

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

OF THE

STATE OF MAINE

1929

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, March 13, 1929

Senate called to order by the President.

Prayer by the Rev. H. F. Milligan, of Gardiner.

Journal of previous session read and approved.

From the House: Resolve in favor of Roxie A. Benner for mother's aid. (H. P. 871 (H. D. 289))

(In Senate, February 12, referred to the Committee on Pensions in concurrence.)

Came from the House, having been recalled to that body by joint order, and having been withdrawn by unanimous consent.

In the Senate, on motion by Mr. Nickerson of Waldo, that Senator was given unanimous consent to withdraw the resolve in concurrence.

On motion by Mr. Spear of Cumberland, the rules were suspended and that Senator was given unanimous consent to introduce out of order the following order.

Ordered, the House concurring, that a committee of three on the part of the Senate, appointed by its President, with such as the House may join, be appointed to consider and report to the Legislature the advisability of a proceeding by address to the Governor and Council or otherwise for the removal of Clyde H. Smith, Charles H. Murray and Edwin T. Clifford, members of the State Highway Commission, or any of them, accompanying their report with a form of such resolve or other process as they may recommend for the first step in such a proceeding by address. The committee is also to consider and to report the order of proceedings to be observed in presenting such resolve or other process, in ordering and conducting hearings thereon and in presenting and adopting such address or addresses to the Governor and Council as may result therefrom. The committee is directed to obtain, if possible, from the United States Department of Agriculture, the United States Department of Justice, and other persons and sources, such data, evidence and information as they have in their possession, including names of witnesses, which will assist the committee in recommend-

ing the advisability and form of proceedings against the aforesaid members of the State Highway Commission or any of them, for malfeasance or misfeasance in office and unfitness to hold their office. Should such committee determine that it is necessary for it to hold a hearing in order to carry out the purpose of its appointment, it shall have the power to summons witnesses, and the Secretary of the Senate is directed to issue subpoenas for such witnesses as the committee may require.

The PRESIDENT: Is it the pleasure of the Senate that this order receive passage?

Mrs. CARTER of Androscoggin: Mr. President, I move that this order lie upon the table.

Mr. SPEAR of Cumberland: Mr. President, I ask for a division of the Senate on that motion.

The PRESIDENT: A motion to table is not debatable. The Senator from Cumberland, Senator Spear, moves that there be a division of the Senate on the motion of the Senator from Androscoggin, Senator Carter, that the order be tabled.

A division of the Senate was had.

None having voted in the affirmative and nineteen in the negative the motion to table failed of passage.

Thereupon, on motion by Mr. Dwinal of Knox, the order received passage.

Sent down for concurrence.

House Bills in First Reading

Resolve in favor of the Maine Institution for the Blind for experimental work in home reading. (H. P. 281) (H. D. 625)

Resolve in favor of the Maine Institution for the Blind for repairs to buildings. (H. P. 282)

Resolve to improve the road at Fort William Henry. (H. P. 1621)

An act relating to deposits individually and in trust in savings banks. (H. P. 1236) (H. D. 415)

An act relating to the use as part of name the words "savings", "savings," "savings bank", and kindred words. (H. P. 1239) (H. D. 416)

An act legalizing guaranteed bonds of Canadian Railroads as an investment for the savings banks of Maine. (H. P. 1240) (H. D. 417)

An act relating to collateral loans by mutual savings banks. (H. P. 1241) (H. D. 418)

An act relating to personal loans by mutual savings banks. (H. P. 1242) (H. D. 419)

An act relating to the allowance of interest on certain deposits by mutual savings banks. (H. P. 1243) (H. D. 420)

An act relating to dividends; maintenance of reserve funds; declaration of dividends in mutual savings banks. (H. P. 1244) (H. D. 421)

An act relating to the service of process on non-residents involved in automobile accidents. (H. P. 1616) (H. D. 629)

An act to change the name of Cumberland Agricultural and Horticultural Society; to enlarge the board of directors and to increase the amount of property the society may hold. (H. P. 1617) (H. D. 630)

An act to provide the town manager form of government for the town of Fort Fairfield. (H. P. 243) (H. D. 81)

An act relating to voters in unincorporated places and on islands. (H. P. 609) (H. D. 180)

An Act authorizing the city of Lewiston to issue bonds. (H. P. 861) (H. D. 284)

An act to make valid copies of records of instruments affecting or conveying title to real estate in the county of Knox and recorded in other counties. (H. P. 864) (H. D. 287)

An act relating to the care of abandoned or neglected animals. (H. P. 1029) (H. D. 325)

An act relating to the charter of the city of Saco. (H. P. 1618) (H. D. 631)

From the House: Resolve providing for a State pension for Charles R. Fish of Belfast. (H. P. 1623) (H. D. 641)

Came from the House, resolve indefinitely postponed.

