

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-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Thursday, February 14, 1929

Senate called to order by the President.

Prayer by the Rev. W. A. Smith of Waterville.

Journal of previous session read and approved.

From the House, the following order:

Ordered, the House concurring, that one thousand copies of the address of Col. Paul V. McNutt, National Commander of the American Legion, be printed for the use of the Legislature.

(Which was passed in the Senate, January 24)

In the House, passed as amended by House Amendment "A" in non-concurrence, said House Amendment "A" providing for the printing of 2500 copies.

In the Senate, on motion by Mr. Slocum of Cumberland, that body receded from its former action whereby this order was passed and the order was passed as amended by House Amendment "A" in concurrence.

From the House: An act relating to payment of damages by dogs and wild animals to domestic animals (H. P. 1052)

In the House, referred to the Committee on Agriculture.

In the Senate, referred to the Committee on Agriculture in concurrence and 1000 copies ordered printed.

Papers from the House disposed of in concurrence.

House Bills in First Reading

An act to protect muskrats in the town of Orrington in the county of Penobscot (H. D. 76)

An act relating to the Home for Aged Men in Bangor (H. D. 319)

Resolve providing for a state pension for Harrison M. Crocker of Whitefield (H. D. 320)

Resolve in favor of the Aroostook Test Laboratory (H. D. 318)

An act relating to clerk hire in the office of Registry of Deeds for Lincoln County (H. D. 317)

An act to extend the time for taking of smelts in the tidal waters

of Stonington and Deer Isle, in the county of Hancock (H. D. 316)

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

Judiciary

By Mr. Murchie of Washington: petition in favor of bill an act to register and license barbers and create a Board of Barber Examiners (S. P. 406)

By Mr. Wheeler of Oxford: petition in favor of the same (S. P. 407)

By Mrs. Carter of Androscoggin: An act to change the time of holding terms of the Supreme Judicial Court in the County of Androscoggin (S. P. 408)

(500 copies ordered printed)

By the same Senator: An act to change the time of holding one of the terms of the Superior Court for the county of Androscoggin (S. P. 409)

(500 copies ordered printed)

Sent down for concurrence.

Public Health

By Mr. Mitchell of Aroostook: An act to license and regulate private hospitals and private houses for the treatment of nervous and mental patients (S. P. 410)

(500 copies ordered printed)

Sent down for concurrence.

Revision of the Statutes

By Mr. Murchie of Washington: An act to amend section 2 of chapter 5 of the Revised Statutes by omitting the word "male" from the qualification of voters (S. P. 411)

By the same Senator: An act to amend section 20 of chapter 34 of the Revised Statutes relative to state stipends to agricultural societies (S. P. 412)

By the same Senator: An act relative to penalties by imprisonment (S. P. 413)

(500 copies of each ordered printed)

Sent down for concurrence.

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

By Mr. Harriman of Kennebec:

Resolve in favor of State School for Girls (S. P. 414)

(500 copies ordered printed)

Sent down for concurrence.

Taxation

By Mrs. Allen of Penobscot: Remonstrance of L. P. Swett, Inc., and 61 others of Bangor against the levying of any additional gasoline tax. (S. P. 415);

By Mr. Boulter of York: Remonstrance of John F. Cookson of Kittery and 85 others (S. P. 416) against the same;

By Mr. Bragdon of Aroostook: Remonstrance of R. G. Taylor of Presque Isle and 29 others (S. P. 417) against the same;

By Mrs. Carter of Androscoggin: Remonstrance of Hector O. LaFayette of Auburn and 71 others (S. P. 418); remonstrance of Dr. H. R. Miller of Auburn and 71 others (S. P. 419) against the same;

By Mr. Crosby of Penobscot: Remonstrance of E. D. Blaisdell of Dexter and 38 others (S. P. 420); remonstrance of F. E. Harvey of Kenduskeag and 41 others (S. P. 421) against the same;

By Mr. Crockett of York: Remonstrance of Raymond C. Burbank of Lyman and 32 others (S. P. 422) against the same;

By Mr. Noyes of Kennebec: Remonstrance of Frederick W. Smith and 20 others of Waterville (S. P. 423) against the same;

By Mr. Oakes of Cumberland: Remonstrance of Fred W. Holmes and 19 others (S. P. 425); remonstrance of John S. Goff and 27 others (S. P. 424); remonstrance of John A. Curtis and 17 others (S. P. 426) against the same;

