

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

Friday, March 18, 1927.

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

Prayer by the Rev. Mr. Dunnack of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Majority report of the committee on Judiciary reporting ought not to pass on bill an act to amend Section one, Chap. 84 of the Revised Statutes in relation to the appointment of Clerks of the Judicial Courts, S. P. 91, S. D. 33.

Report signed by the following members:

Messrs. CARTER of Androscoggin
—of the Senate

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

—of the House

Minority report of same committee reporting ought to pass on same bill.

Report signed by the following members:

Messrs. MAHER of Kennebec
OAKES of Cumberland
—of the Senate

HALE of Portland
—of the House

Comes from the Senate majority report read and accepted.

In the House, on motion by Mr. Wing of Auburn, majority report read and accepted in concurrence.

The following remonstrances were received and upon recommendation of the committee on reference of bills were referred to the following committees.

Judiciary

Mr. Booker of Rumford: Remonstrance against repeal of Primary Law. (H. P. 1185).

By Mr. Boston of Gardiner: Re-

monstrance against same (H. P. 1186).

By Mr. Staples of Eliot: Remonstrance against same (H. P. 1187).

By Mr. Church of Hallowell: Remonstrance against same (H. P. 1188).

By Mr. Foster of Ellsworth: Remonstrance against same (H. P. 1189).

By Mr. Crawford of Houlton: Remonstrance against same (H. P. 1190).

Reports of Committees

Mr. Crawford from the Committee on Agriculture reported "Ought not to pass" on bill an act relating to bounty on crows (H. P. 655).

Mr. Leathers from the Committee on Claims reported same on Resolve in favor of H. H. Gray and Henry W. Sawyer of Milbridge, in the county of Washington (H. P. 256).

Mr. Chamberlain from the Committee on Public Health reported same on bill an act to provide for the completion of the vital records of the State (H. P. 289) (H. D. 73).

Mr. Williams from the Committee on Salaries and Fees reported same on bill an act relating to salary of Recorder of Rockland Police Court (H. P. 741).

Mr. Cram from the committee on Taxation and Mr. Ayer from the committee on Ways and Bridges reported same on bill an act relating to a tax upon gasoline (H. P. 1091) (H. D. 358).

Mr. Piper from the committee on Taxation and Mr. Kitchen from the committee on Ways and Bridges reported same on bill an act relating to tax upon gasoline (H. P. 297) (H. D. 75).

Mr. Holbrook from the Committee on Taxation and Mr. Marden from the Committee on Ways and Bridges reported same on bill an act relating to creation of mill tax highway fund and expenditure (H. P. 483) (H. D. 125).

Mr. Patterson from the Committee on Judiciary on bill an act to provide a uniform motor vehicle code (H. P. 370) reported that same be referred to the next Legislature.

Mr. Wing of Kingfield from same Committee on bill an act to incorporate the Milo Water District in the county of Piscataquis (H. P. 867) (H. D. 225) reported that further legislation thereon is inexpedient.

Mr. Gillespie from the Committee on Salaries and Fees on bill an act relating to compensation of members of the Legislature (H. P. 240) reported that legislation thereon is inexpedient and "Ought not to pass."

Same gentleman from same Committee on bill an act to reimburse Justices of the Supreme Judicial Court for expenses (H. P. 614) (H. D. 161) reported "Ought not to pass" as subject matter is covered by other legislation.

Mr. Williams from same Committee on bill an act relating to fees of witnesses (H. P. 891) reported that same be referred to the Committee on Judiciary.

Reports read and accepted and sent up for concurrence.

On motion by Mr. Cyr of Waterville the House voted to reconsider its action whereby the report of the committee on Salaries and Fees was accepted on bill an act relating to compensation of members of the Legislature; and on further motion by the same gentleman the report was tabled pending acceptance.

Mr. Merrill from the Committee on Public Health reported "Ought to pass" on Resolve in favor of the Aroostook Test Laboratory (H. P. 477).