In the Senate, on motion by Mr. Nickerson of Waldo, that body voted to concur with the House in the indefinite postponement of the resolve.

An act relating to the appropriation for the abolishment of grade crossings. (H. P. 1278) (H. D. 435)

An act relating to the salary of the Register of Deeds in Piscataquis county. (H. P. 676) (H. D. 627)

An act relating to amount allowed

for clerk hire in the office of the Register of Deeds in Piscataquis county. (H. P. 1619) (H. D. 532)

An act to increase the salary of the Treasurer of Androscoggin county. (H. D. 1620) (H. D. 633)

An act relating to closing of ways in winter. (H. P. 979) (H. D. 628)

Bills in First Reading

An act relating to the salary of the Sheriff of Washington county. (S. P. 156) (S. D. 334)

Resolve in favor of the Augusta State Hospital. (S. P. 527) (S. D. 335)

Reports of Committees

Mr. Greenleaf from the Committee on Public Health on bill An act relating to a filtering plant or system for the Portland Water District (S. P. 237) (S. D. 102) reported that the same ought not to pass.

(On motion by Mr. Slocum of Cumberland, tabled pending acceptance of the report.)

Mr. Murchie from the Committee on Salaries and Fees on bill, An act to provide for clerk hire in the office of Sheriff of Androscoggin county (S. P. 240) reported that the same ought not to pass.

The report was read and accepted.

Sent down for concurrence.

Mr. Mitchell from the Committee on Insane Hospitals, on Resolve in favor of Bangor State Hospital (S. P. 47) (S. D. 27), and new draft of same, under the same title (S. P. 455) (S. D. 174), both of which had been recommitted to that committee, reported that the original resolve (S. P. 47) (S. D. 27) ought to pass.

The report was read and accepted, the resolve read once and tomorrow assigned for second reading.

The same Senator from the same committee to which was recommitted Resolve in favor of Augusta State Hospital (S. P. 37) (S. D. 20), and new draft of same, under same title (S. P. 454) reported the same in a second new draft, under the same title (S. P. 672) and that it ought to pass.

Mr. Martin from the Committee on Judiciary, on bill An act relating to the powers of the State Highway Police (S. P. 360) (S. D. 143) reported the same in a new draft, under the same title (S. P. 674) and that it ought to pass.

(On motion by Mr. Littlefield of

York, tabled pending acceptance of the report).

Mr. Littlefield from the Committee on Towns, on bill An act to re-establish the town line between the towns of Hancock and Lamoine (S. P. 247) (S. D. 103) reported the same in a new draft, under the same title (S. P. 675) and that it ought to pass.

The same Senator from the same committee on bill An act to set off certain land from the town of Glenburn to be annexed to the city of Old Town (S. P. 248) (S. D. 104) reported the same in a new draft, under the same title (S. P. 676) and that it ought to pass.

The reports were severally read and accepted and the bills and resolve laid upon the table for printing under the joint rules.

Passed to be Engrossed

An act to establish the Fort Fairfield Municipal Court. (H. P. 9) (H. D. 5.)

(House Amendment "A" was adopted in concurrence and on motion by Mr. Bragdon of Aroostook the bill as so amended was tabled pending second reading.)

An act to provide town council and manager form of government for the town of Freeport, in the county of Cumberland. (H. P. 319) (H. D. 94.)

An act regulating the catching of smelts in the waters of Casco Bay and mouth of the Presumpscot River in Cumberland County. (H. P. 336) (H. D. 99.)

An act to create the Portland High School Athletic Field Commission (H. P. 854) (H. D. 281.)

