

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Friday, February 18, 1927.

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

Prayer by the Rev. Mr. Folsom of Gardiner.

Journal of the previous session read and approved.

From the Senate: Bill an act to regulate the sale of cider, S. P. 186, S. D. 80.

Comes from the Senate referred to the committee on Agriculture.

In the House, on motion by Mr. Thurston of Appleton, tabled pending reference in concurrence.

Papers from the Senate disposed of in concurrence.

Paper from the Senate, out of order:

Ordered, the House concurring, that when the Senate and House adjourn they adjourn to meet Tuesday, February 22, at 4.30 in the afternoon.

In the Senate read and passed.

In the House read and passed in concurrence.

From the Senate: An act to amend Section 1 of Chapter 97 of the Revised Statutes relative to right to erect and maintain Mill Dams and to divert Water by Canal for Mills (S. P. 149) (S. D. 62) which was referred in the House to the Committees on Public Utilities, Interior Waters and Judiciary jointly February 15th.

Comes from the Senate that body insisting upon its former action whereby the bill was referred to the committee on Judiciary and asking for a committee of Conference with the following conferees appointed on its part:

Messrs. Maher of Kennebec, Crafts of Piscataquis, Granville of York.

In the House on motion by Mr. Piper of Jackman that body voted to join in the committee of conference, and the Chair appointed as conferees on the part of the House,

Messrs. Piper of Jackman, Foster of Ellsworth and Greenleaf of Auburn.

Orders

On motion by Mr. Hale of Portland, it was

Ordered, the Senate concurring, that all bills, resolves and orders after the session of the Legislature held on March 8, excepting such as pertain solely to facilitating the business of the Eighty-Third Legislature, be referred to the next Legislature.

Mr. McCart of Eastport presented the following order and moved its passage:

Ordered, that there be printed 500 copies each of H. P. 669, being bill an act authorizing the city of Lewiston to issue bonds to meet bonds outstanding and maturing in 1927, and H. P. 673, being bill an act to amend an act to abolish the Board of Public Works of the city of Lewiston and to provide a Highway Commission.

Mr. WING of Auburn: Mr. Speaker, are these in the possession of the House or in the possession of the committee.

The SPEAKER: The Chair is advised that they are in the possession of the committee.

Mr. WING: I simply rise as to the proper method to be pursued.

The SPEAKER: The Chair will state that it believes this order should receive passage and the printing be carried out without the recalling of the bills.

Thereupon the order received passage.

State School for Boys, State School for Girls and State Reformatories

By Mr. Church of Hallowell: Resolve in favor of the State School for Girls at Hallowell (H. P. 895).

By the same gentleman: Resolve in favor of State School for Girls (H. P. 896).

By the same gentleman: Resolve in favor of the State School for Girls at Hallowell (H. P. 897).

State Lands and Forest Preservation

By Mr. Forhan of Canton: Petitions of William L. Pitcher and 43 others of Corinna (H. P. 898); B. Spaulding and 22 others of Buckfield (H. P. 899); and Clarence L. Hussey and 17 others of Berwick in favor of a bounty on hedgehogs (H. P. 900).

Towns

By Mr. Decker of Portland: An act relating to uniform accounting in cities and towns (H. P. 901).
(500 copies ordered printed).

Ways and Bridges

By Mr. McKnight of Poland: Resolve in favor of the town of Poland. (H. P. 902).

By Mr. Blaisdell of Franklin: An act relating to the Hancock Sullivan Bridge. (H. P. 903).

By Mr. Norwood of Warren: Resolve in favor of the town of Rockport (H. P. 904).

By the same gentleman: Resolve in favor of the town of Washington. (H. P. 905).

By the same gentleman: Resolve in favor of South Warren Bridge over St. George River between the towns of Thomaston and Warren, Knox County (H. P. 906).

By Mr. Robie of Gorham: An act relating to the town of Gorham. (H. P. 794).

By Mr. Church of Hallowell: Resolve in favor of the town of West Gardiner (H. P. 827).