Mr. Smith from the Committee on Salaries and Fees reported same on bill an act increasing the salary of the Mayor of Waterville (H. P. 679).

Reports read and accepted and the Bill and Resolve ordered printed under the Joint Rules.

Mr. Sturgis from the Committee on Agriculture reported same on bill an act relating to the registration of milk dealers (H. P. 994) (H. D. 319).

Mr. Gilchrest from the Committee on Counties reported same on bill an act to create the office of Deputy Treasurer of Cumberland County. (H. P. No. 457) (H. D. No. 117)

Mr. Dudley from the Committee on Judiciary reported same on bill an act relating to secret indictment. (H. P. No. 859) (H. D. No. 219)

Mr. Bartlett from same committee reported same on bill an act relating to supplying the city of Bangor with water. (H. P. No. 866) (H. D. No. 224)

Mr. Aldrich from same committee reported same on bill an act relating to the time and place of holding the County Commissioners Court in York

County. (H. P. No. 858) (H. D. No. 218)

Same gentleman from same committee reported same on bill an act relating to the Farm Lands Loan Commissioners and to authorize the sale of lands acquired by the State of Maine through foreclosure or other proceedings instituted by the State Auditor, Secretary of the Commission, and to provide for the expenses of the Commissioners. (H. P. No. 868) (H. D. No. 226)

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

Mr. Flint from the Committee on Inland Fisheries and Game on bill an act prohibiting the taking of more than 8 pounds of trout, landlocked salmon or togue in one day by one person, in the following lakes and ponds: Wood Pond, Little Wood Pond, Little Big Wood Pond, Attean Lake, in Somerset County. (H. P. No. 355) reports same in a new draft (H. P. No. 1175) under title of an act to prohibit the taking of more than 8 pounds of trout, landlocked salmon and togue in all in one day in Moose River in Somerset County, down to the head of Brassua Lake, or in Wood Pond, Little Wood Pond, Little Big Wood Pond, Long Pond, Attean Lake and Holeb Pond, all in the county of Somerset, and that it "Ought to pass."

Mr. MacKinnon from same committee on bill an act relating to fishing in Watchic Pond in the town of Standish (H. P. No. 521) reported same in a new draft (H. P. No. 1176) under same title and that it "Ought to pass."

Mr. Wing of Kingfield from the Committee on Judiciary on bill an act to authorize the town of Southwest Harbor, Hancock County, to raise and appropriate money to purchase or take by eminent domain a lot of land for a public park and for municipal purposes (H. P. No. 870) (H. D. No. 228) reported same in a new draft (H. P. No. 1177) under title of an act permitting the town of Southwest Harbor to take land for public park, and that it "Ought to pass."

Mr. Patterson from same Committee on bill an act to incorporate the Northern Finance and Investment Corporation (H. P. No. 723) (H. D. No. 195) reported same in a new draft (H. P. No. 1178) under same title and that it "Ought to pass."

Mr. Hale from same Committee on bill an act to provide clerical assistance for the Justices of the Supreme Judicial Court (H. P. No. 30) (H. D. No. 76) reported same in a new draft (H. P. No. 1179) under same title and that it "Ought to pass."

Same gentleman from same Committee on bill an act to enlarge the site of Little River Pine Grove Cemetery, otherwise known as Hill-side Cemetery, located at Lisbon Falls, Maine, (H. P. No. 861) (H. D. No. 221) reported same in a new draft (H. P. No. 1180) under same title and that it "Ought to pass."

Mr. Dudley from same Committee on bill an act relating to scire facias against bail, sureties in criminal recognizances and trustees (H. P. No. 366) (H. D. No. 81) reported same in a new draft (H. P. No. 1181) under same title and that it "Ought to pass."

Mrs. Folsom from the Committee on Education on Resolve providing Teacher's pension for Emma J. Whittemore (H. P. No. 738) reported same in a new draft (H. P. No. 1182) under same title and that it "Ought to pass."