An act relating to clerk hire in the Register of Probate's office, Oxford County. (H. P. 886) (H. D. 619.)

An act increasing the salary of the Judge of the Rumford Falls Municipal Court. (H. P. 891) (H. D. 620.)

An act to change the name of the town of Old Orchard to Old Orchard Beach. (H. P. 899) (H. D. 300.)

An act relating to the incorporation of a Council of the Boy Scouts of America. (H. P. 1028) (H. D. 324.)

An act to incorporate the Guilford and Sangerville Water District. (H. P. 1381) (H. D. 448)

(Which bill was given its second reading, House Amendment "A" was adopted in concurrence, and the bill passed to be engrossed, as amended by House Amendment "A," in concurrence.)

An act to validate the organization of Bangor Bridge District and continue its charter. (H. P. 1505) (H. D. 535.)

(On motion by Mr. Weeks of Somerset, tabled pending passage to be engrossed.)

An act to grant a charter to the town of Sanford (H. P. 1514) (H. D. 618.)

An act to incorporate the Home Finance Corporation. (H. P. 1612) (H. D. 622.)

An act relating to Loan and Building Associations. (H. P. 1613) (H. D. 623.)

An act to establish a game sanctuary in the towns of Mapleton and Chapman in Aroostook County. (H. P. 1615) (H. D. 624.)

An act relating to rules and regulations governing the issuance of teachers' pensions. (S. P. 459) (S. D. 186.)

(On motion by Mr. Spear of Cumberland, tabled pending passage to be engrossed.)

An act to amend section 38 of chapter 16 of the Revised Statutes relating to duties of superintending school committees. (S. P. 547) (S. D. 224.)

An act relative to the jurisdiction of the Supreme Judicial and Superior Courts. (S. P. 666) (S. D. 332.)

An act fixing trial terms of the Superior Court. (S. P. 667) (S. D. 329.)

(On motion by Mr. Oakes of Cumberland, tabled pending second reading.)

An act to incorporate the Maine Foundation. (S. P. 668) (S. D. 330.)

An act to license and regulate private hospitals and private houses for the treatment of patients mentally deranged. (S. P. 669) (S. D. 331.)

Finally Passed

Resolve for the purchase of "A History of Pemaquid." (H. P. 175) (H. D. 362.)

Resolve for the purchase of one hundred copies of the "History of

the town of Lincoln." (H. P. 245) (H. D. 363.)

Orders of the Day

The PRESIDENT: The Chair will state that, as this is Wednesday, every matter on the calendar is taken off the table automatically and the Chair lays before the Senate, House Report from the Committee on Legal Affairs "ought to pass" on An act relating to the Park Commission, of the City of Portland, (H. D. 277) tabled on March 6th by Mr. Crosby of Penobscot, pending consideration, and recognizes that Senator.

Mr. CROSBY of Penobscot: Mr. President, I yield to the Senator from Knox, Senator Dwinal, Chairman of the Legal Affairs Committee.

Mr. DWINAL of Knox: Mr. President, this is one of those bills that was recommitted in the House to the Committee on Legal Affairs and for the same reason that a bill last week was recommitted in the House, that is, to get a definition of Baxter Boulevard, and I move that the committee's report "ought to pass" be accepted in non-concurrence.

The report of the committee "ought to pass" was accepted in non-concurrence, the bill given its first reading and tomorrow assigned.

The President laid before the Senate, An act relating to expenses and clerk hire of the Commissioner of Agriculture, (H. D. 481), tabled on March 6th by Mr. Spear of Cumberland, pending passage to be engrossed; and on motion by that Senator the bill was passed to be engrossed, in concurrence.

The President laid before the Senate, An act protecting muskrats in the town of Orrington (H. D. 76) tabled on March 6th by Mr. Douglas of Hancock, pending consideration; and on motion by that Senator the bill was retabled.

The President laid before the Senate, An act relative to radio reception, (S. P. 608), tabled on March 6th by Mr. Slocum of Cumberland, pending reference; and on motion by that Senator the bill was

referred to the Committee on Aeronautics and Radio Control and 1500 copies ordered printed.

