

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

Tuesday, March 26, 1929

Senate called to order by the President.

Prayer by the Rev. Charles F. Sargent of Winthrop.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Report of the majority of the Committee on Judiciary, on bill "An act relating to voting by persons physically incapacitated" (H. P. 1213) (H. D. 411) reported that the same ought to pass.

(Signed) MARTIN
WING
ALDRICH
FARRIS
LAUGHLIN
WILLIAMSON
HOLMAN

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

(Signed) WEEKS
OAKES
McCART

Comes from the House, majority report accepted, and bill passed to be engrossed.

In the Senate:

Mr. OAKES of Cumberland: Mr. President, I move the acceptance of the minority report.

Thereupon, on motion by Mr. Martin of Kennebec, the report was laid upon the table pending motion to accept the minority report.

From the House: Report of the Committee on Agriculture, on bill "An act relating to weights and measures" (H. P. 1520) (H. D. 545) reported that the same ought to pass.

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

In the Senate, the report was read and accepted in concurrence, the bill received its first reading.

House Amendment A was read.

House Amendment A was adopted and the bill assigned for tomorrow morning at ten o'clock for second reading.

House Bills in First Reading

An act relating to payment of damages by dogs and wild animals to domestic animals. (H. P. 1656) (H. D. 687)

An act relating to small loan agencies. (H. P. 1237) (H. D. 414)

An act relating to the giving of checks and drafts on banks where the maker has not sufficient funds. (H. P. 1528) (H. D. 600)

Resolve in favor of the town of Enfield. (H. P. 1667) (H. D. 700)

Resolve in favor of the town of Howland. (H. P. 1668) (H. D. 701)

An act relating to fishing in inland waters in York County. (H. P. 1045) (H. D. 336)

An act relative to pledges. (H. P. 1251) (H. D. 423)

An act relating to validating certain acts and deeds. (H. P. 1561) (H. D. 570)

An act to provide better government for the town of Mount Desert. (H. P. 1565) (H. D. 573)

Resolve in favor of additional room for State Departments. (H. P. 1662) (H. D. 697)

An act relative to Sea and Shore Fisheries Commission. (H. P. 1663) (H. D. 698)

An act relative to recording certificates of decree barring husband or wife of rights in real property. (H. P. 1665) (H. D. 699)

An act relating to the recovery of estates by writ of entry; mode of service. (H. P. 1664) (H. D. 696)

Resolve in favor of the Jackman-Rockwood Road. (H. P. 1669) (H. D. 702)

The following resolve was received and on recommendation by the committee on reference of bills was referred to the following committee:

Appropriations and Financial Affairs

By Mr. Littlefield of York "Resolve in favor of E. F. Baker, Clerk of Sea and Shore Fisheries Committee." (S. P. 727.)

Sent down for concurrence.

Bills in First Reading

Resolve providing for a State pension for Charles Brown of Liberty. (S. P. 629) (S. D. 376)

An act relating to deposits in the names of two or more persons in banks, institutions for savings,

trust companies or shares in Loan and Building Associations. (S. P. 719) (S. D. 377)

An act to make uniform the method of computing interest on savings accounts in trust companies, savings banks and national banks. (S. P. 724) (S. D. 378)

An act relating to the protection of children. (S. P. 726) (S. D. 379)

Reports of Committees

Mr. Boulter, from the Committee on Mercantile Affairs and Insurance, on bill an act requiring owners of motor vehicles to show certain financial responsibility or to carry liability insurance or to furnish bonds (S. P. 623) (S. D. 290) reported that the same ought not to pass.

Mr. Murchie, from the Committee on Salaries and Fees, on bill an act to authorize clerk hire in the Clerk of Courts Office in Penobscot County (S. P. 326) reported that the same ought not to pass.

The same Senator, from the same Committee, on bill an act relating to the compensation of County Commissioners for Kennebec County (S. P. 325) reported that the same ought not to pass.

Mr. Bond, from the Committee on Ways and Bridges, on bill an act relating to continuous roads through three or more towns (S. P. 643) (S. D. 296) reported that the same ought not to pass.

Mr. Leland, from the same committee, on bill an act relative to the use of bond issue funds in compact portions of certain towns (S. P. 2) (S. D. 2) reported that the same ought not to pass.

The reports were severally read and accepted.

Sent down for concurrence.

Mr. Crockett, from the Committee on Banks and Banking, on bill an act relating to license fees for small loan agencies (S. P. 649) (S. D. 300) reported that the same ought to pass.

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

Mr. Dwinal, from the Committee on Legal Affairs, on bill an act to establish the territorial limits of the South Paris Village Corporation (S. P. 578) (S. D. 246) reported the same in a new draft, under the same title (S. P. 728) and that it ought to pass.