Reports of Committees

Mr. Blaisdell from the Committee on Legal Affairs reported "Ought not to pass" on bill an act relating to registration of motor vehicles by non-residents (H. P. 282). (H. D. 69).

Mr. Bonnton from the Committee on Sea and Shore Fisheries reported same on bill an act relative to licensing packers of sardines. (H. P. 146). (H. D. 47) as the subject matter has been covered by previous legislation.

Mr. Kitchen from the Committee on Ways and Bridges reported same on Resolve in favor of the Plantation of Kingfield to help construct road leading from New Portland to Kingfield (H. P. 308).

Mr. Powers from the committee on Interior Waters reported "Ought not to pass" on bill an act to change the name of "No Name Pond," so-called, in Lewiston (H. P. 275).

Same gentleman from same committee reported same on bill an act to change the names of Upper Shin Pond and Lower Shin Pond in the town of Mount Chase (H. P. 274).

Mr. Sargent from the committee on Legal Affairs reported same on bill an act granting to the Cumberland County Power and Light Company the right to exercise the power of eminent domain for certain purposes (H. P. 17). (S. D. 17).

Reports read and accepted and sent up for concurrence.

Mr. Hale from the Committee on

Judiciary on bill an act to amend the Charter of the City of Rockland to provide that the municipal fiscal year shall end on the first day of November (H. P. 20), reported same in a new draft (H. P. 828) under same title and that it "Ought to pass."

Report read and accepted and the new draft ordered printed under the Joint Rules.

Mr. Piper from the Committee on State Lands and Forest Preservation reported "Ought to pass" on bill an act to confirm the title of Rumill's Hub in Tremont, Hancock County (H. P. 295).

Mr. Tucker from same Committee reported same on bill an act to eliminate Jackman from the Maine Forestry District (H. P. 64).

Mr. Hawkes from same Committee reported same on Resolve that the Forest Commissioner be empowered and directed to convey a lot of land in Wallagrass Plantation (H. P. 396).

Mr. Piper from the Committee on Interior Waters reported "Ought to pass" on bill an act to change the name of Tunk Pond to Tunk Lake' (H. P. 131).

Mr. Wing from the Committee on Judiciary reported same on bill an act to amend the Charter of Rumford Falls Village Corporation (H. P. 135).

Mr. Kane from the Committee on Sea and Shore Fisheries reported same on bill an act relating to taking of clams in Addison" (H. P. 113)

Reports read and accepted and the bills ordered printed under the Joint Rules.

Mr. Wing from the Committee on Judiciary reported "Ought to pass" on bill an act to amend Chapter of the Revised Statutes, relating to the opening and closing of the polls at primary elections (H. P. 132) (H. D. 44).

Mr. Patterson from same Committee reported same on bill an act to amend Section 21 of Chapter 7 of the Revised Statutes in relation to closing of polls at elections (H. P. 133) (H. D. 45).

Mr. Goodwin of Sanford from the committee on Legal Affairs reported same on bill an act to incorporate "trustees of St. Peters By-the-Sea Protestant Episcopal Church," H. P. 287, H. D. 110.

Mr. Fuller from same committee reported same on bill an act relating

to Opportunity Farm Association, H. P. 288, H. D. 111.

Reports read and accepted and the bills having already been printed were read twice under suspension of the rules and tomorrow assigned.

Mr. King from the committee on Claims reported "ought to pass" on resolve in favor of Ward W. Wescott of Ellsworth for partial reimbursement in proceedings brought against him for his removal from his office of sheriff of Hancock county, H. P. 216, H. D. 55.

Report read and accepted, and the resolve having already been printed was read once under suspension of the rules and tomorrow assigned.

Mr. Hale from the committee on Judiciary reported ought to pass on bill an act to authorize towns of Bridgton and Harrison to assist in the preservation of railroad service to and from said towns, H. P. 362, H. D. 78.

Report read and accepted and the bill having already been printed was read twice under suspension of the rules.

On motion by Mr. Hale of Portland, the rules were further suspended and the bill had its third reading at this time and was passed to be engrossed.