The President laid before the Senate, Resolve relative to bond issue for the purpose of paying a bonus to the Maine Soldiers and Sailors in the war with Spain, (S. P. 625), tabled on March 6th by Mr. Slocum of Cumberland, pending reference; and on motion by that Senator the bill was referred to the Committee on Military Affairs, and 1500 copies ordered printed.

The President laid before the Senate, An act to provide for the payment of a bonus to Maine Soldiers and Sailors in the war with Spain, (S. P. 626), tabled on March 6th by Mr. Slocum of Cumberland, pending reference; and on motion by that Senator, the bill was referred to the Committee on Military Affairs, and 1500 copies ordered printed.

The President laid before the Senate, An act to provide for the completion of the payment of the bonus to Maine Soldiers and Sailors in the war with Spain, (S. P. 627), tabled on March 6th by Mr. Slocum of Cumberland, pending reference; and on motion by that Senator, the bill was referred to the Committee on Military Affairs, and 1500 copies ordered printed.

The President laid before the Senate, An act relative to exemption from gasoline tax on internal combustion engines, not operated on the public highways, (S. P. 639), tabled on March 6th by Mr. Slocum of Cumberland, pending reference; and on motion by that Senator the bill was retabled and especially assigned for Friday next.

The President laid before the Senate, Senate report "ought not to pass" on An act relating to the Portland Water District, (S. D. 116), tabled on March 6th by Mr. Slocum of Cumberland, pending acceptance of report; and on motion by that Senator, the report was retabled.

The President laid before the Senate, House report from Com-

mittee on Legal Affairs "ought to pass" on An act to amend the charter of the city of Westbrook, (H. D. 70), tabled on March 6th by Mr. Crosby of Penobscot, pending consideration.

Mr. CROSBY of Penobscot: Mr. President, I yield to the Senator from Knox, Senator Dwinal.

Mr. DWINAL of Knox: Mr. President, this is a matter which can easily be taken care of by amendment, and I move that the committee report "ought to pass" be accepted.

The report of the committee "ought to pass" was accepted, in concurrence, the bill was given its first reading and tomorrow assigned.

The President laid before the Senate, House report from the Committee on Legal Affairs "ought not to pass" on An act relating to the Department of Public Welfare, (H. D. 371), tabled on March 7th by Mr. Dwinal of Knox, pending acceptance of report; and on motion by that Senator, the report of the committee "ought not to pass" was accepted in concurrence.

The President laid before the Senate, Resolve for a Teacher's Pension for Sadie Cummings, (S. D. 310), tabled on March 7th by Mrs. Pinkham of Aroostook, pending passage to be engrossed; and on motion by that Senator, the resolve was retabled.

The President laid before the Senate, Resolve in favor of the State Reformatory for Men, (S. D. 119), tabled on March 7th by Mr. Harriman of Kennebec, pending passage to be engrossed.

Mr. HARRIMAN of Kennebec: Mr. President, this resolve has to do with an appropriation in which all the appropriations of the state are involved, and so I move to retable it a few days longer.

The motion to retable prevailed.

The President laid before the Senate, An act relating to wards in the city of Portland, (H. D. 278), tabled on March 7th by Mr. Oakes of Cumberland, pending passage to be engrossed; and on motion by that Senator, the bill was retabled.

The President laid before the

Senate, Senate Report from the Committee on Inland Fisheries and Game "Ought not to pass" on An Act making it lawful to kill foxes and skunks, (S. D. 88), tabled on March 7th by Mr. Douglas of Hancock, pending acceptance of report.

Mr. DOUGLAS of Hancock: Mr. President, this bill has to do with something that may properly be covered under the bill, Senate Document 222, and I move to have it retabled pending consideration.

The motion to retable prevailed.

The President laid before the Senate, An Act increasing the amount of exemption from taxation of household furnishings, (H. D. 295), tabled on March 7th by Mr. Page of Somerset, pending enactment.

Mr. PAGE of Somerset: Mr. President, I move the indefinite postponement of House Document 295. I have no interest in this matter but during the last few days I have been taking it up with the State Assessors and they report to me that if such a bill should pass, the state would lose in taxes approximately six hundred thousand to seven hundred thousand dollars.

On motion by Mr. Crosby of Penobscot, the bill was retabled, pending enactment.

