; John Curry of Gardiner, Second Folder; Patrick H. Fitzgerald of Augusta, Doorkeeper; and that the Speaker appoint two pages and a document clerk.

On motion by Mr. Hammond of Van Buren, it was,

Ordered, that Cecil Clay be appointed official reporter of the House for the present session, his compensation to be seventeen hundred and fifty dollars.

On motion by Mr. Cram of Mt. Vernon, it was

Ordered, that the Secretary of State be directed to deliver to the Clerk of the House one copy of Webster Unabridged Dictionary and one copy of the Century Dictionary.

On motion by Mr. Kinsman of Augusta, it was

Ordered, that the Clerk of the House be directed to furnish each member and officer of the House during the present session one copy each of three daily newspapers, printed in the State, as each member and officer may select.

On motion by Mr. Kitchen of Presque Isle, it was

Ordered, that the Clerk of the House be directed to invite the

clergymen of Augusta, Hallowell and Gardiner to officiate as chaplains of the House during the present session.

On motion by Mr. Bartlett of Bangor, it was

Ordered, that the Official Reporter of the House be authorized to procure the services of a typewriter operator during the present session for the preparation and completion of the Legislative Record, the compensation to be the same as at the last regular session.

On motion by Mr. Boston of Gardiner, it was

Ordered, that the Superintendent of Buildings be directed to purchase for the Clerk of the House a typewriter, and such other office equipment as shall be deemed necessary by the Clerk, and charge the same to Legislative expense.

On motion by Mrs. Folsom of Norridgewock, it was

Ordered, that the Secretary of State be directed to deliver to the Clerk of the House all typewriting paper, pencils, fountain pens, carbon paper and other necessary supplies which may be needed in the Clerk's office during the present session.

On motion by Mr. Forhan of Canton, it was

Ordered, that the State Librarian be authorized and directed to furnish the Clerk of the House with one copy of the Revised Statutes, and one copy each of the Session Laws of 1917, 1919, 1921, 1923, and 1925.

On motion by Mr. Bartlett of Bangor, it was

Ordered, that the Secretary of State be authorized and directed to furnish the Maine State Year Book to each member and officer of the House.

On motion by Mr. Rounds of Portland, it was

Ordered, that the Secretary of State be directed to furnish each member and officer of the House with postage stamps to the amount of ten dollars each.

On motion by Mr. Roy of Lewiston, it was

Ordered, that the Rest Room be furnished with card tables, rocking

chairs, a typewriter machine and everything necessary for the use and recreation of members of the House; that the piano be tuned, the expense to be charged to the Legislative fund.

On motion by Mr. Foster of Ellsworth, it was

Ordered, that the rules and orders of the last House of Representatives be adopted for the government of this House until otherwise ordered.

Mr. Lait of Old Town presented the following order and moved its passage:

Ordered, the Senate concurring, that the following joint rule be added to the joint rules of the 83rd Legislature, to be numbered Rule No. 19:

"19. The minority party in the Legislature shall have representation, to the extent of at least one member to be appointed as other members may be appointed, on each of the joint standing committees named in Rule 1, and on each of the joint select committees named in Rule 2."

Mr. WING of Auburn: Mr. Speaker, I move the indefinite postponement of the order.

Mr. LAIT of Old Town: Mr. Speaker, I take the opportunity at this time to discuss this question in regard to this order. It has been customary, and it is known to be a fact, that our State government is based on party government. It is customary in all states, and a custom of the Federal government, that the minority party receive representation on all committees. If we are going to live up to party government, this rule will be necessary. If we are not, then we have no party government. This is just a courtesy due the minority by the majority to give them fair representation upon all committees.

Mr. HALE of Portland: Mr. Speaker, I rise to support the motion of the gentleman from Auburn, Mr. Wing, for the indefinite postponement of this order. It has been the uniform practice of this House to leave the appointment of committees exclusively in the hands of the Speaker, and I think it would be unfortunate to depart from that precedent. I think that the Speaker can be trusted to have due regard for the rights of the minority in the appointment of committees and that any inflexible rule such as that contemplated in the order of the gentleman from Old Town

would be a very unfortunate departure from a well established and desirable precedent.

Mr. LAIT of Old Town: Mr. Speaker, answering the gentleman from Portland, Mr. Hale, customs are a thing of the past. If as a State and a legislative body we are looking to progress and the getting of good, sound legislation, based upon the principles of party government, is it not necessary that the minority should be represented upon all committees that have to do with legislation in this State? In all states, and at Washington, regardless of how small the minority may be, it is represented upon such committees. We talk of customs in this State. That is all we have talked about for 50 years and we are still just where we started. All we do is to look over our Statutes and we find that we have nothing but copies of laws that have originated in other states. We must have some initiative in order to progress. As a member of the minority party I feel that we are entitled to representation upon all committees. We are small but we are here to stay and we will fight it through.

