

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

Tuesday, January 11, 1927.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Walch of Augusta.

Journal of the previous session read and approved.

From the Senate: The following order:

Ordered, the House concurring, that the following joint rule be added to the rules of the Eighty-Third Legislature, to be numbered 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."

In the Senate referred to the next Legislature.

In the House, on motion by Mr. Wing of Auburn, the matter was indefinitely postponed in non-concurrence.

Communication from the Executive Department

"STATE OF MAINE

Office of the Governor

Augusta, January 7, 1927.

To the Honorable Senate and House of Representatives:

There is submitted herewith, without my approval, a Resolve in Favor of the Town of Norridgewock for Repair of Bridge Across the Kennebec River.

This Resolve constitutes an exception to the provisions of our Statutes as to the construction and maintenance of our highways and bridges. It was presented to the Executive in the closing hours of the session of the last Legislature when it was impossible to give to it the consideration that its exceptional character would seem to demand.

It is contemplated under the Constitution that the Executive shall have five days in which to consider matters of this sort. It has always been a mooted question as to what action should be taken with measures which are held in abeyance by the adjournment of the Legislature.

The Constitution provides that measures of which the Executive does not approve shall be returned to the Legislature and 'reconsidered' by them.

Whether the Constitution contemplates the return of a measure only to a succeeding session of the same Legislature within the three days stipulated in the Constitution or whether it contemplates a return to a new Legislature is not clear. It seems to turn upon the proper construction of the pronoun 'their' in the concluding words of the constitutional provision.

Reconsideration, however, of a matter which a Legislature has never officially considered seems technically difficult. It also presents the practical problem of reconsideration by more than one hundred members who have never previously considered the matter in any way.

It has been the practice in recent years to return measures of this sort to the new Legislature, but the Secretary of State has no recollection of any case where such a measure has been enacted into law. It seems wise to defer to these precedents and return the Resolve but without implying an opinion that this procedure would be held constitutional if the matter shall ever come up for judicial determination.

This Resolve appropriating money to repair the planking and supporting timbers of the bridge floor across the Kennebec River was considered and recommended in 1925.

Whether the circumstances are now so exceptional as to warrant treatment of this bridge differently from six thousand other bridges in the State of Maine is a question that it would seem appropriate for this Legislature to consider and determine for itself in due course in this session upon the basis of the situation as it exists today.

Respectfully submitted,

(Signed) RALPH O. BREWSTER,
Governor of Maine."

Mr. ROUNDS of Portland: Mr. Speaker, I move that that communication lie on the table.

Mr. WING of Auburn: Mr. Speaker, may I inquire if the gentleman (Mr. Rounds) would assign it for a day certain, say tomorrow morning?

Mr. ROUNDS: I would like some time. I have been in this Legislature five terms before this, in four of which I have been on the committee on claims. In that committee we considered different things and we worked hard for ten weeks. I have come here not knowing a thing about this matter—

Mr. WING: I rise to a point of order.

The SPEAKER: The gentleman will state his point of order.

Mr. WING: The motion was to assign a day certain.

The SPEAKER: The gentleman from Portland (Mr. Rounds) will confine his remarks merely to replying to the question whether he will assign it for a day certain.

Mr. ROUNDS: I should rather not at the present time; but I would like a chance to look into it.

The SPEAKER: The motion before the House is to lay the veto message of the Governor on the table. Is that the pleasure of the House?

Thereupon the motion to table the veto message prevailed.

Orders

On motion by Mr. Kinsman of Augusta, it was

Ordered, that the Maine Inland Fish and Game Wardens' Association be granted the use of the Judiciary committee room for their annual meeting on Friday morning, January 14, 1927.

On motion by Mr. Robie of Gorham, it was

Ordered, the Senate concurring, that there be printed five hundred Legislative tracer sheets for the use of the individual members of the Legislature in keeping track of those bills in which they are particularly interested, the form being attached to the order.

Sent up for concurrence.

Mr. Wing of Auburn presented the following order and moved its passage.

Ordered, the Senate concurring, that the Joint rules be amended by inserting in Section one thereof, at the head of the list of committees, the following: "Aeronautics and Radio Control."

Mr. WING: Mr. Speaker, I think the House is entitled to some information as to an order of this kind. It goes without saying that there is pending in Congress legislation having to do with the radio and aeronautics. This is a new science, a new departure in life, and I hope that the people of Maine are progressive enough to have a part in it. This committee, if named, would enable us to have presented to it, and perhaps discussed, certain control of the air, certain control that has to do with Congress, and

at least will be in a position to take part in this discussion of this new thing. I trust the order will receive a passage on the part of the House.

Thereupon the order received passage and was sent up for concurrence.

Mr. Cole of South Portland presented the following order and moved its passage:

Ordered, the Senate concurring, that the Joint Rules be amended by inserting in Section one after the words "On Banks and Banking," the following words: "On Charities and Corrections."

Mr. WING of Auburn: Mr. Speaker, the order is not plain to me. Is that the addition of another committee or the changing of the name of the Committee on Banks and Banking?

The SPEAKER: The Chair would assume that that was the addition of another committee, but will ask the gentleman from South Portland, Mr. Cole, to explain.

Mr. COLE: That is the addition of another committee recommended by Mr. Cornish of the Board of Charities and Corrections.

On motion by Mr. Wing of Auburn, the order was tabled.

Orders of the Day

Papers from the Senate, out of order, under suspension of the rules.

From the Senate: Ordered, the House concurring, that the Superintendent of Public Buildings is hereby given charge of all assignments of rooms for hearing in the Capitol building, and that all applications for rooms for hearings must be made to him in writing forty-eight hours previous to the time when said rooms are to be used for that purpose.

In the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Ordered, the House concurring, that all committees are hereby directed to report to the committee on Appropriations and Financial Affairs all appropriations and money recommended by them, and any acts or resolves recommended by them which amend existing statutes or resolves requiring an appropriation of money.

The committee on Appropriations

and Financial Affairs is hereby directed to make a record of such reports and forthwith submit the same to the Legislature for changes therein.

No act or resolve involving an appropriation of money shall be engrossed without having endorsed thereon in addition to the usual endorsements of the officers of the Senate and House, the following,

namely: "Examined and recorded by the committee on appropriations and financial affairs. Chairman."

In the Senate read and passed.

In the House read and passed in concurrence.

On motion by Mr. Hammond of Van Buren,

Adjourned until tomorrow morning at ten o'clock.