

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

Friday, March 15, 1929

Senate called to order by the President.

Prayer by the Rev. W. R. Wood of Augusta.

Journal of previous session read and approved.

On motion by Mr. Nickerson of Waldo, out of order and under suspension of the rules, it was

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Monday afternoon, March eighteenth, at four o'clock.

Sent down for concurrence.

Subsequently the foregoing order came back from the House, read and passed in concurrence.

From the House, the following order:

Ordered, the Senate concurring that bill An act to establish a Park Commission for the city of South Portland (H. P. 321) (H. D. 96) be recalled from the files of the Senate and returned to the House.

(In Senate, March 13, indefinitely postponed in non-concurrence.)

Comes from the House, that branch insisting upon its former action in passing the order, and asking for a Committee of Conference, the Speaker having named as the House members of such a Committee:

Representatives:

BOYNTON of South Portland,
ANDERSON of South Portland,
RICHARDSON of South
Portland,

On motion by Mr. Crosby of Penobscot the Senate voted to insist and join the Committee of Conference, and the President appointed as Senate members of such a Committee:

Senators:

CROSBY of Penobscot,
MURCHIE of Washington,
DWINAL of Knox.

Papers from the House disposed of in concurrence.

From the House: The majority of the Committee on Legal Affairs on bill an act relating to pilots for the Port of Portland (H. P. 862)

(H. D. 285) reported that the same ought to pass.

(Signed) MURCHIE
CROSBY
JACK
BELLEAU
TAYLOR
BURKETT

The minority of the same Committee, on the same subject matter, reported that the same ought not to pass.

(Signed) DWINAL
SARGENT
PEACOCK
BLAISDELL

Comes from the House, minority report "ought not to pass" accepted.

In the Senate, on motion by Mr. Slocum of Cumberland, the report was laid upon the table and specially assigned for Tuesday morning next.

House Bills in First Reading

An act relating to the Bucksport Seminary. (H. P. 510) (H. D. 650)

Resolve for the purchase of 100 copies of "The Beginnings of Education in Maine." (H. P. 1609) (H. D. 651)

Resolve for the purchase of "Embden Town of Yore". (H. P. 1614) (H. D. 653)

Resolve for the purchase of 100 copies of "Sketches of Brooks History". (H. P. 1610) (H. D. 652)

Orders

On motion by Mr. Spear of Cumberland, it was

Ordered, the House concurring, that there be added to the Joint Rules of the Senate and House, to be numbered as number twenty, the following: "No act or resolve involving an appropriation can be engrossed unless it bears the following endorsement: 'Examined and recorded by the Committee on Appropriations and Financial Affairs'."

Sent down for concurrence.

Bills in First Reading

An act relating to the annual payments to the Aroostook Law Library. (S. P. 211) (S. D. 343)

An act for the purchase of books for the Aroostook Law Library. (S. P. 212) (S. D. 344)

An act to amend the act defining the term "securities" under the "Blue Sky Law." (S. P. 677) (S. D. 345)

An act relating to the expenses of the Justices of the Supreme Judicial Court. (S. P. 678) (S. D. 346)

An act relating to bonds of licensed detectives. (S. P. 679) (S. D. 347)

Resolve providing for moving pictures of Maine's wild life for recreational advertising purposes. (S. P. 680) (S. D. 348)

Resolve in favor of the Pownal State School. (S. P. 681) (S. D. 349)

An act to amend chapter 110 of Revised Statutes relating to easements. (S. P. 682) (S. D. 350)

Reports of Committees

Mr. Crosby, from the Committee on Legal Affairs, on bill An act relating to motor vehicles driven in a reckless manner or by persons under the influence of intoxicating liquor or drugs (S. P. 617) (S. D. 284) reported that the same ought not to pass.

The same Senator, from the same Committee, on bill An act relating to registration fees payable for jitney busses (S. P. 619) (S. D. 287) reported that the same ought not to pass.

Mr. Murchie, from the same Committee, on bill An act relating to swimming or bathing (S. P. 616) (S. D. 283) reported that the same ought not to pass.

