

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, April 2, 1929

Senate called to order by the President.

Prayer by the Rev. W. F. Greenman of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Bill, an act to re-enact Chapter 132, Public Laws of 1913, relating to the title of islands belonging to the State, repealed through an error by the General Repealing Act of the 1916 Revised Statutes (S. P. 698) (H. D. 706) which was passed to be engrossed in the Senate March 29.

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

In the Senate, that body voted to recede and concur with the House, House Amendment A was read and adopted and the bill as so amended was passed to be engrossed in concurrence.

From the House. Resolve appropriating money to screen the outlet of Slyadobsis Lake, commonly called Lower Dobsis Lake in township five, north division, in the county of Washington ((S. P. 611) (S. D. 302).

(In Senate, March 29, report "ought not to pass" of the Committee on Inland Fisheries and Game accepted.)

Comes from the House, recommended to the Committee on Inland Fisheries and Game in non-concurrence.

In the Senate:

Mr. DOUGLAS of Hancock: Mr. President, I move that we recede and concur with the House and in explanation will say that the people asking for the screen have met the requirements of the Commissioner and we would like to have the bill come back to the committee.

The PRESIDENT: The Senator from Hancock, Senator Douglas, moves that the Senate recede and concur with the House in recommending the bill to the Committee on Inland Fisheries and Game. Is this the pleasure of the Senate?

The motion prevailed.

House Bills in First Reading

Resolve in favor of charitable and benevolent institutions for care and support of certain persons. (H. P. 1718) (H. D. 773)

Resolve in favor of the State Board of Mothers' Aid. (H. P. 1714) (H. D. 779)

Resolve in favor of the Bath Military and Naval Orphan Asylum. (H. P. 1713) (H. D. 778)

Resolve in favor of Nordica Memorial Association. (H. P. 1712) (H. D. 777)

Resolve for pay and expenses of Wardens of Sea and Shore Fisheries and purchase of seed lobsters. (H. P. 1711) (H. D. 776)

Resolve appropriating money to be used in repair and betterment of Bangor State Arsenal property in Bangor which is a State Park. (H. P. 1710) (H. D. 775)

Resolve in favor of an Armory for the city of Bangor. (H. P. 1717) (H. D. 782)

Resolve in favor of the Maine School for the Deaf. (H. P. 1716) (H. D. 781)

Resolve providing for the expenses of the contest over the election as representative to the Legislature from the towns of Dixfield, Hebron, Hartford, Sumner, Buckfield, Canton. (H. P. 1715) (H. D. 780)

Resolve in favor of a teacher's pension for E. E. Colbath of Exeter. (H. P. 1708) (H. D. 774)

Resolve in favor of establishing a feeding station or rearing station for fish at, or near, Machias, in the county of Washington. (H. P. 133) (H. D. 58)

An act relating to directional signs located in the highway (H. P. 1546) (H. D. 608)

An act amending the Military Law (H. P. 1719) (H. D. 772)

An act requiring teachers and janitors to file a health certificate (H. P. 1709) (H. D. 771)

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

Appropriations and Financial Affairs

By Mr. Bond of Lincoln: Resolve in favor of the Clerk of the Committee on Counties. (S. P. 764)

By Mr. Douglas of Hancock: Resolve appropriating money for

clerk hire on Committee on Inland Fisheries and Game. (S. P. 765)

Sent down for concurrence.

Orders

On motion by Mr. Murchie of Washington, it was

Ordered, the House concurring, that the use of the Judiciary Committee room after the adjournment of the present session of the Legislature be assigned for the use of the Committee on Revision of the Statutes until it shall have finished its labors.

On motion by Mr. Martin of Kennebec, it was

Ordered, that after the session of the Senate held on Wednesday, April third, and beginning with the session of Thursday, April fourth, all matters on the table, unassigned, shall be laid before the Senate each day in the order in which they appear upon the calendar.

Bills in First Reading

Resolve in favor of Memorial at Thomaston, Maine for Major General Henry Knox. (S. P. 762) (S. D. 408)

An act relating to application for soldiers bonus. (S. P. 763) (S. D. 409)

Reports of Committees

Mr. Dunbar from the Committee on Claims, on the following resolves:

Resolve to reimburse the town of Milo for support of a state pauper. (H. P. 589) (H. D. 169)

Resolve in favor of the town of Oakland (H. P. 590) (H. D. 170)

Resolve to reimburse the town of Caribou for support of Evelyn Kinney and children, state paupers. (H. P. 287) (H. D. 84)

Resolve to reimburse the town of Merrill for support of Josephine Nickerson and Eula Smith, children of Mrs. Walter W. Smith, having no known settlement in the state. (H. P. 638) (H. D. 189)

Resolve to reimburse the town of Whitefield for support of William F. Taylor and family, state paupers. (H. P. 660) (H. D. 201)

Resolve to reimburse the town of Caribou for support of Gretchen B. Rogers, a state pauper. (H. P. 288) (H. D. 85)

Resolve to reimburse the town of Eustis for support of Harold J.

Bartlett and family, persons having no known settlement in the State. (H. P. 506) (H. D. 145)

Resolve to reimburse the town of Eustis for support of Thomas Serouis and family, having no known settlement in the State. (H. P. 508) (H. D. 147)

Resolve to reimburse the town of Eustis for support of the family of Albert J. Seavey, having no known settlement in the State. (H. P. 509) (H. D. 148)

Resolve to reimburse the town of Smyrna for burial of persons having no known settlement in the State. (H. P. 581) (H. D. 161)

Resolve to reimburse the town of Smryna for support and burial expenses of John Pomeroy, a Civil War Veteran. (H. P. 582) (H. D. 162)

Resolve to reimburse the town of Smyrna for support of James F. Blake, a state pauper. (H. P. 584) (H. D. 164)

Resolve to reimburse the town of Smyrna for support of the family of Albert Arbour, a state pauper. (H. P. 583) (H. D. 163)