Majority report of the committee on Judiciary on bill an act relating to advertising signs along the public ways, being House Paper 47, Senate Document 11, reporting that the same "ought to pass," the report being signed by the following members: Messrs. MAHER of Kennebec

OAKES of Cumberland
—of the Senate

DUDLEY of Calais
PATTERSON of Castine
WING of Kingfield
ALDRICH of Topsham
WING of Auburn

—of the House

Minority report of the same committee on the same bill reporting the same ought not to pass, the report being signed by the following members:

Messrs. CARTER of Androscoggin
—of the Senate

HALE of Portland
BARTLETT of Bangor
—of the House

On motion by Mr. Hale of Port-

land, the two reports were tabled pending acceptance of either.

Passed to be Engrossed

(H. P. 239) (H. D. 58) An act to obtain the benefit of credit allowed under Federal Estate Tax.

(H. P. 85) (H. D. 145) An act to regulate fishing in Twin Brooks, so-called, tributaries to Aziscohos Lake in the county of Oxford.

(H. P. 141) (H. D. 147) An act granting Charles H. Scott the right to maintain a ferry across Egge-moggin Reach in Hancock county.

(H. P. 653) (H. D. 149) An act to prohibit fishing in Lily Pond in the town of Rockport, county of Knox.

(H. P. 654) (H. D. 150) An act relating to unauthorized use of insignia of war veterans.

(H. P. 651) (H. D. 151) An act relating to the charter of the Norway Water Company.

(H. P. 652) (H. D. 152) An act in relation to the Buckfield Village Corporation, especially to establish a Municipal Water System for said corporation.

(H. P. 42) (H. D. 144) Resolve in favor of the Cobbosseecontee Fish and Game Association.

(H. P. 110) (H. D. 146) Resolve authorizing the Governor to receive from the Secretary of War of the United States such "Other Funds" remaining to the credit of the National Guard of this state and to distribute them for the benefit of the said National Guard.

The SPEAKER: The Chair presents for consideration the unfinished business of yesterday, an act to prohibit the teaching of evolution, H. P. 834, tabled yesterday on the motion of Mr. Hale of Portland for indefinite postponement.

Mr. HALE of Portland: Mr. Speaker, on yesterday afternoon I moved the indefinite postponement of this bill. In doing so I intended no injustice to any member, least of all to my friend, the gentleman from Lewiston, Mr. Roy, who introduced this bill. I do know, as most of the members of this House know, that the bill in question has been circulating in the State House for some period. I did feel that a large number of the members of this House were inclined to treat the bill jocosely. I did fear that

it would be difficult to have the bill given serious consideration, and I did feel, and I do now feel to some extent, that a committee hearing on this bill would be the occasion of a demonstration which might be not very seemly nor very profitable. On the other hand I have become aware since last night of a considerable sentiment on the part of members of this House that the bill should receive a hearing before a committee. I know that there are some members of this House who wish to have their day in court upon this measure, and I should be the last to wish to deprive any man of a fair hearing. Therefore, Mr. Speaker, I should like to make a motion which will take precedence over my motion of yesterday afternoon, and move to commit the bill to the committee on Education in accordance with the recommendation of the committee on reference of bills.

Mr. ROBIE of Gorham: Mr. Speaker, I suppose this is a debatable question. Some of the members who voted to adjourn yesterday in order to save this bill from immediate defeat did so for the express purpose of sending it to the committee on Inland Fisheries and Game or the committee on Maine Publicity or to joint standing legislative committees. They planned to have it rival the famous porcupine bill. To the public at large we are a serious deliberative organization. We are elected and paid for that purpose. Maine has the reputation of being a sound and conservative state, and we should not go on record throughout the country as having entertained this bill even long enough to have wasted the State's money in having the thing printed. I trust the motion of yesterday to indefinitely postpone will be definitely settled now, and I trust that the motion of my colleague from Portland, Mr. Hale, will not prevail.

