

# 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**

Monday, April 8, 1929

Senate called to order by the President.

Prayer by the Rev. C. E. Young of Hallowell.

Journal of previous session read and approved.

From the House: Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill an act relating to Pilots for the Port of Portland (H. P. 862) (H. D. 285) reporting that they are unable to agree.

Comes from the House, report read and accepted, that branch having voted to adhere to its former action by which it accepted minority report "ought not to pass" of the Committee on Legal Affairs.

In the Senate, on motion by Mr. Slocum of Cumberland, the report was read and accepted; and on further motion by the same Senator that body voted to adhere.

From the House: Resolve in favor of State School for Girls (S. P. 414) (S. D. 166) which was passed to be engrossed in the Senate March 1st.

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

In the Senate, House Amendment A was read.

Mr. HARRIMAN of Kennebec: Mr. President, may I ask a question of the Chairman of the Appropriations Committee through the Chair?

The PRESIDENT: The Senator from Kennebec, Senator Harriman, inquires of the Senator from Cumberland, Senator Spear, through the Chair.

Mr. HARRIMAN: I understand, Mr. President, that this amendment strikes out \$6,000 of the appropriation. Is that right?

Mr. SPEAR: I think that is correct.

Mr. HARRIMAN: Does it take care of it in any other way?

Mr. SPEAR: It takes care of it in the Department set-up.

Mr. HARRIMAN: So that it is provided for in some other form?

Mr. SPEAR: That is the way I interpret it; yes sir.

Mr. HARRIMAN: If that is the case, Mr. President, I will not object to the amendment but the idea was, as the committee went down

there and looked over the institution, that this \$6,000, or \$4,000 of it at least, was absolutely necessary and if this is taken care of in some other way I will not object to the amendment, but certainly if we are going to run our institutions we have got to provide for their upkeep and maintenance. Three thousand dollars of this was to repair the roof on one of the buildings. We all realize that a building cannot be protected and kept up if the roof isn't in shape and I simply want to be satisfied, for the benefit of the State, that the buildings will be kept up in fair shape.

Thereupon, on motion by Mr. Littlefield of York, the resolve was laid upon the table pending the adoption of House Amendment A in concurrence.

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

**Appropriations and Financial Affairs**

By Mr. Carlton of Sagadahoc: Resolve in favor of Paul N. Devine, Clerk to Committee on Public Buildings and Grounds. (S. P. 790)

By Mr. Douglas of Hancock: Resolve in favor of Arthur H. Ashmore for services as Clerk of the Committee on Interior Waters. (S. P. 791)

By the same Senator: Resolve in favor of Donald Giddings. (S. P. 792)

By Mr. Weatherbee of Penobscot: Resolve in favor of Paul N. Devine, Clerk, Stenographer and Messenger to the Committee on Public Utilities. (S. P. 793)

Sent down for concurrence.

**Bills in First Reading**

Resolve appropriating money to screen the outlet of Syladobsis Lake, commonly called Lower Dobsis Lake in township five, North Division, in the county of Washington. (S. P. 782) (S. D. 420)

An act to permit cities and towns to lay out bridle paths and bridle trails. (S. P. 783) (S. D. 421)

An act to amend section 9 of chapter 51 of the Revised Statutes as amended, and section 115 of said chapter 51 as amended by Chapter 144 of the Public Laws of 1917 as amended relative to certificates of

incorporation. (S. P. 785) (S. D. 423)

#### Reports of Committees

Mr. Spear, from the Committee on Appropriations and Financial Affairs, on Resolve appropriating money for the construction of new motor boat for Sea and Shore Fisheries (S. P. 635) (S. D. 276) reported the same in a new draft, under the title of Resolve pertaining to the construction or purchase of a new motor boat for the Sea and Shore Fisheries Commission (S. P. 795) and that it ought to pass.

Mr. Martin from the Committee on Public Buildings and grounds on resolve in favor of the State Park Commissioner (S. P. 320) reported that the same ought to pass.

Mr. Oakes from the Committee on Revision of Statutes, on bill an act to repeal Sections 107-114 of Chapter 61 of Revised Statutes relative to foreign corporations doing business in this State (S. P. 497) (S. D. 204) reported the same in a new draft, under the title of an act to amend Section 107 of Chapter 51 of the Revised Statutes, relative to resident attorneys for foreign corporations, (S. P. 794) and that it ought to pass.

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

Mr. Crockett, from the Committee on Banks and Banking, submitted its final report.

Mr. Carlton, from the Committee on Public Buildings and Grounds, submitted its final report.

Mr. Weatherbee, from the Committee on Public Utilities, submitted its final report.

Mr. Douglas, from the Committee on Taxation, submitted its final report.

The reports were severally read and accepted.

Sent down for concurrence.

#### Passed to Be Engrossed

An act naming the bridge at Bath. (H. P. 1559) (H. D. 807)

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

An act to provide equitable and uniform taxation for motor vehicles. (H. P. 1727) (H. D. 787)

An act relating to the Board of

State Assessors. (H. P. 1732) (H. D. 805)

(On motion by Mr. Bragdon of Aroostook, tabled pending passage to be engrossed.)

An act relating to amusements on Memorial Day. (H. P. 1733) (H. D. 806)

An act to exempt certain non-resident motor vehicles from registration while in the State exclusively for display or demonstration purposes; also non-resident passenger busses chartered and used exclusively for private conveyance of non-residents. (H. P. 1736) (H. D. 808)

(On motion by Mr. Littlefield of York, tabled pending second reading.)