Resolve to reimburse the town of Newport for support of the family of William J. McAfee, having no known settlement in the State. (H. P. 387) (H. D. 112)

Resolve to reimburse the town of Harmony for support of Daniel Cookson, a person having no known settlement in the State. (H. P. 94) (H. D. 38)

Resolve to reimburse the town of Presque Isle, for support of the family of Mitchell Bear, Indian. (H. P. 95) (H. D. 39)

Resolve to reimburse the town of Addison for burial expenses of George M. Guptill, a person having no known settlement in the State. (H. P. 952) (H. D. 312)

Resolve to reimburse the town of Lebanon for support of Percy E. Chapman, having no known settlement in the State. (H. P. 656) (H. D. 197)

Resolve to reimburse the town of Sanford for support of Percy E. Chapman, having no known settlement in the State. (H. P. 655) (H. D. 196)

Resolve to reimburse the town of Sanford for support of Grace Willey, having no known settlement in the State. (H. P. 654) (H. D. 195)

Resolve in favor of M. E. Grum-

ley, M. D., of Millinocket, for medical attendance rendered State paupers. (H. P. 121) (H. D. 48)

Resolve in favor of J. T. Kelleher & Son of Bangor for burial expenses of a State pauper. (S. P. 133) (H. D. 159)

Resolve to reimburse the city of Lewiston for support of John Knupstis and family, State paupers. (S. P. 195) (H. D. 219)

Resolve to reimburse the city of Lewiston for support of Girard and Oscar Levesque. (S. P. 196) (H. D. 221)

Resolve to reimburse the town of Houlton for support of James H. Sprague, State pauper. (S. P. 200) (S. D. 83)

Resolve to reimburse the town of Fort Kent for support of the family of Antoine Tremble, a New Brunswick Indian. (S. P. 29)

Resolve in favor of the estate of Millard P. Hanson, M. D., for services rendered State paupers. (H. P. 773) (H. D. 240)

Resolve in favor of the county of Lincoln for reimbursement. (H. P. 768) (H. D. 235)

Resolve to reimburse the town of Bethel for support of David Sweetser and family, State paupers. (H. P. 780) (H. D. 247)

Resolve in favor of the town of Sangerville to reimburse for money paid for mothers aid. (H. P. 722) (H. D. 211)

Resolve to reimburse the town of Morrill for support of Charles Huntley, a person having no known settlement in the State. (H. P. 639) (H. D. 190)

Resolve in favor of the town of Alfred for reimbursement of amount expended for care and maintenance of Florence Thibert, a State pauper. (H. P. 661) (H. D. 202)

Resolve to reimburse the town of Shirley for support of the family of Angus A. Green. (S. P. 181) (H. D. 157)

Resolve in favor of the town of Stetson. (H. P. 916) (H. D. 308)

Resolve to reimburse the town of Smyrna for support of Ellen Rigby, a person having no known settlement in the State. (H. P. 585) (H. D. 165)

Resolve to reimburse the town of Garland for support of the family of Benjamin T. Sinclair. (H. P. 778) (H. D. 245)

Resolve to reimburse the town of

Wellington for support of E. Leroy Braley and family, State paupers. (H. P. 781) (H. D. 248)

Resolve to reimburse the town of Lee for support of the family of Oliver T. Lyons, State pauper. (H. P. 229) (H. D. 72)

Resolve in favor of the town of Connor. (H. P. 777) (H. D. 244)

Resolve in favor of Millard E. Nickerson for reimbursement on damaged automobile. (H. P. 30) (H. D. 10)

Resolve in favor of Raymond E. Hurd, compensating him for injuries. (H. P. 51) (H. D. 23)

Resolve in favor of Adam Maniste, compensating him for damages. (H. P. 124) (H. D. 52)

Resolve in favor of Charles E. Merry, for damage to a cow shot by hunter. (H. P. 127) (H. D. 55)

Resolve in favor of Chester Dutch, compensating him for the loss of a cow. (S. P. 132) (H. D. 158)

Resolve in favor of J. W. Hanson. (S. P. 197) (H. D. 220)

Resolve in favor of W. E. Brown. (S. P. 201) (S. D. 84)

Resolve in favor of Henry W. Sargent, Compensating him for damages. (H. P. 289) (H. D. 86)

Resolve in favor of Lewis Fitch. (H. P. 505) (H. D. 144)

Resolve in favor of the town of Mattawamkeag to reimburse it for expenses incurred and paid for care of Emery O. Gooch, a State Highway Police officer injured in performance of duty. (H. P. 634) (H. D. 186)

Resolve in favor of Henry M. Salisbury, compensating him for damages. (H. P. 658) (H. D. 199)

Resolve in favor of Anton R. Jordan, compensating him for damages. (H. P. 659) (H. D. 200)

Resolve in favor of B. E. Lurchin, compensating him for storage of dynamite and exploders in his building. (H. P. 1451) (H. D. 506)

Resolve in favor of Greenfield Maine Apple Growers of Greenfield, Penobscot County, Maine, compensating it for damages to apple trees by deer and for fencing against deer. (H. P. 380) (H. D. 105)

Resolve in favor of Dr. A. J. Bradbury of Old Town, Maine, compensating him for damage to apple trees by deer. (H. P. 381) (H. D. 106)

Resolve in favor of V. E. Cunningham of Milford, Maine, com-

compensating him for damages to apple trees by deer. (H. P. 382) (H. D. 107)

Resolve in favor of the city of Hallowell. (H. P. 783) (H. D. 249)

Resolve in favor of E. F. Drew, compensating him for damages. (S. P. 266) (S. D. 135)

Resolve in favor of Charles W. Davis, compensating him for the loss of a cow. (S. P. 640) (S. D. 301)

Resolve in favor of Rodney Jackson of Waldo for damages. (S. P. 267) (S. D. 136)

Resolve in favor of Henry Soucie, of township No. 14, range 6, Aroostook County, Maine. (S. P. 787) (H. D. 253)

Resolve in favor of the town of Leeds for reimbursement. (H. P. 774) (H. D. 241) reported the same in a new draft, under the title of Resolve appropriating money to pay claims allowed by the Committee on Claims (S. P. 766) and that it ought to pass.