Mr. ROY of Lewiston: Mr. Speaker, I would like to give some explanation of this measure. This originated in the northern part of Maine—Aroostook county, and many have ridiculed the proposition. Now we members of this House are representatives of the people. The people have a right to bring a proposition before this legislature and we should respect that right. Now this bill isn't any different from any other bill. There are some far more ridiculous than this is, and I don't see why we should not allow it to go before a committee and allow the people, the citizens, to

come here and express their opinions, and after it goes to the committee then it is up to us to either put it through, or destroy or kill it. I, myself, am not in favor of the proposition, but as a member I merely introduce it as a matter of courtesy towards the citizens from whom it originated. A member is not morally bound to support a measure that he presents in this House, but everybody should have a right to bring their propositions before this House; but now we say it may be ridiculed by other people. What about that? Are we going to stop legislating because some legislators are going to laugh at us? The first man who said the earth was round was ridiculed. Fulton who built the first steamboat used on the Hudson river was considered ridiculous, his invention was called "Fulton's Folly." We should not stop at that. We should let this bill go before a committee, and that is the only place where the citizens have a right to express themselves before the legislature.

This question of evolution is not sufficiently proven to be permitted to be taught in our schools. If it is true it will gradually come to the top, no matter what we do, no power on earth can keep the truth down. Now I see by some of the papers that I am the father of the "monkey bill." (Laughter.) Now this evolution bill originates from a man who does not believe that we are descended from the lower animals, so this, as I understand it, comes from men who believe that we are men because we have lost the monkey's tail, but I say in justice to our citizens we should allow this bill to go before a committee. We are not afraid of the question. If you are afraid to see the other fellow's side it proves that your side is very weak.

Mr. PATTERSON of Castine: Mr. Speaker, perhaps it is unfortunate that this matter of evolution comes up on Friday to those who are in any degree superstitious. I am going to direct my remarks, and they will be very brief, to the statement made by the gentleman from Gorham, Mr. Robie, that this bill should not be considered at all, not even be printed, because it will subject the State to ridicule. Now, I personally, and my views are of no interest to anybody but myself probably, but I am a believer in the theory of evolution. If this question was to vote upon the bill itself I should vote no, but cer-

tainly I believe it would be very discourteous to the people of Maine who believe that evolution should not be taught in the schools. I believe it would be very discourteous not to allow them a hearing before a committee and I wish to heartily endorse what has been said by the gentleman from Lewiston, Mr. Roy. I am absolutely opposed to anything that would prevent the teaching of the theory of evolution or the theory of special creation in the schools of Maine; but certainly the people who presented this bill are entitled to a hearing before a committee, and it will not in any way subject the Legislature to ridicule. I think the Legislature would be in a much more unfortunate position if they denied this bill its proper hearing before a committee.

Mr. MERRILL of Dover-Foxcroft: Mr. Speaker, I think that there is great danger of unintelligent action upon this bill. As I understand the whole question of evolution it has nothing whatsoever to do with a belief or disbelief in a God. It is simply a question of the orderly progress of nature from the simple form to the complex, which has been so abundantly demonstrated that it has ceased to be a question in the minds of scientific men. It has absolutely nothing to do, as I said before with the question of an Overruling Providence or a God to whom you must look beyond any question of evolution to the giver of life which permitted evolution; and for the reason that I would not like to see this Legislature take unintelligent action, and believe it is much in the position of the alderman who was elected to a position on the board of alderman from a ward in which he had done valiant service in politics but who was a very illiterate man. On the first session of his attendance a gentleman, also a member of the Board, who had recently returned from Europe, said: "Gentlemen. I have a suggestion to make, and my mind has turned to the question because of my experience in Venice. I was so impressed by the beauty and gracefulness of the gondolas floating over the waters of Venice that it seemed to me it would be a wonderful thing if we could have some of them in the waters of our lake in our beautiful park, and I would like to see a dozen of these gondolas floating over our

beautiful lake." The illiterate politician then said: "I have no objection to spending the city's money, but I see no reason for squandering our money in buying twelve of them birds. I would move that we buy a pair of them and let nature take its course. (Laughter.) Now it is to avoid such unintelligent action as that, and for the reason as aforesaid, when the question is studied it will be found that I am absolutely correct in stating that a belief or disbelief in teaching evolution has nothing whatsoever to do with a belief in God; and for these reasons I am heartily in support of the motion of my colleague from Portland, Mr. Hale.