Mr. Smith from the Committee on Salaries and Fees on bill an act relating to the pay of jurors, (H. P. No. 183) (H. D. No. 59) reported same in a new draft (H. P. No. 1183) under same title and that it "Ought to pass."

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Melcher from same Committee on bill an act to provide for compensation of Justices of the Supreme Judicial Court, (H. P. No. 185) (H. D. No. 61) reported same in a new draft (H. P. No. 1184) under same title and that it "Ought to pass."

(Tabled by Mr. Thurston of Appleton pending acceptance of report.)

Majority report of the Committee on Judiciary reporting "Ought not to pass" on Resolve proposing an amendment to the Constitution authorizing the regulation of advertising signs in public view, (H. P. No. 281) (H. D. No. 68)

Report was signed by the following members:

Messrs. CARTER of Androscoggin,
MAHER of Kennebec,
OAKES of Cumberland,

—Of the Senate.

PATTERSON of Castine,
WING of Auburn,
WING of Kingfield,
BARTLETT of Bangor,
ALDRICH of Topsham,
DUDLEY of Calais,

Minority report of same Committee reporting "Ought to pass on same Resolve.

Report was signed by the following member:

Mr. HALE of Portland,

—Of the House.

(Tabled by Mr. Bartlett of Bangor, pending acceptance of either report and specially assigned for Thursday, March 24.)

Majority report of the Committee on Banks and Banking reporting "Ought not to pass" on bill an act relating to savings deposits in trust companies (H. P. No. 253) (H. D. No. 62)

Report was signed by the following members:

Messrs. FOSTER of Kennebec
MINER of Washburn
ROBERTS of York

—Of the Senate

CROCKETT of Hollis
CLIFFORD of Bath
BOSTON of Gardiner
STURTEVANT of E. Livermore

SEAVEY of Sherman

—Of the House

Minority report of same Committee reporting "Ought to pass" on same bill.

Report was signed by the following members:

Messrs. DECKER of Portland
PAGE of Skowhegan

—Of the House

(Tabled by Mr. Boston of Gardiner pending acceptance of either report, and specially assigned for Wednesday, March 23rd.

First Reading of Printed Bills and Resolves

(H. P. 1162) (H. D. 418) An act relating to the survey and sale of wood.

(H. P. 359) (H. D. 425) An act to regulate fishing in the tributaries to Royal's River and Bennett Brook and the tributaries to Pleasant River in Cumberland County.

(H. P. 1172) (H. D. 420) An act legalizing the guaranteed mortgage bond as an investment for the savings banks of Maine.

(H. P. 608) (H. D. 421) Resolve

providing for a State pension for Lydia A. Bodfish, of Elliottsville Plantation.

(H. P. 609) (H. D. 422) Resolve providing for an increase in State pension for Arthur H. Murch of Paris.

(H. P. 734) (H. D. 423) Resolve providing for a State pension for Esther C. Jones of Manchester.

(H. P. 882) (H. D. 424) Resolve providing for a State pension for Oscar H. Moor of Portland.

(H. P. 1173) (H. D. 426) Resolve providing for a State pension for Louis Nason of West Gardiner.

(H. P. 1174) (H. D. 419) Resolve in favor of Abbie A. Norton of Industry for State pension.

Passed to be Engrossed

S. P. 90, S. D. 32: An act to amend Section 13 of Chapter 123 of the Revised Statutes relating to amendments of criminal process.

S. P. 125, S. D. 49: An act relating to Eastern Standard Time.

On motion by Mr. McIntire of Norway, the rules were suspended for the purpose of permitting that gentleman to introduce the following order out of order:

Ordered, that the Chair appoint a committee to escort Mellie and Gram Dunham to this session of the House in keeping with the invitation previously extended to them by this Legislature.