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

Mr. Douglas from the Committee on Inland Fisheries and Game, on bill "An act to revise and simplify the Inland Fish and Game laws of the State" (S. P. 545) (S. D. 222) reported the same in a new draft, under the same title (S. P. 767) and that it ought to pass.

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

Passed to be Engrossed

Resolve in favor of establishing a feeding station or rearing pools for fish at, or near, Houlton, in the county of Aroostook. (S. P. 137) (S. D. 400)

Resolve appropriating money to aid in the screening of the outlet of Lake Webb, in Franklin County. (S. P. 271) (S. D. 401)

An act relating to hunting with dogs in Verona. (S. P. 272) (S. D. 402)

An act to amend the act defining the term "securities" under the "Blue Sky Law." (S. P. 748) (S. D. 403)

(On motion by Mr. Crockett of

York, tabled pending passage to be engrossed)

Resolve in favor of James H. Kerr of Rumford. (S. P. 749) (S. D. 404)

An act to amend section 98 of chapter 16 of the Revised Statutes of the State of Maine on State Aid to Academies. (S. P. 750) (S. D. 405)

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

Passed to be Enacted

An act relating to Optometry. (S. P. 145) (S. D. 66)

An act relating to mothers with dependent children. (S. P. 371) (S. D. 158)

An act relating to damage suits brought against towns and counties on state and state aid highways. (S. P. 373) (S. D. 157)

An act relating to license of small loans agencies by the Bank Commissioner. (S. P. 440) (S. D. 180)

An act relating to the temporary closing of schools. (S. P. 460) (S. D. 187)

An act in relation to the rights of creditors and beneficiaries under policies of life and accident insurance and under annuity contracts. (S. P. 556) (S. D. 223)

An act relating to paupers, their settlement and support. (S. P. 618) (S. D. 285)

An act concerning financial responsibility for damages caused by the operation of motor vehicles. (S. P. 622) (S. D. 291)

An act to amend and extend the charter of Kennebec Reservoir Company. (S. P. 684) (S. D. 353)

An act to acquire the property of the Arrowsic Bridge. (S. P. 690) (S. D. 366)

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

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

An act relating to lobster licenses of the first class. (S. P. 723) (S. D. 374)

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 mutual insurance risks. (H. P. 328) (H. D. 97)

An act relating to fishing in in-

land waters in York County. (H. P. 1045) (H. D. 336)

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

An act relative to snow removal from State and State aid highways in unincorporated townships and plantations, and declaring chapter 227 of the Public Laws of 1927 to be a part of chapter 25 of the Revised Statutes entitled "State Highways". (H. P. 1443) (H. D. 498)

An act relating to the capacity of milk bottles and jars. (H. P. 1517) (H. D. 543)

An act relating to weights and measures. (H. P. 1520) (H. D. 545)

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)

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)

An act relating to the Aroostook Mutual Fire Insurance Company. (H. P. 1569) (H. D. 577)

An act relating to the sale of intoxicating liquors. (H. P. 1587) (H. D. 590)

An act relating to the removal of snow from highways and town ways. (H. P. 1634) (H. D. 660)

An act relative to the extermination of mosquitoes. (H. P. 1638) (H. D. 662)

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

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

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 to amend the act establishing the Caribou Municipal Court and the amendments thereto. (H. P. 1674) (H. D. 728)

An act in relation to the Ellsworth Municipal Court. (H. P. 1676) (H. D. 730)

An act relating to legal holidays. (H. P. 1677) (H. D. 731)

An act relating to laying out and assessing damages on state and state aid highways. (H. P. 1681) (H. D. 733)

sion for Charles Brown of Liberty. (S. P. 629) (S. D. 376)

Resolve providing for the purchase of Music and Musicians of Maine. (S. P. 691) (S. D. 367)

Resolve in favor of the Trustees of the bridge between East Machias and Machiasport. (H. P. 192) (H. D. 676)

Resolve in favor of the town of Fort Fairfield. (H. P. 481) (H. D. 678)

Resolve in favor of the towns of Gardiner and Randolph. (H. P. 533) (H. D. 679)

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

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

Resolve in favor of the town of Alfred, for reimbursement. (H. P. 1678) (H. D. 734)

Orders of the Day

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, Resolve in favor of the towns of Gardiner and Randolph, (H. D. 679), tabled by that Senator earlier in today's session, pending final passage in concurrence; and on further motion by the same Senator, the Resolve was finally passed in concurrence.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table, An act relating to fusible plugs in steam boilers, (H. D. 661), tabled by that Senator on March 27th pending motion to indefinitely postpone in non-concurrence.

Mr. SLOCUM of Cumberland: Mr. President, the pending motion is the indefinite postponement of this bill. I believe that a steam boiler is a very dangerous thing if not protected against the possibilities of explosion, and I understand that some of the other New England states have passed laws requiring inspection of steam boilers that we do not require in the State of Maine, which unfortunately, may cause the dumping of obsolete and unsafe boilers on this State. If this bill should pass it would require boilers that are not inspected to have fusible plugs inserted into the boilers so that if the pressure runs up to a point where the boiler

Finally Passed

Resolve providing for a state pen-

might explode its fusible plug will let go and allow the pressure to be dissipated. It would seem that in the interests of safety a measure of this kind would be advantageous. I hope that the motion will not prevail. I yield to the Senator from Hancock, Senator Dunbar.

Mr. DUNBAR of Hancock: Mr. President, I don't quite agree with the Senator from Cumberland, Senator Slocum, that this is necessary. He says that we may have obsolete boilers. I know but little about boilers, but when we get one that won't stand the pressure, it doesn't explode, it simply lets go and the steam escapes. I don't think this legislation is necessary. I move for the indefinite postponement of the bill.