The SPEAKER: Is the House ready for the question?

Mr. FLINT of Monson: Mr. Speaker, I found out by experience that it was not well to indefinitely postpone a bill before it went to a committee. This bill is no more absurd or ridiculous than the hedgehog bill to me. (Laughter.) I hope the motion of the gentleman from Portland, (Mr. Hale.)

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Portland, Mr. Hale, that this bill be referred to the committee suggested by the committee of reference, the committee on Education. Those in favor of this motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

Mr. STURGIS of Auburn: Mr. Speaker, I would ask for a division of the House.

A division of the House was had, Ninety-two voting in the affirmative and seven in the negative, the motion to refer to the committee on Education prevailed.

The Chair laid before the House, Senate Document 10 joint order relative to State of Maine Associates.

On motion by Mr. Wing of Auburn, by reason of the absence of Mr. Eustis of Strong, the matter was retabled and specially assigned for Wednesday, February 23.

The SPEAKER: Is there any further business to come before the House?

On motion by Mr. Rawley of St.

George it was voted to take from the table Senate Document No. 53, an act to empower the Governor and Council to lease the right to gather and harvest kelp, seaweed and other vegetable growth on tide lands or reefs within the jurisdiction of the State, tabled by that gentleman, February 11, pending reference in concurrence; and on further motion by the same gentleman, the bill was referred to the committee on Sea and Shore Fisheries in non-concurrence.

On motion by Mr. Thurston of Appleton it was voted to take from the table H. P. 655, an act relating to a bounty on crows, tabled by that gentleman February 17 pending reference to a committee and on further motion by the same gentleman the bill was referred to the committee on agriculture.

On motion by Mr. Piper of Jackman it was voted to take from the table an act to create the Kennebec Reservoir Company and define the powers thereof, H. P. 865, tabled by that gentleman February 17, pending reference to a committee; and on further motion by the same gentleman the bill was referred to the committees on Judiciary, Public Utilities and Interior Waters.

On motion by Mr. Ellis of Fairfield, it was voted to take from the table Senate Document 26, an act to repeal acts incorporating the Kendall's Mills Village Corporation and the Fairfield Village Corporation, tabled by that gentleman February 15, pending passage to be engrossed; and on further motion by the same gentleman the bill was passed to be engrossed.

On motion by Mr. Piper of Jackman, made at the request of Mr. Chase of Cape Elizabeth, who was

absent, it was voted to take from the table joint order relative to investigation of operation of Workmen's Compensation Act, tabled by Mr. Chase on February 17, pending passage in concurrence.

Mr. PIPER of Jackman, Mr. Speaker, I move that the order now have passage.

On motion by Mr. Bishop of Boothbay Harbor, tabled and especially assigned for Wednesday, February 23.

On motion by Mr. Littlefield of Kennebunk, it was voted to take from the table H. P. 888, an act relative to fees for sheriffs and their deputies, tabled by that gentleman February 17, pending reference; and on further motion by the same gentleman the bill was referred to the committee on Salaries and Fees.

On motion by Mr. Deakin of Howland, it was voted to take from the table H. P. 722, an act relating to registration of motor vehicles by non-residents, tabled by that gentleman February 17, pending reference; and on further motion by the same gentleman the bill was referred to the committee on Ways and Bridges.

On motion by Mr. Boynton of South Portland, it was voted to take from the table Senate Paper 133, an act to amend Section 68 of Chapter 45 of the Revised Statutes relating to use of purse or drag seines in certain waters, tabled by that gentleman February 10, pending reference; and on further motion by the same gentleman the bill was referred to the committee on Sea and Shore Fisheries.

On motion by Mr. Wing of Kingfield,

Adjourned until Tuesday afternoon, February 22, at 4.30 o'clock.