The order received passage and the Chair appointed as such committee, Mr. McIntire of Norway, Mr. Wheeler of So. Paris, Mr. Deering of Saco, Mr. Piper of Jackman, Mr. Kitchen of Presque Isle, Mrs. Gay of Waldoboro, Mrs. Chaney of Lisbon, Mr. Melcher of Rumford, Mr. Brown of Bethel and Mr. Williams of Webster.

The SPEAKER: The Chair requests the committee to immediately perform its duties.

Subsequently the committee escorted "Mellie" and "Gram" into the House, amid its applause, the members rising.

Mr. McINTIRE: Mr. Speaker, your committee has discharged the duty with which it was assigned and now has the honor of presenting Mellie and Gram Dunham.

Thereupon Mellie and Gram were escorted to seats on either side of the Speaker, the members rising and applauding, and the Speaker discharged the committee with thanks.

On motion by Mr. Bissett of Port-

land the House gave three rousing cheers for "Mellie" and "Gram," which cheering was led by Mr. Bissett.

Passed to Be Engrossed

(S. P. 195) (S. D. 78.) An act to extend the charter of the Columbia Falls Water Company for two years.

(S. P. 323) (S. D. 102.) An act relating to exemption of certain property for taxation.

(S. P. 356) (H. D. 135.) An act relating to obtaining permission to set traps on trawls.

(S. P. 490) (S. D. 219.) An act relating to recording of instruments and conveyances.

(Tabled by Mr. Fuller of Southwest Harbor pending third reading.)

(H. P. 388) (H. D. 101.) An act relating to increases in capital stock of Public Utility corporations and proceedings before the Public Utilities Commission.

(H. P. 389) (H. D. 102.) An act relating to increases in the capital stock of railroad corporations.

(H. P. 390) (H. D. 103) An act relating to approval by the Public Utilities Commission of issues of stocks, bonds, notes or other evidences of indebtedness by public utility corporations.

(Tabled by Mr. Chase of Cape Elizabeth pending third reading.)

(H. P. 582) (H. D. 153) An act relating to digging out of fox dens.

(H. P. 354) (H. D. 402.) An act relating to the protection of white perch in Pemaquid and Biscay Ponds and Macurda Pond or Hilton Lake in Lincoln County.

(H. P. 466) (H. D. 403.) An act to regulate bass fishing in Virginia Lake in the county of Oxford.

(H. P. 358) (H. D. 404.) An act for the better protection of trout in Lake Cobbosseecontee in the county of Kennebec.

(H. P. 1158) (H. D. 405.) An act relating to the appointment of trustees for the Kennebec Water District.

(H. P. 1159) (H. D. 406.) An act relating to school house lots acquired by condemnation.

(H. P. 1161) (H. D. 407.) An act to prohibit the bedding, advance baiting, feeding, or corning, so-called of wild ducks.

(S. P. 279) (H. D. 234) Resolve in favor of the Passamaquoddy Tribe of Indians at Peter Dana's Point,

Princeton, for general care, maintenance and education thereof.

(S. P. 278) (H. D. 235.) Resolve in favor of the Passamaquoddy Tribe of Indians at Pleasant Point for general care, maintenance and education thereof.

(At this point Mellie and Gram Dunham withdrew from the House amid applause, the members rising.)

H. P. 387) (H. D. 409.) Resolve providing for an increase in State pension of Emily F. Grotton, Washington.

(H. P. 455) (H. D. 410) Resolve in favor of Joseph H. Underwood for damages caused by beaver.

(H. P. 1164) (H. D. 411.) Resolve providing for a State pension for Charles Rowe of Brownfield.

(H. P. 1165) (H. D. 412.) Resolve providing for a State pension for Adaline F. Washburn of Canaan.

(H. P. 1166) (H. D. 413) Resolve providing for a State pension for Eliza F. Withee of Vassalboro.

(H. P. 1167) (H. D. 414.) Resolve providing for a State pension for Lottie M. Marsh of Gorham.