Mr. WING of Auburn: Mr. Speaker, I have no particular objection to the gentleman's offer of a controversy if he wishes to engage in the same. He assumes that the controversies of this Legislature take place in committees. That is but the beginning. The real controversy takes place on the floor of this House or on the floor of the Senate and in debate matters are discussed and the minority party can be heard. When he undertakes to say that the customs of party government require that the minority party, as of right, shall sit by certain members on all committees, I think he does not realize the extent to which his demands would go, and I certainly hope that this House will sustain the motion which I have made, and which the gentleman from Portland, Mr. Hale, has supported, and that we may rely on the courtesy of the gentleman whom we have chosen to preside over this House, and I am sure he will see to it that the minority party will receive all the courtesies to which it is entitled. I trust the motion will prevail.

Mr. BERRY of Waterville: Mr. Speaker, it has been said a great many times that Democrats disagree. I guess perhaps that is so, in this instance anyway. I come here as a member of the minority party. It was my pleasure to serve in this body in 1917 and

again in 1919, and I say to you, gentlemen, that from the hands of the Speaker of the House the minority party received the most courteous treatment; and I at this time heartily agree with the gentleman from Auburn, Mr. Wing, that this is no time nor place for such an order. We have a forum in which the members of the minority party can be heard and I believe they have always been properly represented on all committees, at least that has been my experience. (Applause)

Mr. SNOW of Brunswick: Mr. Speaker, I am a member of the minority party and in the last Legislature I had a very poor assignment. I would ask the members of the House to do justice to us and give us a fair representation on the committee membership.

Mr. HAMEL of Lewiston: Mr. Speaker, I also am a member of the minority party and this is my first appearance here. I also beg that we have fair representation. We have taken the oath here this morning, and I think as a minority we can help more by having fair representation on the various committees.

THE SPEAKER: The motion before the House at this time is to indefinitely postpone the order of the gentleman from Old Town, Mr. Lait.

A viva voce vote being had, the motion to indefinitely postpone prevailed.

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From the Senate: Ordered, the House concurring, that the returns of votes for governor, given in the several cities, towns and plantations in the State for the political years 1927 and 1928, be referred to a joint select committee of seven on the part of the Senate, with such as the House may join.

In the Senate, read and passed.

In the House, read and passed in concurrence.

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From the Senate: Ordered, the House concurring, that the members and officers of the Legislature be furnished with express and parcel post transportation for all packages and department reports in a sum not exceeding five dollars for each member and officer thereof, and that such transportation be furnished and expended under the direction of the State Library Department, and the unexpended balance at the close of the year 1927 shall be available for use in 1928.

In the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Ordered, the House concurring, that a joint committee consisting of two members on the part of the Senate, with such as the House may join, be appointed with full authority to make a contract with the New England Telegraph and Telephone Company for the telephone service for the members of the Eighty Third Legislature in connection with matters relating to their official duties.

In the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Ordered, the House concurring, that 350 copies of the Legislative Record for the session of 1927 be printed and bound, one copy each for the members of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library use; and be it further

Ordered, that 350 copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the Departments, under the direction of the Document Clerk; and be it further

Ordered, that a suitable index be prepared for such Legislative Record under the direction of the State Librarian at an expense not exceeding four hundred (\$400) dollars.

In the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Ordered, the House concurring, that the Secretary of the Senate and Clerk of the House jointly prepare the Senate and House register, and that 4,000 copies be printed for the use of the Legislature.

In the Senate, read and passed.

In the House, read and passed in concurrence.

On motion by Mr. Kinsman of Augusta a recess was taken until 2:30 P. M.

#### AFTERNOON SESSION

Called to order by the Speaker at 2:45 P. M.

The SPEAKER: On two orders passed this morning the committees were not appointed, and the Chair will appoint them now.

On the order relative to telephone service the Chair appoints Messrs. Rounds of Portland, Kitchen of Presque Isle and Deering of Saco.

On the order relative to the gubernatorial vote the Chair appoints Messrs. Vail of Hodgdon, Eustis of Strong, Wyman of Sidney, Booker of Rumford, Ruggles of Carmel, Mrs. Gay of Waldoboro and Davitt of Millinocket.