The same Senator, from the same Committee, on bill An act providing for the protection of owners of electric storage batteries (S. P. 620) (S. D. 288) reported that the same ought not to pass.

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

Mr. Crosby, from the Committee on Labor, on bill An act relating to the hours of employment of women and minors (S. P. 490) (S. D. 198) reported that the same ought not to pass.

Mr. Harriman, from the same Committee, on bill An act to protect the life and limb of persons engaged in labor requiring the use of rigging (S. P. 614) (S. D. 282) reported that the same ought not to pass.

Mr. Minott, from the Committee on Public Utilities, on bill An act to amend section 60 of chapter 57 of the Revised Statutes relating to number of brakemen on passenger trains (S. P. 597) (S. D. 272) reported that legislation thereon is inexpedient.

The same Senator, from the same Committee, on bill An act to provide for rates, tolls or charges by Public Utilities (S. P. 631) (S. D. 279) reported that the same ought not to pass.

Mr. Weatherbee, from the Committee on Revision of Statutes, on bill An act to amend section 34 of chapter 49 of the Revised Statutes relative to the weekly payment of wages (S. P. 536) (S. D. 213) reported that the same ought not to pass.

Mr. Bond, from the Committee on Ways and Bridges, on Resolve to provide a commission for investigating the feasibility of a bridge across the Penobscot River near Bucksport (S. P. 336) (S. D. 110) reported that the same ought not to pass.

The reports were severally read and accepted.

Sent down for concurrence.

Mrs. Allen, from the Committee on Education, on bill An act relating to the transportation or board of children in places of temporary residences, provided for, procedure to obtain, payment of, how made (S. P. 458) (S. D. 185) reported that the same ought to pass.

The same Senator, from the same Committee, on bill An act relating to the temporary closing of schools (S. P. 460) (S. D. 187) reported that the same ought to pass.

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

Mrs. Pinkham, from the Committee on Interior Waters, on bill An act to prohibit the erection of any dam on the public waters in the State unless and until all bushes, trees and stumps within the area to be flowed shall have been removed. (S. P. 339) (S. D. 145) reported the same in a new draft, under the same title (S. P. 683) and that it ought to pass.

Mr. Douglas, from the same Committee, on bill An act to amend

and extend the charter of Kernebec Reservoir Company, said charter being chapter 113 of the Private and Special Acts of 1927. (S. P. 289) (S. D. 123) reported the same in a new draft, under the same title (S. P. 684) and that it ought to pass.

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

Mr. Dwinal, from the Committee on Legal Affairs, on bill An act to regulate the plotting of private lands for streets or ways and imposing conditions for recording maps or plans of private land with streets or ways thereon. (S. P. 594) (S. D. 259) reported that the same ought to pass.

The same Senator, from the same Committee, on bill An act to amend section 69 of chapter 211 of the Public Laws of 1921 relating to lights on vehicles. (S. P. 615) (S. D. 286) reported that the same ought to pass.

Mr. Murchie, from the same Committee, on bill An act to amend sections 1 and 29 of chapter 29 of the Revised Statutes relating to paupers, their settlement and support. (S. P. 618) (S. D. 285) reported that the same ought to pass.

Mr. Littlefield, from the Committee on State Lands and Forest Preservation, on bill An act relating to a State Entomologist. (S. P. 604) (S. D. 265) reported that the same ought to pass.

Mr. Bond, from the Committee on State Prison, on Resolve in favor of the State Prison. (S. P. 463) (S. D. 188) reported that the same ought to pass.

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

The same Senator, from the Committee on Ways and Bridges, on bill An act to provide for building a bridge across the Penobscot River, at or near Bucksport. (S. P. 541) (S. D. 220) reported that the same ought to pass.

(On motion by Mr. Nickerson of Waldo, tabled pending acceptance of the report and printing ordered.)

The same Senator, from the same Committee, on Resolve in favor of the town of Lyman. (S. P. 644) reported that the same ought to pass.

The report was read and accepted and the resolve laid upon the table for printing under the joint rules.

Passed to Be Engrossed

An act relative to the County Commissioners of Penobscot County (H. P. 61) (H. D. 635.)

An act relating to teachers' pensions. (H. P. 96) (H. D. 40.)