(H. P. 1169) (H. D. 415.) Resolve in favor of Lydia Jackson of Hollis providing a State pension.

(H. P. 1169) (H. D. 416) Resolve providing for a State pension for Augusta M. Dolloff of Mount Vernon.

(H. P. 1170) (H. D. 417) Resolve in favor of Sarah Perkins for State pension.

Orders of the Day

The SPEAKER: Under orders of the day tabled and today assigned, the Chair lays before the House H. P. 1147, H. D. 368, bill an act relating to taxation of insurance companies, tabled March 16 by Mr. Hammond of Van Buren, pending the motion of Mr. Wing of Kingfield to refer to committee on Mercantile Affairs and Insurance, and specially assigned for today; and the Chair recognizes the gentleman from Van Buren, Mr. Hammond.

Mr. HAMMOND: Mr. Speaker, this is purely a taxation measure and the committee on taxation is in good, healthy condition and functioning perfectly; so that I hope that the motion of the gentleman from Kingfield, Mr. Wing will not prevail.

Mr. WING of Kingfield: Mr. Speaker, this matter is a matter of pure taxation, as stated. At the re-

quest of some people interested, or who would be mostly affected by this tax, — insurance companies, — they thought that the matter might be more accurately dealt with, possibly by a committee of insurance men, — men who are skilled in the affairs of insurance. I think that these people have no serious objection to this bill going to the committee on taxation, and as that committee seems specially interested in the matter, I am willing to withdraw my motion at the pleasure of the House.

Thereupon Mr. Wing of Kingfield was given permission to withdraw his motion whereby he moved to refer this bill to the committee on Mercantile Affairs and Insurance.

On motion by Mr. Hammond of Van Buren the bill was referred to the committee on Taxation.

The SPEAKER: The Chair lays before the House resolve in favor of B. F. Marley, H. P. 1050, H. D. 346, tabled by Mr. Hale of Portland, March 16, pending passage to be engrossed and specially assigned for today; and the Chair recognizes the gentleman from Portland, Mr. Hale.

Mr. HALE: Mr. Speaker, I ask the indulgence of the House to have these next three resolves reassigned for Wednesday next. I will say that I am making this request in behalf of the committee on Claims, and this, as I said before, I think will ultimately expedite matters.

Mr. ROUNDS of Portland: Mr. Speaker, we are getting well along in the session. We have some seventy-five more claims to be brought in here, and it seems to me that if we do not want to get a lot of pocket vetoes, we have got to do something quickly. We have tabled this and tabled it, and I think we ought to dispose of it one way or the other. Although I am House Chairman of the committee on Claims, I never knew before that there was any fault to find, and I would ask any other member of the claims committee whether they have heard any fault found.

Mr. HALE: Mr. Speaker, I will say that I had a talk yesterday afternoon with the Chairman of the committee on Claims, Senator Smith, and he was particularly anxious to confer with some people, not only about these but about some other claims of a similar character, and it was in

deference to his request that I ask the House to retable these resolves.

Mr. ROUNDS: Mr. Speaker I do think that if we want to get through, we have got to clean this thing up, because there has been a veto on claims every time that I have been in the Legislature. I remember one time when we passed a claim here over the Governor's veto with a vote of 138 to one, and I for one do not want to see any more pocket vetoes two years from now. I want every man who has a just claim to get his pay now.

Mr. HALE: Mr. Speaker, I ask unanimous consent of the House to address it a third time.

Unanimous consent was given.

Mr. HALE: Mr. Speaker, I want simply to say that if the House will allow time for conference on some of these measures, it will do more in that way than it can possibly do in any other way to obviate vetoes; and it is for that reason that we want further time on these claims.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Hale, that H. D. 346, resolve in favor of B. F. Marley, H. D. 348, resolve in favor of Hanson A. Barney of Guilford, and H. D. 349, resolve in favor of A. H. Wadleigh, compensating him for damage done his orchard by deer, be retabled and specially assigned for Wednesday, March 23.