By Mr. Spear of Cumberland: Remonstrance of Nathan K. Davis of Portland and 79 others (S. P. 427) against the same;

By Mr. Weatherbee of Penobscot: Remonstrance of W. H. Campbell et als (S. P. 428); remonstrance of Ivory Fogg et als (S. P. 429); remonstrance of Guy D. Thurlow et als (S. P. 430); remonstrance of H. E. Grant et als (S. P. 431); remonstrance of Clarence Blakeman et als (S. P. 432); remonstrance of Geo. McKenney et als (S. P. 433); remonstrance of S. S. Dudley et als (S. P. 434); remonstrance of Harry Smith et als (S. P. 435); remonstrance of Kaloe A. Googins et als (S. P. 436); remonstrance of

M. D. Weymouth et als (S. P. 437) against the same.

By Mr. Wheeler of Oxford: Remonstrance of E. N. Robertson of Bethel and 93 others (S. P. 438) against the same.

Sent down for concurrence.

Mr. DOUGLAS of Hancock: Mr. President, I wish to present an act, by unanimous consent of the Senate, to correct an error in the charter given to the town of Mt. Desert in 1927. It corrects a typographical error only.

The PRESIDENT: The Senator from Hancock, Senator Douglas, asks the unanimous consent of the Senate that he be permitted, under suspension of the rules, to introduce an act. Is it the pleasure of the Senate that the request be granted?

The permission was granted and Mr. Douglas of Hancock presented bill, An act to provide a better government for the town of Mt. Desert and correct an error (S. P. 439); and on further motion by the same senator the bill was referred to the Committee on Legal Affairs.

Bills in First Reading

An Act to fix the salary of the Judge of Probate for the County of Somerset. (S. D. 164)

An Act relating to the salary of the Register of Probate of Somerset County. (S. D. 165)

Reports of Committees

Mr. Slocum from the Committee on Library, on Resolve for the purchase of 250 copies of "The Mother Church" (S. P. 304-1927) reported that the same ought not to pass, as legislation thereon is inexpedient.

The report was read and accepted.

Sent down for concurrence.

The majority of the Committee on Legal Affairs, on bill An Act providing for the appointment of clerks of courts (S. D. 34) reported that the same ought not to pass.

(Signed)

TAYLOR
SARGENT
MURCHIE
JACK
BELLEAU
BURKETT

The minority of the same Committee, on the same subject matter, reported that the same ought to pass.

(Signed)

DWINAL
PEACOCK
CROSBY
BLAISDELL

(On motion by Mr. Crosby of Penobscot, tabled pending consideration of either report)

Mr. Crockett from the Committee on Banks and Banking, on bill An act to amend the banking laws of this State (S. D. 61) reported that the same ought to pass.

Mr. Mitchell, from the Committee on State Sanatoriums, on Resolve in favor of the Central Maine Sanatorium for the laying of a six inch water main from the county highway to the Sanatorium buildings (S. D. 100) reported that the same ought to pass.

The same Senator, from the same Committee, on Resolve in favor of the Central Maine Sanatorium for maintenance, personal services, repairs and equipment (S. D. 74) reported that the same ought to pass.

The same Senator, from the same Committee, on Resolve in favor of the Western Maine Sanatorium for the maintenance, personal services, repairs and equipment (S. D. 73) reported that the same ought to pass.

The same Senator, from the same Committee, on Resolve in favor of the Northern Maine Sanatorium for maintenance, personal services, repairs and equipment (S. D. 75) reported that the same ought to pass.

The reports were severally read and accepted, the bills read once, and tomorrow assigned for second reading.