The report was read and accept-

ed and the bill laid upon the table for printing under the joint rules.

Mr. Boulter, from the Committee on Mercantile Affairs and Insurance, on bill an act concerning financial responsibility for damages caused by the operation of motor vehicles (S. P. 622) (S. D. 291) reported that the same ought to pass.

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

Mr. Murchie, from the Committee on Salaries and Fees, on bill an act to increase the salary of the County Commissioners of the County of Washington (S. P. 157) reported that the same ought to pass.

The same Senator, from the same committee, on bill an act to amend section 31 of chapter 117 of the Revised Statutes, relating to salaries of public officers, and the compensation of members of the government (S. P. 537) (S. D. 210) reported the same in a new draft, under the same title (S. P. 729) and that it ought to pass.

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

Mr. Bond, from the Committee on Ways and Bridges, on resolve proposing an amendment to Article IX of the Constitution, authorizing the issuing of bonds to be used for the purpose of building a bridge across the Penobscot River (S. P. 542) (S. D. 221) reported the same in a new draft, under the title of resolve proposing an amendment to Article IX of the Constitution authorizing the issuing of bonds to be used for the purpose of building a bridge across the Penobscot River, to be known as the Waldo-Hancock Bridge (S. P. 730) and that it ought to pass.

(On motion by Mr. Crosby of Penobscot, tabled pending acceptance of the report.)

The same Senator, from the same Committee, on bill an act relating to damage suits brought against towns and counties on State and State aid highways (S. P. 373) (S. D. 157) reported that the same ought to pass.

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

Mr. Littlefield, from the Committee on Sea and Shore Fisheries, submitted its final report.

The report was read and accepted.

Sent down for concurrence.

Passed to be Engrossed

An act to incorporate the town of Rumford School District. (H. P. 422) (H. D. 135.)

Resolve to reimburse the Judge of the Caribou Municipal Court for clerk hire. (H. P. 770) (H. D. 237.)

Resolve in favor of Lena F. Cummings, widow of Henry F. Cummings. (H. P. 772) (H. D. 239)

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

Resolve providing for the purchase of "Minstrelsy of Maine." (H. P. 867) (H. D. 689.)

An act relating to the capturing of bees. (H. P. 1518) (H. D. 599.)

An act to annex Cow Island to the town of Bremen. (H. P. 1588) (H. D. 591.)

An act to incorporate Madawaska Water Co. (H. P. 1643) (H. D. 668.)

An act relating to a State Geologist. (H. P. 1659) (H. D. 690.)

An act to extend the charter granted to the Sandy River and Rangeley Lakes Railroad Company. (H. P. 1661) (H. D. 691.)

An act to amend chapter 298, Public Laws of 1917, relating to licenses of small loan agencies by the Bank Commissioner. (S. P. 440) (S. D. 180.)

An act to provide for the inspection of internal combustion engine fuel and lubricating oils. (S. P. 718) (S. D. 370.)

An act to amend sections 41, 44, 45, 53 and 54 of chapter 18 of the Revised Statutes, relating to Optometry. (S. P. 720) (S. D. 371.)

An act relating to lobster licenses. (S. P. 721) (S. D. 372.)

An act to provide for the forfeiture of lobster traps and other gear and vehicles and other contrivances used in the several branches of the lobster industry. (S. P. 722) (S. D. 373.)

(On motion by Mr. Boulter of York, tabled pending passage to be engrossed.)

An act to amend the Public Laws of 1923, chapter 87, relating to lobster licenses. (S. P. 723) (S. D. 374.)

House order, out of order.

Ordered, the Senate concurring, that there be returned from the

Engrossing Department to the House:

H. P. 533, H. D. 679, resolve in favor of the towns of Gardiner and Randolph for painting and maintenance of bridge.

H. P. 481, H. D. 678, resolve in favor of the town of Fort Fairfield for repairs and maintenance of bridge.

H. P. 192, H. D. 676, resolve in favor of Trustees of bridge between Machias and Machiasport for repairing bridge.

for the purpose of amending to designate funds to be taken from.

Read and passed on concurrence.

Orders of the Day

On motion by Mr. Weeks of Somerset, the Senate voted to take from the table, resolve in favor of the State Reformatory for Women for the erection of a house for mothers and babies, (H. D. 663), tabled on March 21st by that Senator, pending passage to be engrossed as amended by Senate Amendment A in non-concurrence; and on further motion by the same Senator, the resolve was passed to be engrossed as amended by Senate Amendment A in non-concurrence.

On motion by Mr. Harriman of Kennebunk, the Senate voted to take from the table, resolve for the construction and equipment of an industrial building at the State Reformatory for Men, (S. D. 119), tabled on March 22 by that Senator, pending consideration.