On motion by Mr. Eustis of Strong it was voted that the roll call of the morning be amended to show that George G. Boynton of South Portland was present.

The SPEAKER: Is there any further business at this time?

Mr. CYR of Waterville: Mr. Speaker and members of the House: It becomes my painful duty to inform this House of the death of my colleague Mr. Edward L. Hall of Waterville, on December 5th, 1926, elected my colleague in the Eighty Second Legislature and again elected last September by the voters of the city of Waterville. He was a man of ability, a broad-minded gentleman, respected by all who knew him, and will be greatly missed by his friends in Waterville and in the State.

I give this word of commendation to the memory of this man at this time that the records may show that notice has been given to the Eighty Third Legislature of the loss of a man who is a loss not only to the city of Waterville but to the State of Maine.

The SPEAKER: The House hears the message from the gentleman from Waterville, Mr. Cyr, and will show its feeling in the matter by a rising vote.

Thereupon the House stood.

On motion by Mr. Piper of Jackman it was voted that a copy of the foregoing resolution be sent to the family of Mr. Edward L. Hall of Waterville.

Mr. BUKER of Bath: Mr. Speaker, I wish to introduce the following resolution and move its passage.

Whereas, Clarence A. Peaslee, Republican nominee to this House from the city of Bath, was, on September 11, 1926, summoned to the Supreme Assembly;

And Whereas, while our loss will be his inestimable gain in a broader realm of accomplishment than heretofore, his absence will deprive us of

his genuine comradeship, the State of his loyal service, and his family of his untiring care and devotion;

Resolved, that we affirm our confidence in his character, our appreciation of his friendship, our faith in the permanence of his achievement, and our conviction of his continued promotion and further

Resolved, that the Clerk of this House transmit forthwith to the bereaved family a copy of this memorial as an expression of our united sympathy and esteem.

The SPEAKER: The Chair suggests that the vote be taken by a rising vote.

Thereupon the House stood.

### RECESS

#### After Recess

A communication was received from the Senate, through its Secretary, proposing a joint Convention of the two branches of the Legislature to be held in the hall of the House of Representatives forthwith for the purpose of electing a Secretary of State, Treasurer of State, Attorney-General and seven Executive Councilors.

Thereupon the House voted to concur with the Senate in accepting the proposition for a joint convention.

The Clerk of the House was then charged with a message to the Senate signifying the concurrence of the House in the proposition for a joint convention.

The Clerk of the House subsequently reported that he had discharged the duty assigned him.

On motion by Mr. Piper of Jackman, it was

Ordered, that the American flag be placed in the House during each session.

On motion by Mr. Hammond of Van Buren, it was

Ordered, that the Superintendent of Buildings give proper attention to the steps leading to the State House on the north side so that at all times they will be safe for passage.

On motion by Mr. Hale of Portland, it was

Ordered that the Speaker of the House appoint a special messenger to the Speaker, to serve during this session of the Legislature.

From the Senate: Ordered, the House concurring, that the joint

rules and orders of the Eighty Second Legislature be the joint rules and orders of this Legislature.

In the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Ordered, the House concurring, that the Document Clerk prepare each week for the use of the Legislature cumulative index of all bills and resolves introduced during the session, showing precisely the important steps in the history of each of its final disposition or present status, and that 500 copies thereof be printed.

In the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Ordered, the House concurring, that all bills and resolves shall be printed pending reference to a committee, and when same are advertised for hearing the advertisement shall give the number of the bill and state whether it is a Senate or House document.

In the Senate, read and passed.

In the House, read and passed in concurrence.

At this point the Senate came in and a joint convention was formed.

### IN CONVENTION

The President of the Senate assumed the Chair.

On motion by Senator Miner of Washington, it was voted to appoint a committee to receive, sort and count votes for Secretary of State.

The Chairman of the Convention thereupon appointed as members of such committee Senators Miner of Washington and Carter of Androscoggin, and Representatives Sturgis of Auburn, Decker of Portland, Chase of Cape Elizabeth, McLean of Bar Harbor, and Gilchrist of Thomaston.

Thereupon the committee to receive, sort and count votes having attended to the duty assigned it, Senator Miner from that committee reported as follows:

Whole number of votes cast, 172; necessary for a choice, 87; Edgar C. Smith had 164 and F. Harold Dubord, 8.

The report was accepted and Edgar C. Smith was declared duly elected Secretary of State for the political years 1927-1928.

On motion by Senator Smith of Somerset, it was voted to appoint a



committee of seven to receive, sort and count votes for Treasurer of State.