Mr. LITTLEFIELD of York: Mr. President I don't remember any of the particulars of this bill but I understand that the Department here say that the amendment which has been attached to this bill makes it really worse than it was before so I hope under those conditions the bill will be indefinitely postponed.

Mr. SLOCUM: Mr. President, may I ask that the Secretary read the amendment?

The Secretary read House Amendment A to House Document 661; and House Amendment A to House Amendment A.

Mr. NOYES of Kennebec: Mr. President, I have used steam boilers in my business all my life and we always plan to have a fusible plug, and the use of a fusible plug is this: It is placed at a certain line on the boiler so that if the water gets down in the boiler, the heat will melt the soft metal in this plug, allowing the steam to escape, and thus warn the fireman that there is trouble in the boiler. It does not let go at a high pressure, it lets go because it is melted. To tell the truth, I have not read the bill, but I cannot see any reason why every boiler should not have this plug as a matter of safety. I would not think of running my boilers without a fusible plug. It seems the question is whether they should be placed in a boiler of less than 15 pounds pressure. That is what the amendment is. I really believe all boilers should have a fusible plug.

Mr. SLOCUM: Mr. President, according to that amendment, it will exempt those boilers that have such a low pressure and are designed in such a way that pressure would be so small in case of their blowing up they would not be liable to damage a great deal of property or injure any of our citizens. I believe the amendment is perfectly all right, and in the interests of safety I hope this measure will become a law.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Dunbar that the bill be indefinitely postponed.

A viva voce vote being doubted

A division of the Senate was had.

Thirteen having voted in the affirmative and fourteen in the negative the motion to indefinitely postpone was lost.

Thereupon on motion by Mr. Slocum of Cumberland the bill was given its second reading and passed to be engrossed as amended by House Amendment A and House Amendment A to House Amendment A, in concurrence.

On motion by Mr. Spear of Cumberland the Senate voted to take from the table An act relating to state aid to agricultural societies, (H. D. 160), tabled by that Senator on March 28th pending passage to be enacted in concurrence.

Mr. SPEAR of Cumberland: Mr. President, we took this matter up in the Appropriations Committee, and the majority of the members seemed to think it was an unwise expenditure of money. This calls for \$2800 for three or four of the largest fairs of Maine and would not benefit any of the smaller ones. I would therefore move that the bill be indefinitely postponed.

Mr. BRAGDON of Aroostook: Mr. President, I think that the Senator from Cumberland is in error in regard to any of the smaller fairs not receiving any additional part of this stipend. It is a fact that very few of the larger ones will receive any increase under this. One of the objections to the bill that was brought up before the committee was the fact that the Lewiston fair, which is one of the largest ones of the State, was not in a position to

receive anything under this. It does give an opportunity for the Lewiston fair and the Northern Maine fair, and in fact, all of the fairs, to get in line by increasing their exhibits and making their fairs more attractive to get a part of these additional funds. It raises the amount. I presume that the Senator from Cumberland (Senator Spear) is correct in regard to the aggregate amount. It changes the amount, from three and a half cents per inhabitant to four cents, and the committee felt that it was advisable to give these fairs a reason for conducting a better fair, and I feel that the bill ought to pass.

Mr. SPEAR: Mr. President, I would like to ask Senator Bragdon, through the Chair, what fairs would benefit except Lewiston, Presque Isle and Waterville.

The PRESIDENT: Senator Spear of Cumberland wishes to ask a question through the Chair of the Senator from Aroostook, Senator Bragdon. The Senator may answer if he wishes.

Mr. BRAGDON: Mr. President, I have not a list of the fairs, but I will state that the Lewiston fair is not receiving the limit at the present time. The limit at the present time is \$2500 and the Lewiston fair is not receiving that, so that it could not receive any additional part of the stipend under this act. The Northern Maine fair which received the \$2500 last year, which was the limit at that time, would receive about \$2700 under this new arrangement, with a possibility of enlarging their scope to the point where they might get a possible \$3000, but no fair that didn't come up to the \$2500 limit could hope to get a cent more under this act, only by arranging for a better fair.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Spear, that the bill be indefinitely postponed.

A viva voce vote being had

The motion to indefinitely postpone was lost.

Thereupon, on motion by Mr. Wheeler of Oxford, the bill was tabled pending passage to be enacted in concurrence.

On motion by Mr. Slocum of Cumberland, the Senate voted to

take from the table, an act concerning air traffic rules, (S. D. 23), tabled by that Senator on April 1st, pending passage to be engrossed; and the same Senator offered Senate Amendment A and moved its adoption: "Senate Amendment A to Senate Document 23. Amend Section Four by adding after the word 'law' in the fourth line of said section; and amend Section Five by adding after the word 'law' in the fifth line of said section, the following: 'or is permitted to fly under the regulations of the Department of Commerce.'"

Mr. SLOCUM of Cumberland: Mr. President, in support of that motion, I will say that there is a very good possibility of that amendment being unnecessary. I introduce the amendment at the request of eight flyers who are flying in the State of Maine at present, with planes that are permitted to fly under regulations of the Department of Commerce under identification marks or identification numbers. These flyers have flown for a number of years in the State, and these planes, under regulations of the Department of Commerce, are not of such design or construction as to permit their receiving a federal license. There are different degrees of license that the Department of Commerce issues. There are certain permits they issue, certain licenses of different classes and for different types of planes, identification numbers. These identification numbers are not a license. This act was introduced to make uniform throughout the United States as it has been introduced in the other states as well as the State of Maine, the law with reference to air traffic rules, and the proponents of the bill argue that we should not change it in any way for fear that by so doing it is no longer a uniform act. Uniform legislation for air traffic rules is most commendable, and if we read the act carefully, we see that Section Three, which has a heading, "Power to Regulate" states and provides that the rules and regulations of the Air Commerce Act and all amendments thereto, shall be the rules and regulations of the State adopting this act. Then Sections Four and Five define aircraft licenses that are required, and air-

men licenses required. The regulations of the Department of Commerce do permit flying with identification numbers. Now the whole question is whether the last line in each of these sections, Four and Five, which state that they are permitted to fly with an adequate existing license under federal law, will be liberally interpreted to mean that they will be permitted to fly with a permit or with identification numbers.