An act to increase the compensation for clerk hire in the office of Waldo County Register of Deeds. (H. P. 521) (H. D. 637.)

An act relating to the salary of the Register of Probate of Washington County. (H. P. 674) (H. D. 638.)

An act relating to teachers' retirement system. (H. P. 1208) (H. D. 400.)

An act relating to the Superior Court in the County of Androscoggin. (H. P. 1246) (H. D. 422)

Resolve providing for a State pension for Alice M. Whitten of Albion. (H. P. 1475) (H. D. 639)

An act relating to the registration of nurses. (H. P. 1512) (H. D. 614)

Resolve in favor of the Charles H. Cutter Coal Co. of Boston. (H. P. 1624) (H. D. 642)

Mr. SPEAR of Cumberland: Mr. President, I move that this resolve be laid upon the table.

Mr. DUNBAR of Hancock: Mr. President, may I ask the Senator from Cumberland, Senator Spear, to assign a date?

The PRESIDENT: The Senator from Hancock, Senator Dunbar, asks, through the Chair, the Senator from Cumberland, Senator Spear, to assign a date.

Mr. SPEAR: I will assign the next legislative day, Mr. President.

The PRESIDENT: The Senator from Cumberland, Senator Spear, moves that the resolve be laid upon the table pending passage to be engrossed, and especially assigned for the next Legislative day. Is this the pleasure of the Senate?

The motion to table and assign prevailed.

An act to regulate water flowage in North East Pond. (H. P. 1627) (H. D. 645)

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

Resolve for the laying of the county taxes for the year nineteen hundred and thirty. (H. P. 1628) (H. D. 646)

(On motion by Mr. Greenleaf of Androscoggin, tabled pending passage to be engrossed)

Resolve for the laying of the county taxes for the year nineteen hundred and twenty-nine. (H. P. 1630) (H. D. 647)

(On motion by Mr. Greenleaf of Androscoggin, tabled pending passage to be engrossed.)

Resolve in favor of the Pownal State School for maintenance. (S. P. 71) (S. D. 41)

An act relating to the qualification of public officers. (S. P. 533) (S. D. 209)

Resolve in favor of Augusta State Hospital. (S. P. 672) (S. D. 336)

An act to re-establish the town line between the towns of Hancock and Lamoine. (S. P. 675) (S. D. 337)

(On motion by Mr. Douglas of Hancock, tabled pending passage to be engrossed)

An act to set off certain land from the town of Glenburn to be annexed to the city of Old Town. (S. P. 676) (S. D. 338)

Passed to be Enacted

An act to omit the word "male" from the qualification of voters. (S. P. 653) (S. D. 308)

(On motion by Mrs. Carter of Androscoggin, the rules were suspended and the Senators were allowed to smoke).

An act making explicit certain powers of the Park Commission of the city of Portland. (H. P. 853) (H. D. 215)

An act relating to a tax upon gasoline. (H. P. 63) (H. D. 30)

An act relating to the Millinocket Municipal Court. (H. P. 244) (H. D. 80)

Finally Passed

Resolve in favor of the town of Orono to assist in the support of pauper. (H. P. 1203) (H. D. 396)

Orders of the Day

The PRESIDENT: Under Orders of the Day, tabled and assigned for today, the Chair lays before the Senate An act relative to exemp-

tion from gasoline tax on internal combustion engines, not operated on the public highways, (S. P. 639), tabled on March 13 by Mr. Slocum of Cumberland, pending reference, and recognizes that Senator.

Mr. SLOCUM of Cumberland: Mr. President, I move that this be referred to the Committee on Ways and Bridges and Taxation jointly, the subject matter being similar to a matter considered by those committees previously in the session, and that 500 copies be ordered printed.

The motion prevailed.

The PRESIDENT: This is the only matter especially assigned for today. Is there any other matter on the table that any Senator feels he can take off this morning?

On motion by Mr. Oakes of Cumberland, out of order, and under suspension of the rules, it was

Ordered: That the use of the Senate Chamber be granted to the Committees on Judiciary and Publicity for a hearing on Tuesday, March 19, at two o'clock.