Mr. HARRIMAN of Kennebec: What is the pending question, Mr. President?

The PRESIDENT: The Chair will state that this resolve has been passed to be engrossed in the Senate. In the House it was passed to be engrossed as amended by House Amendment A in non-concurrence. The next step, if the Senate desires to concur with the House, is to recede and concur in the adoption of House Amendment A.

Thereupon, on motion by Mr. Harriman of Kennebec, the Senate voted to recede and concur with the House in the adoption of House Amendment A; and the resolve as amended by House Amendment A, was passed to be engrossed in non-concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table An act confirming the construction of the ferry wings at Peaks Island (H. D. 294) tabled yesterday by that Senator, pending consideration.

Mr. LITTLEFIELD of York: Mr. President, I now yield the floor to the Senator from Penobscot, Senator Weatherbee.

Mr. WEATHERBEE of Penobscot: Mr. President, at the time I offered Senate Amendment A to this bill to correct the body of the bill I necessarily assumed that the author of the bill knew the name of his own corporation and had given it correctly so I used the same name. I note, however, that he has discovered in the House that he had the wrong name and has offered House Amendment A. Therefore, I move the acceptance of House Amendment A.

The PRESIDENT: The Senator from Penobscot, Senator Weatherbee, moves that the Senate recede and concur with the House in the adoption of House Amendment A to Senate Amendment A. Is this the pleasure of the Senate?

Thereupon, House Amendment A to Senate Amendment A was adopted in concurrence and the bill as so amended was passed to be engrossed.

On motion by Mr. Littlefield of York, the Senate voted to take from the table An act relating to fusible plugs in steam boilers (H. D. 661), tabled on March 25th by that Senator pending adoption of House Amendment A to House Amendment A; and on further motion by the same Senator House Amendment A to House Amendment A was adopted in concurrence.

Thereupon, House Amendment A as so amended was adopted in concurrence, the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Littlefield of York, the Senate voted to take from the table An act relating to the sterilization of milk bottles, (H. D. 686), tabled by that Senator on March 25th pending second reading; and on further motion by the same Senator, the bill was

given its second reading, and passed to be engrossed.

On motion by Mr. Dwinall of Knox, the Senate voted to take from the table, An act in relation to the rights of creditors and beneficiaries, under policies of life and accident insurance and under annuity contracts, (S. D. 223), tabled by that Senator on March 22nd, pending adoption of Senate Amendments A and B.

Mr. DWINAL of Knox: Mr. President, I now yield to the Senator from Penobscot, Senator Crosby.

Mr. CROSBY of Penobscot: Mr. President, I ask leave to withdraw Senate Amendment A introduced by me on the last legislative day.

Unanimous consent was given that Senator to withdraw Senate Amendment A.

Thereupon on motion by that Senator, Senate Amendment B was adopted; and on further motion by the same Senator, the bill as amended by Senate Amendment B was passed to be engrossed.

On motion by Mr. Oakes of Cumberland, the Senate voted to take from the table an act fixing the trial terms of the Superior Courts (S. D. 329) tabled on March 20th by that Senator pending second reading; and on further motion by the same Senator the bill received its second reading.

Thereupon Mr. Oakes of Cumberland presented Senate Amendment A and moved its adoption:

Senate Amendment A to Senate Paper No. 667, Senate Document No. 329. Amend Senate Paper No. 667 Senate Document No. 329 by striking out all after the enacting clause and inserting in place thereof the following:

Section 1. For the trial of civil actions and persons accused of offenses and for the transaction of all business within the jurisdiction of the superior court, the trial terms of the superior court shall be held annually by one justice at the following places and times, and the justices shall so hold said terms as directed by the chief justice of the supreme judicial court, that their services shall be divided to each county as equally as may be.

Androscoggin: At Auburn on the first Tuesdays of January, March, April, June, October and December for civil and criminal business, provided that the grand jury shall attend only at the January, June and October terms, unless specially summoned by order of a justice of said court. All recognizances for appearance to abide action by the grand jury shall be for appearance at the term at which the next regular session of the grand jury is held, but appeals in criminal as well as civil matters and removals shall be to the next regular term.

Aroostook: At Houlton on the first Tuesdays of April and November for civil and criminal business, and at Caribou on the first Tuesday of February and second Tuesday of September for civil business only.

Cumberland: At Portland on the first Tuesday of every month except July and August; but the criminal business of said county shall be transacted at the terms held on the first Tuesdays of January, May and September, together with civil business. The January, May and September terms of said court may be kept open for criminal business after their final adjournment for civil business for such time as the presiding justice may deem expedient provided that they shall be finally adjourned at least seven days before the convening of the next succeeding term in which criminal business may be done.