There seems to be a divergence of opinion among the lawyers as to whether the word "license" shall be strictly interpreted or liberally interpreted, and therefore, to prevent any possible misunderstanding when and if this becomes a law as to whether that appropriate existing license includes the right to fly, under the Department of Commerce, I believe that the legislature should make its intent clear, and I am very sure that other attorney generals would rule the same as the present attorney general, Mr. Robinson, that the words, "appropriate existing license under federal law" would be liberally interpreted if it was generally understood that the intent of the legislature was to allow flyers within the State of Maine to fly under the regulations of the Department of Commerce. If that intent is expressed, this amendment is unnecessary, and I personally believe that Section Three does take precedence over Sections Four and Five, thereby making the addition of these words by this proposed amendment unnecessary, because of the ruling of the attorney general, at present, who bases his ruling on a letter from the attorney of the proponents of the measure, Mr. Robinson Verrill. I will introduce the letter or opinion of the attorney general with reference to this matter:

"Senator Paul Frederick Slocum
Senate Chamber.

"My dear Senator:

You inquire whether Sections 4 and 5 of Senate Document 23, are adequate to protect persons who have a temporary flying permit under Federal law pending final license.

"The proposed bill is the uniform act recommended by the American Bar Association and uses the words 'appropriate existing license under

Federal law.' The letter from Robinson Verrill, Esq., of Portland, states definitely, as follows: 'The secretary of commerce in the air commerce regulations has adopted the word "license" as a general term.' He also states: 'It is perfectly certain that a person in order to fly a plane must have either a license from the State or from the Federal government.'

"In view of this adequate statement of facts and also taking into consideration the fact that this is a uniform act carefully drawn up after many conferences by leaders in the country of aviation law and practice, I should say it was safe to go ahead with the bill in the form presented without amendment."

If the honorable Senator from Cumberland, Senator Spear, who introduced this bill, will state that in his opinion, it is the will and desire of the Legislature, in passing this bill, to have the Air Commerce regulations which include the right to fly under the present regulations and any amendment thereto, which may in the future prohibit the right to fly with identification numbers, I will be glad to withdraw the amendment. I yield to the Senator from Cumberland, Senator Spear.

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

Mr. PAGE of Somerset: Mr. President, I would like to ask Senator Slocum, through the Chair, if this amendment means that a plane with identification marks only would be allowed to carry passengers in this State only for hire.

The PRESIDENT: Senator Page of Somerset wishes to ask a question through the Chair of the Senator from Cumberland, Senator Slocum. The Senator may answer if he desires.

Mr. SLOCUM: Mr. President, In answer to that, I would say that the regulations of the Department of Commerce permit certain flying without a license, with identification numbers. They cannot fly as transport planes with identification numbers. I believe they are allowed to do certain flying with identification numbers, carrying passengers for hire.

Mr. PAGE: Mr. President, I am just a beginner in the airplane game, but I bought one last fall, and I find that for some reason or other, all I can get is an identification mark, and

it prevents me from taking passengers for pay, and I wondered if this might not be some method of getting around it, that is, doing something in Maine that the government will not let us do. If that is a fact, I think it would be unwise, although I would like to see it, so far as I am concerned.

Mr. SLOCUM: Mr. President, I will say that this does not do anything different from what the law, if liberally interpreted, by the superseding Sections Four and Five of Section 3, namely, the regulations of the Department of Commerce govern aircraft with reference to licenses, as in everything else. If that is the intent of the Legislature, this amendment is unnecessary. I believe that it is the intent of the Legislature that the Department of Commerce regulations, not only as to the governing of flying in general and traffic rules, but also with reference to the license, whether it be a license, permit or identification numbers, shall be the rules and regulations of the State of Maine.

Mr. SPEAR: Mr. President the airmen and aircraft interests are trying to get uniform state legislation throughout the country to conform to the Department of Commerce aeronautical rules and regulations. It is my personal opinion that the amendment suggested by the Senator from Cumberland, Senator Slocum, is not necessary. I should oppose any change of this uniform law. The law was drafted by the American Bar Association, together with some of the best minds of the Department of Commerce aeronautical branch. They sent this printed form to Mr. Robinson Verrill, who is attorney for the Portland Airport Corporation, who have built a hundred thousand dollar airport at Scarborough. Mr. Fayson, who is president of the association, gave it to me to introduce. We had a very fine hearing down here and the committee reported the bill out unanimously "ought to pass." These eight men who want an interpretation of this law, I think could very easily get it by writing to the Department of Commerce. A Department of Commerce letter of authority is a temporary license, and many of these men, I presume the majority of these eight men, have no license. They may fly in Maine, but not for hire, and they seem to be somewhat exercised, and I think somewhat unnecessarily, for I think

they have every right under this bill that they would have if amended. I hope that any motion to amend will not prevail.

Mr. SLOCUM: Mr. President, I presume the Senator from Cumberland, Senator Spear, has fully covered the point raised by this amendment, namely, that the Department of Commerce regulations which do permit flying with identification numbers is the intent of the Legislature, and I therefore ask unanimous consent to withdraw the amendment.

The PRESIDENT: The Senator from Cumberland, Senator Slocum, asks the unanimous consent of the Senate to withdraw Senate Amendment A. Is this the pleasure of the Senate?

Unanimous consent to withdraw Senate Amendment A was given.

Thereupon, on motion by Mr. Slocum of Cumberland, the bill was passed to be engrossed.

On motion by Mr. Boulter of York, the Senate voted to take from the table, an act relating to a green light on motor vehicles which are seven feet in width or over, (H. D. 725), tabled on March 28th by that Senator, pending second reading.