A viva voce vote being taken, the motion to so retable prevailed.

The SPEAKER: The Chair lays before the House H. D. 335, an act to authorize the city of Portland to provide, by ordinance, for the retirement, pension and annuity to dependents, of members of the police and fire departments, tabled March 16 by Mr. Rounds of Portland, pending third reading and specially assigned for today.

Mr. ROUNDS of Portland: Mr. Speaker, I should like the consent of the House to present House Amendment A and move its adoption.

The SPEAKER: The gentleman from Portland, Mr. Rounds, presents House Amendment A and moves its adoption.

House Amendment A to House Document 335, "an act to authorize the city of Portland to provide, by ordinance, for the retirement, pen-

sion and annuity to dependents, of members of the police and fire departments".

Amend Section 1 by striking out after the word "including", the words "the chief of police".

The SPEAKER: Is it the pleasure of the House that Amendment A be adopted?"

Mr. ROUNDS of Portland: Mr. Speaker, the mayor of the city of Portland in the past was always the chief of police; but later that was changed and they called another man "acting chief of police", but he is really a patrolman. This has caused a good deal of dissension in the police department of the city of Portland. If there ever should be adopted another charter and he was put on half pay on retiring, he could not get as much as would a patrolman. Therefore it looks to me as though the mayor should still hold office as chief of police.

Miss LAUGHLIN of Portland: Mr. Speaker, I regret to be obliged to again oppose the gentleman from Portland, Mr. Rounds. This is a bill to give the city of Portland authority to pension members of the police and fire departments, including all the officers of the fire department and including the chief and all other officers of the police department. Hitherto the city government has not been allowed to provide pensions for either the chief of the fire department or the chief of the police department, with the result that it has been impossible to elevate from the ranks men who would take that position, and we have been appointing men from civil life as chief of police. The man now acting as "acting chief" is doing so because if he were chief at the time of arriving at the pension age he would miss the opportunity of getting a pension. No man from the ranks is willing to become chief of police in the city of Portland unless he comes within the pension provision, and this bill makes provision for the fire department chief also in that way. We lost a perfectly satisfactory chief of the fire department in Portland just for the lack of this provision for pensioning the chief. There seems to be no reason why, in authorizing the city of Portland to pension the police and fire department forces, we should exempt one man, the chief of police, and thereby make it impossible to elevate to that position from the ranks of the police depart-

ment a chief because he would immediately lose his pension rights. That is the reason why the person who is acting is only an acting chief of police in Portland, because he would not accept that position. I believe, also that this bill has the approval of practically everybody in the city of Portland, and I think it has the approval of the members of the Portland delegation in this House, and I trust, if necessary, that we hear from them.

Mr. CARLETON of Portland: Mr. Speaker, I heartily approve of all that Miss Laughlin has said. It is an absolute fact, and I think if it were not that there is some prejudice against our present chief of police, this bill would have gone through long ago. I think personalities has been brought into it.

The SPEAKER: The Chair will state that it does not feel that any imputing of improper motives is proper in debate.

Mr. DECKER from Portland: Mr. Speaker, I feel that the chief should be included in this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Rounds, that House Amendment A be adopted. As many are in favor of the adoption

of House Amendment A will say aye; those opposed will say no.

A viva voice being taken, the motion to adopt House Amendment A was lost.

Thereupon the bill was given its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the House, H. P. 949, an act to amend the city charter of the city of Augusta relative to the appointment of city officials, this paper having been recalled for its committee by the gentleman from Augusta, Mr. Kinsman.

On motion by Mr. Kinsman of Augusta, the bill was indefinitely postponed.

The SPEAKER: There is nothing else on the calendar specially assigned for today. Is there any matter that any member can take from the calendar?

There being no response the Clerk read the notices.

On motion by Mr. Carleton of Portland.

Adjourned until Tuesday afternoon, March 23, at 4.30 o'clock.