Franklin: At Farmington on the first Tuesday of February, second Tuesday of May and second Tuesday of September; the May term shall be held without a grand jury and with but one traverse jury, unless a justice of said court shall otherwise specially order, in which case the clerk shall send venire for the requisite number of traverse jurors, and shall summon the grand jury of the preceding term, as the terms of said order may require. All recognizances from municipal courts and trial justices in which parties are held to await the action of the grand jury, made returnable to said May term, shall, when no grand jury is in attendance, be continued to and have day in the next term of the court held in said county.

Hancock: At Ellsworth on the

second Tuesdays of April, September and December.

Kennebec: At Augusta on the first Tuesdays of February, April, June and October, and at Waterville on the first Tuesday of December; but the criminal business of said county shall be transacted at the terms held on the first Tuesdays of February, June and October, together with civil business. The presiding justice may continue any case pending in said court without costs, when in his judgment justice may require it, in order to give the parties in interest opportunity to try any such case in either Waterville or Augusta in said county.

Knox: At Rockland on the first Tuesdays of February, May and November.

Lincoln: At Wiscasset, on the first Tuesday of May and first Tuesday of November.

Oxford: At Paris on the second Tuesday of February and on the first Tuesday of November, and at Rumford on the second Tuesday of May.

Penobscot: At Bangor, on the first Tuesdays of January, April, June, September and November and the criminal business of said county shall be transacted at the terms held on the first Tuesdays of January, June and September, together with civil business and the criminal business of said county may be transacted at the April term together with civil business provided that the grand jury shall not attend at the April term unless specially summoned by order of a justice of said court.

Piscataquis: At Dover-Foxcroft, on the second Tuesdays of March and September.

Sagadahoc: At Bath on the second Tuesday of January, the first Tuesday of June and the third Tuesday of October.

Somerset: At Skowhegan on the second Tuesday of January, the first Tuesday of May and the second Tuesday of September.

Waldo: At Belfast on the first Tuesday of January, the second Tuesday of April and the first Tuesday of October.

Washington: At Machias, on the first Tuesday of February and the second Tuesday of October, and at

Calais on the first Tuesday of June.

York: At Saco, on the second Tuesday of January and at Alfred on the first Tuesdays of May and October.

Sect. 2. Two or more simultaneous sessions of the superior court may be held in the same county, whenever the chief justice of the supreme judicial court determines that public convenience so requires; and the business may be so divided as to secure its speedy and convenient disposal.

Sect. 3. Venires for grand jurors to serve at the several terms of the superior court shall be issued annually by each clerk for his respective county forty days at least before the first criminal term to be held in said county on or after the first day of September, and the grand jurors shall serve during the year at each term in their respective counties at which criminal business may be transacted unless herein otherwise provided.

Sect. 4. Section fifty-one of chapter eighty-two of the revised statutes is hereby repealed.

Thereupon, Senate Amendment A was adopted; and on further motion by the same Senator the bill as so amended was laid upon the table pending passage to be engrossed and five hundred copies of the amendment ordered printed.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table, Senate Report from the Committee on Judiciary "ought not to pass", on An act relating to Primary Elections, (S. D. 161), tabled by that Senator on March 25th pending acceptance of the report.

Mr. MARTIN of Kennebec: On this matter, Mr. President, I would like to say that the bill which was presented and which was reported out from the committee is substantially, if not exactly, the same

as the bill which was passed by the House two years ago. It raises the limitation in amounts on what can be spent in primaries, and makes it necessary to account for all moneys spent. One of the purposes is that the proponents feel that it deals fairly with all expenditures and particularly is fair, differing possibly from the present law, in relation to publishers. The committee, however, felt that there were some differences in the matter which could not be settled properly at this time, and because of several possibly minor or major differences, it seemed best to report the matter out "ought not to pass", although at the same time I think it is fair to say that the committee feels that the bill has considerable merit. I therefore, under the circumstances, move the acceptance of the report "ought not to pass".

The report of the committee "ought not to pass" was accepted.

The PRESIDENT: The Senate will now recess until eleven o'clock.

After Recess

The Senate was called to order by the President.

The PRESIDENT: In respect to the memory of that great French soldier who was the generalissimo of the allied armies during the World War, Marshal Ferdinand Foch, and in compliance with the provisions of the order that was passed in this body yesterday, the members of the Senate will now rise and stand with bowed heads for one minute.

Thereupon the members of the Senate rose and stood with bowed heads for one minute.

On motion by Mr. Slocum of Cumberland

Adjourned until tomorrow morning at ten o'clock.