Mr. BOULTER: Mr. President, I now yield to the Senator from Knox, Senator Dwinal.

Mr. DWINAL, of Knox: Mr. President, I offer Senate Amendment A, and move its adoption.

The Secretary read Senate Amendment A: "Senate Amendment A to House Document 725. Amend said bill by striking out all of said bill, beginning with the words 'Every motor vehicle', and substituting the following: 'Every motor vehicle of seven feet or over in width shall have thereon at the extreme left on the body one amber lamp visible for a distance of at least two hundred feet ahead of such vehicle. Motor vehicles requiring a clearance light hereunder, may in lieu of such clearance light be equipped with an adequate reflector, conforming as to color and marginal regulation to the requirements for a clearance light.'"

Mr. DWINAL: Mr. President, in explanation of the amendment, I will say that the original bill provides for a green light on the left margin of a truck over seven feet in width, and two feet above the steering wheel. That, of course, is

for the purpose of avoiding collisions by vehicles approaching from in front in the dark, and not seeing the width of the truck, but the green light provided for does not conform with traffic regulations in other states, according to the national code, and it has been suggested the color of that light be changed to amber instead of green as this is the regularly recognized clearance light. It has also been suggested that since many trucks are of such construction that it would be very expensive to put a light on the margin, two feet above the steering wheel, that it be provided that it merely be attached to the farthest left point of the truck, and that they be permitted to put a reflector there instead of the light since most of these vehicles have no springs, and the electrical equipment is constantly being put out of commission from the jar, and that a reflector that accomplishes the same purpose would probably be much cheaper to install, probably a matter of five or six dollars, whereas the installing of lights, batteries and equipment, would necessitate an expense in some cases of over a hundred dollars; so that the amendment simply changes the color of a light and provides for a reflector if they choose, instead of a lamp.

The PRESIDENT: The question before the Senate is on the adoption of Senate Amendment A.

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

On motion by Mr. Oakes of Cumberland, the Senate voted to take from the table, resolve in favor of H. E. Houdlette (H. D. 756) tabled on April 1st by that senator pending passage to be engrossed in concurrence.

Mr. OAKES of Cumberland: Mr. President, I move that the resolve be indefinitely postponed.

Mr. CARLTON of Sagadahoc: Mr. President and members of the Senate, this is a resolve to reimburse a family in Richmond who are in an unfortunate position because of an accident that occurred on the Richmond Ferry which was an important link in the highway. There didn't seem to be anyone who could see to it that there was a

means of transportation across the river there so the county commissioners of the two counties had to provide some kind of transportation. So they got these lighters and had them towed back and forth by motor boat and, as perhaps most of you know, there was a sad accident there a few years ago where four people were drowned; one from Aroostook, two from Kennebec, and one from Sagadahoc.

The courts decided that the county could not pay legally, as I understand it from the chairman of the committee, and therefore it became a question as to whether the families of those people were to become town paupers of the town of Richmond or whether they were to have a little aid from the State. That is the reason for which this resolve was introduced. Just above there at Randolph the State furnishes a bridge by which to cross the river and the people throughout our county have been assessed quite heavily to maintain it. I think they laid out there a hundred thousand dollars within a few years. The State also took over the ferry down at Bath. They concluded that was part of the State business and finally built a bridge there. But this link here seems to have been lost sight of until this accident occurred. The man who was running that ferry was held liable, although I think it was freely admitted that they had poor trigs or didn't build them properly, which was one of the reasons the car went over. It was held that although the ferryman probably had as much to do as the man sitting in the car, the ferryman was liable and the man in the car wasn't. So they took it through the courts and undertook to get a verdict and they did get a verdict that the ferryman should pay. He raised the money and undertook to pay and got it partly paid and then died and left this widow with two or three children. Therefore they come here hoping to get some relief from their unfortunate situation. The State, of course, in many instances argues that these towns should maintain bridges at great expense, while they charge a license for cars and operators and they have got a tax on about everything there is on an automobile except the water in the radiator and the air that is taken through the car-

buretor, and I expect that anytime somebody will introduce a bill to tax those.

Now, there is quite a lot of traffic at that point that goes clear through to the eastern section of the State. It is a link between Sagadahoc and Aroostook counties and is quite an important matter. Some of us feel that it is the duty of the committee to determine the moral obligation of the State of Maine rather than to be governed by technical points of law and I think the real duty of a committee is to see that justice is done in spite of slight technical points that can be brought up, and I have no doubt that we haven't a bill introduced into this Legislature against which there couldn't be some technical point of law brought up.

Therefore, I hope that the motion of my colleague, Senator Oakes, will not prevail.

Mr. CROSBY of Penobscot: Mr. President, this is doubtless a hard case but I must take exceptions with the Senator from Sagadahoc, Senator Carlton, that the State is either legally or morally bound to appropriate money for this purpose. It creates a very dangerous precedent. The reasoning of the proponents of this resolve is that because the ferryman was licensed and under the supervision of the county commissioners that therefore the highest authority, the State itself, should be liable for the ferryman's negligence. It would provide a precedent as to what might happen in the future in the event that railroad companies or other public utility companies, being under the regulations of various boards and departments, should maintain that the state should assume their obligations for the negligence of their own servants.

This matter was tried out before a jury in one of the rural counties. The jurymen came from the smaller places and we know, as practical men, that they are sometimes apt to be swayed by prejudice or sympathy. However, twelve men found that there was negligence on the part of the ferryman in that he had not kept his contrivance up-to-date and that its equipment had not been brought forward from the days when practically all the traffic was by horse drawn vehicles. They found that there were no trigs on

the contrivance. The verdict was sustained in the upper court and the Law Court in reviewing the evidence refused to overturn the verdict.

That being so I don't think this is a proper case for reimbursement unless you put it on the grounds of pure charity. Therefore I hope that the motion of the Senator from Cumberland (Senator Oakes) will prevail.