The PRESIDENT: Awaiting the arrival of further papers from the House, the Chair will declare a recess.

After Recess

The Senate was called to order by the President.

From the House: An act relative to the jurisdiction of the Supreme Judicial and Superior Courts. (S. D. 332)

(In Senate, March 13th passed to be engrossed)

Comes from the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Oakes of Cumberland, out of order and under suspension of the rules, the Senate voted to reconsider its action whereby this bill was passed to be engrossed; and on further motion by the same Senator, House Amendment "A" was adopted and the bill as so amended was passed to be engrossed in concurrence.

From the House: Joint Order relative to the appointment of a

committee of three on the part of the Senate with such as the House may join to consider and report to the Legislature the advisability of a proceeding by address to the Governor and Council for the removal of Clyde H. Smith, Charles H. Murray and Edwin T. Clifford, (H. D. 657).

(In Senate March 13th, read and passed)

Comes from the House, read and passed in concurrence, and the Speaker appointed as members of such committee on the part of the House Messrs. Foster of Ellsworth, Melcher of Rumford, Holbrook of Vanceboro, Bishop of Boothbay Harbor, Holman of Farmington, Small of Freedom, Wright of Bath.

In the Senate, the President appointed as members of such committee on the part of the Senate, Senators Spear of Cumberland, Dwinal of Knox, Mitchell of Aroostook.

On motion by Mr. Greenleaf of Androscoggin, the Senate voted to take from the table, Resolve for the laying of the county taxes for the year nineteen hundred and thirty, (H. D. 646), tabled by that Senator earlier in today's session, pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed.

On motion by Mr. Greenleaf of Androscoggin, the Senate voted to take from the table, Resolve for the laying of the county taxes for the year nineteen hundred and twenty-nine, (H. D. 647), tabled by that Senator earlier in today's session, pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed.

Mr. SPEAR of Cumberland: Mr. President, would it be in order to reconsider the matter of assignment in the matter of the Cutter Coal Company bill?

The PRESIDENT: The Chair will state for the information of the Senator from Cumberland, (Senator Spear), that the bill is on the table. The Senator may move that it be taken from the table and then make such motion as he desires.

Mr. SPEAR: I would move to take it from the table at this time if that is in order. Would reconsideration be in order first?

The PRESIDENT: A motion to take from the table in order to handle the matter, is in order first.

Thereupon, on motion by Mr. Spear of Cumberland, the Senate voted to take from the table, Resolve in favor of the Charles H. Cutter Coal Company of Boston, (H. D. 642), tabled by that Senator earlier in today's session, pending passage to be engrossed.

Mr. SPEAR: Mr. President, I now yield to the Senator from Somerset, Senator Page.

Thereupon Mr. Page of Somerset offered Senate Amendment A and moved its adoption:—

Senate Amendment "A" to House Paper No. 120 (H. D. 642). Amend said paper by striking out all after the word "resolved" and inserting in place thereof the following: "the C. H. Cutter Coal Company, a corporation located at Boston in the commonwealth of Massachusetts, who claim to have sustained a loss in the sale by it to the State of Maine of four thousand tons of soft coal are hereby authorized to bring a suit of law in the supreme judicial court within one year from the first day of August, nineteen hundred twenty-nine at any term thereof for the county of Kennebec, against the State of Maine, and the writ issuing out of said supreme judicial court under the authority of this resolve shall be served on the Secretary of State by attested copy thirty days before the return day thereof by the sheriff or either of his deputies of any county of the State of Maine, and the evidence shall be taken out before a single justice of the supreme judicial court in term time or vacation and the case reported to the law court for final determination, and the liabilities of the parties shall be the same as the liabilities between individuals, and any judgment that may be recovered in such suit at law shall be payable from the treasury of the State of Maine on final process issued by said supreme judicial court in said suit at law out of any money not otherwise appropriated and costs may be taxed for the said C. H. Cutter

Coal Company if it recover in said suit."

On motion by Mr. Dunbar of Hancock, the resolve and the amendment were laid upon the

table pending adoption of the amendment.

On motion by Mr. Douglas of Hancock

Adjourned until Monday afternoon, March 18th, at four o'clock.