Passed to be Engrossed

An act to continue the game sanctuary in Knox County known as the Knox County Game Preserve. (H. D. 13)

An act to change the name of Division of Maine, Sons of Union Veterans of the Civil War, to Department of Maine, Sons of Union Veterans of the Civil War. (H. D. 304)

Resolve providing for an increase in State pension for Sarah Perkins of Harmony. (H. D. 41)

An act to empower the Treasurer of Kennebec County to pay an additional compensation to the Recorder of Gardiner Municipal Court. (H. D. 53)

An act to establish the Winthrop and Wayne Game Sanctuary in the towns of Winthrop and Wayne. (H. D. 61)

An act confirming and making valid certain licenses or permits given by the Selectmen of Hancock and vesting in the Consolidated Lobster Company, Inc. certain rights and property in lobster pounds, wharf and dams in the waters of Skillings River on the west side of Hancock Point, Maine. (H. D. 305)

An act to incorporate the Great Pond Railway Company. (H. D. 306)

An act to extend the charter of the Blue Hill Water Company. (H. D. 307)

An act relating to clerk hire in the office of register of probate in Androscoggin County. (S. D. 156)

Passed to be Enacted

An act relating to the bringing actions for injuries causing immediate death. (H. D. 16)

An act relating to the annual payments to the Kennebec Law Library. (H. D. 27)

Orders of the Day

On motion by Mr. Oakes of Cumberland, the Senate voted to take from the table, Joint Order relative to the export of Hydro-Electric Power, presented by that Senator and tabled by him on February 13th pending reference.

Mr. OAKES of Cumberland: Mr. President, will the President state the pending question?

The PRESIDENT: The Chair will state that the pending question in this matter is on the motion of the Senator from Androscoggin, Senator Carter, to commit the order to three committees jointly, namely, the Committees on Judiciary Public Utilities and Interior Waters.

Mr. OAKES: Mr. President and members of the Senate, I hope that this motion will not prevail in order that the matter may not be referred to a committee and that we may dispose of it in this body this morning on the motion which I think is pending and which will

succeed the motion to refer; so I hope that the members of the Senate will not vote to refer this matter.

Mr. CARLTON of Sagadahoc: Mr. President and members of the Senate, I realize that this joint committee is getting all cluttered up with this sort of legislation as well as anyone, but a lady here has made a motion. I tried to explain that I thought we were getting too much of this sort of material down in this large committee to handle feasibly but yesterday I argued with some of these gentlemen here about an order that went through and they said the time hadn't arrived. I thought the time had arrived when patience and courtesy had ceased to be a virtue and too expensive for us to indulge in and I submit that this is rather a poor way to treat a lady's motion and I move that the matter go to the committees.

Mr. MURCHIE of Washington: Mr. President, when this order was first presented I was opposed to it because I did not believe, nor do I believe now, that the legal phase of the water power problem is in any sense the controlling phase. I think the question is an economic one. I believe that once we get our transmission line completed to Massachusetts, if we do get one completed, the question as to whether or not we do have control will be relatively unimportant because I believe that that transmission line will create one of two situations necessarily. It either will, as a result of making Maine's power feasible in Massachusetts, combined with the other advantages of freight and other items that Massachusetts has over Maine, make it advisable and desirable that persons locating new industries should locate them in Massachusetts rather than in Maine, as I fear, or, as the proponents of export assert, it will result in the bringing of new industries to Maine because of the greater availability of cheap power. If it results in the latter it does not seem to me that the question of legal control is necessarily important because it would then be good business for the public service companies, if they could not deprive Massachusetts corporations of the power, to

replace the Massachusetts power with steam power and bring back the electric power into Maine thereby saving a large loss in transmission. On hearing the remarks, however, of the Senator from Sagadahoc, Senator Carlton, in this body on February 12th and on finding out that the proponents of water power were not, as I understand, whole-heartedly in favor of settling the matter exclusively on economic grounds, I have come to the conclusion that it would be well for the State to get all the information on economic grounds, on legal grounds or on any other grounds except political grounds, which should not of course be considered in any matter.

I want to call the attention of the Senate to the peculiar position of the Senator from Sagadahoc (Senator Carlton). He now believes that as a matter of courtesy to the Senator from Androscoggin, Senator Carter, we should refer this matter to a committee, knowing well that the order calling for an opinion to be delivered to this Legislature by February 26th could not possibly be advertised and acted upon by a committee in time even to ask for an opinion before February 26th, and I do not believe that the Senator from Androscoggin, Senator Carter, desires any such disposition. It seems to me the position of the Senator from Sagadahoc, Senator Carlton, is that either by preachment of economy of time or money or by preachment of courtesy or otherwise he is disposed to kill in this Legislature any order, any bill or anything else that seeks to give the people of the State of Maine any enlightenment on the question of the advisability of the export of hydro-electric energy. He based his opposition to the order on February 12th on the ground of economy, on the ground, as the Senator from Cumberland, Senator Oakes, has said, that the Compact Bill is dead, and on the ground—I read his own words—"I have had all kinds of advice not to speak of it at all in fear that I might stub my toe and spill the beans."