Mr. CARLTON: Mr. President, I think this case is entirely different from that of a railroad. A railroad has a charter and is a common carrier. This link had to be supplied by someone and it was up to the counties to supply it. It is entirely different from a railroad.

Mr. HARRIMAN: Mr. President, I realize that this committee on claims has very puzzling questions come before it sometimes and there are hardly any of the claims that we have considered this year that had any legal status. If they had they wouldn't have come to us, they would have gone some other way.

Now, in regard to this claim down there, from the records of the court and other records it would seem that the automobile was entirely to blame because if the driver had applied his brakes the car wouldn't have gone over, but the courts held that technically the owner of the ferry was to blame and therefore they awarded a minimum amount against him of \$3500 which he was obliged to pay although on this particular day when the accident happened an employee was running the ferry rather than the owner himself. The employee that day did not trig the wheels of the car and he didn't put up chains as the law required and therefore the Court held that he was liable, that the owner of the ferry was technically liable, because he didn't carry out those requirements, when really the driver of the car was to blame.

Now it seems to me, as I said before, that there are very few of the claims that come before the committee that have any legal status and the committee has been unanimous on but very few of them. We have had to consider the various claims on the merits of the cases and a great many of them, as you will see if you examine the records of this Legislature, were reported

"ought not to pass" although some of the members of the committee felt that they should have passed. But we had to give and take and we tried to report on these claims as we saw them on the merits of the cases although we realized that legally there was very little ground for consideration. In this case, however, where the Court considered that the owner of the ferry wasn't morally liable but technically was, and in view of the fact that he did his best to pay the judgment of the court against him and died before the judgment was all paid and left a widow and four small children with a mortgage on her house as a result of this verdict of the court, we felt that this widow and four small children in town schools were entitled to some compensation and that is why we passed this resolve in a new draft giving her, I think, \$2500. Therefore, I certainly hope that the motion of the Senator from Cumberland, Senator Oakes, will not prevail.

Mr. OAKES: Mr. President, much as I dislike to oppose my friend from Sagadahoc, or the Claims Committee, I suppose, since I made this motion, I should sustain my position if I can.

As I understand it this accident occurred in 1923. The people were on the ferry which had previously been built by Mr. Emmons, deceased, in 1915, and maintained by him as a ferry for profit under license from 1915 to 1923. In 1923 this automobile went off the ferry and the representatives of the deceased brought action against the ferryman and recovered judgment in court. Up to that point the State does not appear to have any responsibility.

From 1923 to 1928 Mr. Emmons continued to run the ferry and to attempt to pay the judgment. In connection with his obligation I understand that he gave a note which was endorsed by his wife and it is through the endorsement of his wife on this note that the property, a house that is said to have been worth \$800 is involved in the situation now. Up to the time that Mr. Emmons died I do not see where the state had any responsibility or any obligation and no suggestion of that sort was made. After Mr. Emmons' death we are faced with

a very sad situation—a widow who is poor and has an indebtedness on her shoulders and has to support several small children—but this situation is no sadder than many others which we have today in the State. We have at this time some seven or eight thousand children under State care. We have a regular system provided by our State for meeting such problems. We have a provision for mothers' aid whereby families can be kept together and we have provisions for the towns to assist when state aid doesn't meet the situation. It seems to me that in separating this case from the other cases which exist throughout the State we are showing a partiality which leads to a bad precedent which we should not adopt.

I do not see where there is any legal connection between the accident which occurred in 1923 and the problem that we are faced with today and I think the matter should take its natural course and be taken care of by the other means which we have, and which I think are very worthy and very efficient, to meet this problem.

Mr. CARLTON: Mr. President, I would like the Senate to bear in mind that this all took place in an effort to take care of an important link in the highway—quite a lot of difference between that and some other situation—that the State did not wish to take care of.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Oakes, that the resolve be indefinitely postponed.

A division of the Senate was had. Seventeen having voted in the affirmative and eleven in the negative, the motion to indefinitely postpone prevailed.

On motion by Mr. Dwinall of Knox, the Senate voted to take from the table, House Report from the Committee on Taxation "ought not to pass" on an act relative to an excise tax on motor vehicles (H. D 428) tabled on March 29th by that Senator pending acceptance of the report in concurrence; and on further motion by the same Senator the report was accepted in concurrence.

On motion by Mr. Leland of Piscataquis, the Senate voted to

take from the table, resolve in favor of Charles F. Boober (S. D. 395) tabled on April 1st by that Senator pending passage to be engrossed; and on further motion by the same Senator the resolve was passed to be engrossed.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table, Report from the Committee on Judiciary, Report A "ought not to pass," Report B "ought to pass in a new draft," on bill an act to register and license persons engaged in the practice of barbering, and to create a Board of Barber Examiners (S. D. 1) tabled on March 27th by that Senator pending acceptance of Report A "ought not to pass."

Mr. SLOCUM of Cumberland: Mr. President, I hope that the motion of the Senator from Somerset, Senator Weeks, to accept Report A "ought not to pass," will not prevail and if that motion does not prevail I wish to introduce an amendment to make this bill satisfactory to the proponents.

The Committee on Judiciary in redrafting the bill in conference with an attorney who was employed by some of the barbers unfortunately introduced a provision which is unsatisfactory to the proponents, namely, those engaged in the practice of barbering, and I believe that the committee did what they thought was the correct thing because it was only to be presumed that this attorney had the sanction of the barbers of the State. They reworded the bill and in so doing added to the Board of Commissioners, as Chairman, the Public Health Commissioner, which is very satisfactory to the barbers. They also added the Commissioner of Labor and Industry, which is not satisfactory to the barbers. They are not desirous of having this made in any way a labor measure. They don't want to combine to raise prices. There is nothing in this bill that would tend to make them combine and they feel that the introduction of the Labor Commissioner would lead many to believe that this bill was a labor measure which was to bind the barbers into some organization which would permit them to charge exorbitant prices for their services.