The Chairman of the convention then appointed as members of such committee Senators Smith of Somerset and Allen of Penobscot, and Representatives Smith of Fairfield, Marden of Waldo, McCart of Eastport, Littlefield of Kennebunk and King of Orono.

Thereupon the committee to receive, sort and count votes having attended to the duty assigned it, Senator Smith from that committee reported as follows:

Whole number of votes cast, 181; William S. Owen had 165 and A. W. Plummer had 16.

The report was accepted and William S. Owen was declared duly elected Treasurer of State for the political years of 1927-1928.

Senator PINKHAM: Mr. Chairman, at the urgent request of all the men sitting around, which I dare not disobey, I move that the rules be suspended and the gentlemen allowed to smoke.

The motion was adopted. (Applause)

On motion by Senator Maher of Kennebec, it was voted to appoint a committee of seven to receive, sort and count votes for Attorney-General.

The Chairman of the Convention then appointed as members of such committee Senators Maher of Kennebec and Morrison of Franklin, and Representatives Gillespie of Meddybemps, Smith of Biddeford, Leathers of Hermon, McKinnon of Mexico and Cain of Clinton.

Thereupon the committee having attended to the duty assigned it, Senator Maher from that committee reported as follows:

Whole number of votes cast, 165; necessary for choice, 83; Raymond Fellows had 147 and Mr. Madigan, 18.

The report was accepted and Raymond Fellows was declared duly elected Attorney-General for the political years 1927-1928.

On motion by Senator Case of Washington, it was voted that when the election of members of the Governor's Council is had, it be by a collective ballot; that is to say, that upon one ballot will appear the names of the various councilors.

On further motion by the same Senator, it was voted to appoint a committee of seven, consisting of two members from the Senate and five from the House, for the purpose of receiving, sorting and counting votes for the members of the Executive Council.

The Chairman of the Convention then appointed Senators Case of Washington and Bradgon of Aroostook and Representatives Briggs of Monticello, Mrs. Folsom of Norridgewock, Snowman of Deer Isle, Rawley of St. George and Jones of Corinna as members of such committee.

Thereupon the committee having attended to the duty assigned to it, Senator Case from that committee reported as follows:

Whole number of votes cast, 173; necessary for a choice, 87; Homer T. Waterhouse, William Shepherd Linnell, Harry A. Furbish, Blaine S. Viles, Guy S. Torrey, Lewis O. Barrows and Allen C. T. Wilson, representing the First, Second, Third, Fourth, Fifth, Sixth and Seventh Councilor Districts each received 153 votes; and Messrs. Robert B. Seidel, Walter G. Davis, Leon O. Tebbetts, Albert L. Graham, Raymond J. Spruce, Frank Peabody and George McL. Presson each received 20 votes.

The report was accepted, and the first seven gentlemen named were declared duly elected councilors for the political years 1927-1928.

On motion by Senator Morrison of Franklin, the Secretary of the Convention was directed to notify Hon. Edgar C. Smith of his election as Secretary of State, Hon. William S. Owen of his election as Treasurer of State, Hon. Raymond Fellows of his election as Attorney-General, and Hon. Homer T. Waterhouse, Hon. William Shepherd Linnell, Hon. Harry A. Furbish, Hon. Blaine S. Viles, Hon. Guy S. Torrey, Hon. Lewis O. Barrows, and Hon. Allen C. T. Wilson of their election as executive councilors for the political years 1927-1928.

Subsequently the Secretary reported that he had performed the duty assigned him.

On motion by Senator Perkins of Penobscot, it was

Ordered, that a message be sent to the Governor informing him of the election of Hon. Edgar C. Smith as Secretary of State; Hon. William S. Owen as Treasurer of State; Hon. Raymond Fellows as Attorney-Gen-

eral; and of the election of Hon. Homer T. Waterhouse, Hon. William Shepard Linnell, Hon. Harry A. Furbish, Hon. Blaine S. Viles, Hon. Guy A. Torrey, Hon. Lewis O. Barrows, and Hon. Allen C. T. Wilson as Executive Councilors for the political years 1927-1928.

The order received a passage, and Senator Perkins was delegated by the President of the Convention to convey the above message to the Governor.

Senator Perkins then retired, subsequently reporting that he had per-

formed the duty assigned him.

At this point the joint convention was dissolved, its purposes having been accomplished, and the Senate retired to its chamber.

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#### IN THE HOUSE

The Speaker in the Chair.

On motion by Mr. Kinsman of Augusta

Adjourned until 10 o'clock tomorrow morning.