Now, Mr. President and members of the Senate, it is not the people's beans that he is afraid he is going to spill. He is raising his

opposition for no other reason than to stop any order that may give some light on the matter. So far as economy is concerned the State spends upwards of ten million dollars a year. The report of the Committee on Budget shows that we expect to raise almost five million dollars by direct taxation, and I submit that the few thousand dollars that an opinion might cost will not make any material difference to the people of the State of Maine.

Not with any idea, Mr. President, of lack of courtesy to the Senator from Androscoggin (Senator Carter) but with the idea of meeting the issue that is before us squarely, I trust that the motion to refer will not prevail, so that the order may be discussed on its merits.

Mr. CARLTON: Mr. President, would I be in order to speak on this matter again at this time?

The PRESIDENT: The Senator is in order.

Mr. CARLTON: Mr. President, the member who made the motion to refer to a committee is on the floor. It seems to me she ought to be able to express her own ideas as to whether she wants this to go along or not. Then again, the Senator from Washington, Senator Murchie, has spoken of the matter of economy. In any business man's meeting I do not believe they would consider for a minute the idea of hiring the most expensive attorneys in the United States to pass upon a bill that the proponent himself says is dead. If you can think of anything more ridiculous I would like to hear it.

Mr. OAKES: Mr. President, I would like to say one word to state the parliamentary situation as I understand it as the matter would go through if we do not refer; and the President will correct me if I am in error. The next question would be on the motion of the Senator from Sagadahoc, Senator Carlton, that we indefinitely postpone the order. So, if we do not refer, Senator Carlton's motion will be in order for a vote and it is in order that we may bring Senator Carlton's motion to a vote that I am urging that we do not now refer.

The PRESIDENT: The Senator from Cumberland, Senator Oakes, is correct as regards the parlia-

mentary situation. The Chair will again state the question that is now pending, which is upon the motion of the Senator from Androscoggin, Senator Carter, that this order be committed to the Committees on Judiciary, Public Utilities, and Interior Waters jointly.

A division of the Senate being had the motion to commit failed of passage.

The PRESIDENT: The Chair will now state that the question before the Senate is on the motion of the Senator from Sagadahoc, Senator Carlton, that the order be indefinitely postponed. Is there debate?

Mr. OAKES: Mr. President, I think it would be in order to move at this time that the vote be taken by Yeas and Nays.

The PRESIDENT: It is in order. The Senator from Cumberland, Senator Oakes, moves that the vote be taken by Yeas and Nays. Those in favor of the Yeas and Nays will rise.

A sufficient number having risen the Yeas and Nays were ordered.

The PRESIDENT: The Chair will now state the question. The question is on the motion of the Senator from Sagadahoc, Senator Carlton, that the order be indefinitely postponed. Those in favor of indefinite postponement will vote Yes when their names are called. Those opposed to indefinite postponement will vote No when their names are called. Is the question plain and is the Senate ready? The Secretary will call the roll.

The roll was called.

YEA—Senators Allen, Bond, Boulter, Campbell, Carlton, Crosby, Douglas, Dwinal, Greanleaf, Lealand, Martin, Noyes, Pinkham, Spear, Weeks, Wheeler—16.

NAY—Senators Bragdon, Carter, Crockett, Harriman, Littlefield, Mitchell, Murchie, Nickerson, Oakes, Page, Slocum, Weatherbee—12.

ABSENT—Senators Dunbar, Minott.—2.

Sixteen having voted in the affirmative and twelve in the negative the motion to indefinitely postpone prevailed.

Mr. CARLTON: Mr. President, I move that we reconsider our action whereby we voted for the in-

definite postponement of this order and I hope that the motion will not prevail.

The PRESIDENT: The pending question is on the motion of the Senator from Sagadahoc, Senator Carlton, that the Senate reconsider its action whereby it voted to indefinitely postpone. Is the Senate ready for the question?

A division of the Senate being

had the motion to reconsider failed of passage.

The PRESIDENT: Is there any further business under Orders of the Day?

On motion by Mr. Le'and of Piscataquis,

Adjourned until tomorrow morning at 10 o'clock.