The bill is a health measure pure and simple. It is to regulate the

practice of barbering so that there will be no possibility of any further practicing by those who are not clean. We have unfortunately had a number of instances where men, and women who also patronize barber shops, have become afflicted with disease. This measure is to control barber shops so there will be less possibility of disease.

The amendment that I propose to introduce, if the motion of the Senator from Somerset, Senator Weeks, does not prevail, would remove the Labor Commissioner and add another barber. It would amend Section 5 by striking out all of that section after the word "board" in line five and adding the following: "and two other members who shall be appointed by the Governor, with the advice and consent of the Council, each of whom shall be a practical barber who has followed the occupation of a barber for at least five years immediately prior to his appointment; and one of whom shall act as Secretary of the Board. The appointed members shall serve for three years; provided however that of the first board one of the appointed members shall be appointed for three years and one for two years. Members appointed to fill vacancies caused by death, resignation or removal shall serve during the unexpired term of their predecessors."

And then, of course, it would be necessary to amend Section 21 with reference to recompense by adding the following to paragraph four of said section: "The appointed member of the board other than the Secretary shall receive the sum of \$5.00 per day and his necessary traveling expenses while engaged in the actual discharge of his official duties."

This measure is one that in my humble opinion would be very beneficial to the people of the State of Maine in preventing unexperienced or unclean barbers from practicing in the State. That is the reason for the measure. The measure has been amended so that it does not strike at the small town part time barbers. He is specifically exempted from the bill. I hope that the motion of the Senator from Somerset, Senator Weeks, will not prevail.

The PRESIDENT: Is there further debate?

Mr. OAKES of Cumberland: Mr. President, I think that the members of the Judiciary Committee who voted

"ought to pass," on this bill took a position that ought to be sustained. There may be details about the bill that are not accurate but in general the principle provides for a Board of Barber Examiners similar to many other boards that exist in the State. There is a provision that the board shall not cost the State any money. It is merely an organization of the barbers among themselves with state sanction, so on that point the State has no interest.

I was impressed to vote for this bill by three facts. First, the barbers indicated at the hearing that they wanted it, and I don't know of any reason why they shouldn't have it as much as any other type of profession or business, whether they wear white collars or white coats. I was impressed secondly by the fact that petitions were presented purporting to represent, I think, fifteen thousand people. I believe that at one time there was a count made of four thousand in our committee and I am not sure that there were others but it was said that there were fifteen thousand people who signed petitions in favor of this bill, and that would indicate a substantial popular demand. My third reason is that I understand nearly every doctor in the city of Portland signed a petition in favor of the passage of this bill and recommending it, and I cannot allow the petition of every doctor in the city of Portland to pass without my recognition of the strength of that recommendation.

I cannot see that this can do any harm and it has sufficient reasons for its passage so that I felt justified in signing a report to that effect in the committee. I wished to express my reasons to this Senate for their consideration.

Mr. MINOTT of Cumberland: I think it might be wise at this time to pass to the members of this body the result of a conversation with one of the prime movers of this bill, a barber who is operating in Portland, by one of the committee who toured the State who said to me that he wasn't in favor of the present bill.

Mr. SLOCUM: Mr. President, I have a letter from Mr. Riley, the barber to whom the Senator from Cumberland, Senator Minott, refers, that he was not in favor of the bill unless it was amended to remove the Labor Commissioner in which case he would be very heartily in favor of it. He worked very hard and faithfully to

see that this beneficial resolution should become a law. The barbers are willing to "pay the freight," to use the expression of the man on the street. They are anxious to see this pass because they think it would be beneficial to all of the citizens of the State of Maine.

Mr. MINOTT: Mr. President, merely to correct the Senator from Cumberland, Senator Slocum, I will say that the man I referred to was not Mr. Riley.

Mr. SLOCUM: Mr. President, may I inquire through the Chair if the man to whom the Senator from Cumberland, Senator Minott, refers is one of the barbers who has worked hard in the adoption of this bill?

The PRESIDENT: The Senator from Cumberland, Senator Slocum, inquires through the Chair of the Senator from Cumberland, Senator Minott, and the Senator from Cumberland, Senator Minott, may answer if he desires.

Mr. MINOTT: Mr. President, in answer to the question of the Senator from Cumberland, Senator Slocum, I will say that the man to whom I refer is one of the barbers who worked hard for the measure and I am not violating any confidence when I say that it is Mr. Wimert's secretary.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Weeks, that Report A of the committee "ought not to pass" be accepted.

Mr. SLOCUM: Mr. President, I ask for a yea and nay vote.

The PRESIDENT: The Senator from Cumberland, Senator Slocum, asks for a yea and nay vote.

A division of the Senate was had

A sufficient number having risen the yeas and nays were ordered.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Weeks, that Report A of the committee "ought not to pass" be accepted. Those in favor of the motion to accept the "ought not to pass" report will answer Yes when their names are called. Those opposed will answer No when their names are called. Is the question plain and is the Senate ready? The Secretary will call the roll.

The Secretary called the roll.

YEA—Bond, Boulter, Bragdon, Campbell, Crockett, Crosby, Douglas, Dunbar, Dwinle, Greenleaf, Harriman, Leland, Littlefield, Minott, Murchie,

Nickerson, Noyes, Weeks, Weatherbee, Wheeler—20.

NAY—Allen, Carlton, Carter, Martin, Mitchell, Oakes, Page, Pinkham, Slocum, Spear—10.

Twenty having voted in the affirmative and ten in the negative, Report A of the committee "ought not to pass" was accepted.

On motion by Mr. Bragdon of Aroostook, the Senate voted to take

from the table, an act relating to fees of sheriffs and their deputies (S. D. 36) tabled on March 28th by that senator pending passage to be enacted; and on further motion by the same senator the bill was passed to be enacted.

On motion by Mrs. Carter of Androscoggin

Adjourned until tomorrow morning at ten o'clock.