The President laid before the Senate, Resolve in favor of Philip T. Carroll, (S. D. 323), tabled on March 8th by Mr. Spear of Cumberland, pending first reading; and on motion by that Senator, the resolve was given its first reading and tomorrow assigned.

The President laid before the Senate, Resolve in favor of the department of Maine G. A. R. (S. D. 326), tabled on March 8th by Mr. Spear of Cumberland, pending first reading; and on motion by that Senator, the resolve was given its first reading, and tomorrow assigned.

The President laid before the Senate; An act relating to the Hancock-Sullivan Bridge, (H. D. 541), tabled on March 8th, by Mr. Spear of Cumberland, pending second reading; and on motion by that Senator the bill was given its second reading and passed to be engrossed in concurrence.

The President laid before the Senate, An act relative to military parades on election days, (H. D. 615), tabled on March 8th by Mr. Slocum of Cumberland, pending second reading; and on motion by that Senator, the bill was given its second reading and passed to be engrossed in concurrence.

The President laid before the Senate, An act relative to the canning of short lobsters (H. D. 348) tabled on March 8th by Mr. Littlefield of York pending second reading; and that Senator presented Senate Amendment "A" and moved its adoption: "Senate Amendment "A" to House Paper 1085 (H. D. 348) entitled An act to amend Section 38 of Chapter 45 of the Revised Statutes relative to canning of short lobsters. Amend by striking out the words 'one dollar' in the last paragraph and inserting in place thereof the words 'five dollars'."

Thereupon Senate Amendment "A" was adopted, the bill received its second reading and was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

The President laid before the Senate, Joint Order relative to recalling from the files of the Senate An act to establish a Park Commission of the city of South Portland, tabled on March 8th by Mr. Crosby of Penobscot pending passage.

Mr. CROSBY of Penobscot: Mr. President, I yield to the Senator from Knox, Senator Dwinal.

Mr. DWINAL of Knox: Mr. President, may I inquire what the action of the House was on that order and the status of the bill on which that order is based?

The PRESIDENT: The Chair will state that the bill on which this order is based is in the Senate files and the House now desires to have it recalled from the files so that they may take further action upon it.

Mr. DWINAL: Can you tell me, Mr. President, whether the committee report "ought not to pass" was accepted in the House?

The PRESIDENT: The Secretary will read the record of the bill.

The SECRETARY: The report of the committee was "ought not to

pass" which in the House was read and accepted on March 1, 1929. In the Senate on March 5th it was tabled pending acceptance of the report. The same day it was taken from the table and the report "ought not to pass" accepted in concurrence.

Mr. DWINAL: Mr. President, that bill would impose upon the people of South Portland a tax which they have not seen fit to impose upon themselves and that was the principle which induced the Legal Affairs Committee to report it "ought not to pass" here. I believe the order for withdrawing it from the files is for the purpose of recommitting it to the committee and I see no good purpose that could be served in that way. I therefor move the indefinite postponement of the order.

The motion for indefinite postponement prevailed.

The President laid before the Senate, House Report from the Committee on Ways and Bridges "ought to pass" on bill An act relative to highways through towns of less than five thousand inhabitants (H. D. 151) tabled on March 12th by Mr. Leland of Piscataquis, pending consideration.

Mr. LELAND of Piscataquis: Mr. President, I understand that the pending question is upon the recommitment of this bill to the committee.

The PRESIDENT: The Chair will state that in the House the bill was recommitted to the Committee on Ways and Bridges.

Thereupon, on motion by Mr. Leland of Piscataquis the bill was recommitted to the Committee on Ways and Bridges, in concurrence.

The President laid before the Senate, Resolve relating to the Highway Commission (S. P. 673) tabled on March 12th by Mr. Spear of Cumberland pending consideration; and on motion by that Senator the resolve was retabled.

On motion by Mr. Bragdon of Aroostook, the Senate voted to take from the table An act to establish the Fort Fairfield Municipal Court (H. D. 5) tabled earlier in today's session pending second reading; and on further motion by the same Senator the bill received its second

reading and was passed to be engrossed as amended by House Amendment "A" in concurrence.

The PRESIDENT: Is there any further business under orders of

the day that can come before the Senate?

On motion by Mrs. Allen of Penobscot

Adjourned until tomorrow morning at ten o'clock.