An act relative to malicious injuries to certain public property. (S. P. 779) (S. D. 416)

An act relative to appeals from Trial Justices and Municipal Courts. (S. P. 780) (S. D. 417)

An act abolishing the office of coroner. (S. P. 781) (S. D. 418)

#### Orders of the Day

Under Orders of the Day and today assigned, the President laid before the Senate, resolve providing for the purchase of "Music and Musicians of Maine," (S. D. 367) tabled on April 5th by Mr. Harriman of Kennebec, pending motion to reconsider enactment.

Mr. HARRIMAN of Kennebec: Mr. President, is the pending motion to reconsider?

The PRESIDENT: The Chair will state that the pending motion is to suspend the rules and reconsider enactment.

Mr. HARRIMAN: I should like to make an explanation and clear up a little misunderstanding about this bill. Two years ago Mr. Edwards who is a musical director and composer of Portland put in a resolve asking the State to appropriate \$2500 for the purchase of "Music and Musicians of Maine," a book which Mr. Edwards had been spending a great many years in getting together. It is a book fully as thick as that (indicating), if not thicker and is a complete history of music and musicians of Maine, back almost to the first that any data was available. That resolve two years ago was reduced from \$2500

to \$1500 because, as is always the case, the State wanted to keep appropriations as low as possible, and Mr. Edwards was asked if he could complete the work and accept \$1500 from the State.

Now, in accepting that \$1500 he was to give the State a certain number of books which were to be distributed to the libraries and high schools of the State as a reference book and the State Librarian and the Commissioner of Education, Dr. Thomas, both said that it was a very desirable book and as time went on would increase in value.

Mr. Edwards said he would accept the resolve as passed, and do the best he could with the work. In the meantime, between that time and the time the book was published, he went into more details, adding about 50 pages to the book, and published according to the agreement and gave the State, I think, 300 copies, and he got his \$1500 but the revenue from the copies sold was insufficient to pay for publication, and this resolve is to pay for publication of the book.

I think anyone can readily see that a book of that nature is not a very ready seller. The value comes from an historical standpoint and the book will be more valuable as time goes on.

Mr. Edwards found himself more or less in debt and put in a resolve this year for \$1000 to make up for the \$1000 which he didn't get last year. A hearing was held before the Library Committee and they reported the resolve in a new draft or \$500, for one-half, which is still \$500 short of the amount Mr. Edwards expected to get for the book which had the backing of the State Librarian and the State Commissioner of Education.

Now, through some misunderstanding, as I take it, some members of the Senate and some members of the Governor's Council think because he got an appropriation two years ago, this resolve is superfluous and should not pass. They did not understand that it was reduced \$1000 two years ago, and I feel as long as the Library Committee took this into consideration, and I understand they were practically given to understand that in some way or other they could appro-

priate not to exceed \$3,000 for preparation of town histories and various kinds of work and this appropriation of \$500 is included in that \$3,000.

I feel that the bill as passed should go through. I feel if the matter was understood that this resolve would go through. I went in and explained this to the Governor and Council last week, after this recall order was presented here, and I understood that the recall order was to be withdrawn, but Senator Slocum said that he didn't understand it, and so I tabled it and agreed to explain it today.

Now, that is the situation, as I see it, and I hope that the motion to reconsider will not prevail.

Mr. SLOCUM of Cumberland: Mr. President, I was a member of the Committee on Library two years ago and we went very fully into this book, "Music and Musicians of Maine," a very fine book, and the author is certainly to be praised for the wonderful work he produced. I am again a member of the Committee on Library and I am very sorry that the committee didn't understand, at least the Senate members didn't understand that the money had been appropriated two years ago for this, and I was requested by the other Senate members of the Library Committee to introduce the order to recall this resolve from the Governor. I hope the motion will prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Slocum, that the rules be suspended and the Senate reconsider its action whereby the Resolve was finally passed. This requires a two-thirds vote of the Senators present to suspend the rules. Those in favor of suspending the rules will rise and stand until counted.

An insufficient number having arisen, the motion to suspend the rules was lost.

The President laid before the Senate, House Report from the Committee on Judiciary, Majority Report "Ought not to Pass," Minority Report "Ought not to Pass," on An Act relating to voting by persons physically incapacitated, (H. D. 411), tabled on April 3rd by Mr.

Weeks of Somerset, pending acceptance of minority report in non-concurrence and today assigned.

Mr. WEEKS of Somerset: Mr. President, pending acceptance of either report, I would like to move that this matter be referred to the next Legislature with the recommendation that between now and the time the next Legislature convenes, that the matter be investigated by the Secretary of State as to the advisability of enacting such a law, and I now yield to the Senator from Kennebec, Senator Martin.

Mr. MARTIN of Kennebec: Mr. President, I have talked with the gentleman from the House who introduced this bill and who has been interested in it, and such a disposal of the matter is satisfactory to him. I believe and he believes that the principle of the bill is absolutely sound. Personally, I do feel that there is some danger of people who are not mentally capable voting under stress of workers who, in a close election, might possibly urge voting, where they would not in an election that was not close. I do not think that the present bill takes care of that. There should be some way of determining their mental capability. As to those who have been in accidents or in similar cases, I cannot see any sound reason why they should not be permitted to vote, as they would if they were in an adjoining town. However, I do not feel the present bill takes care of the situation. I am in favor of the motion of the Senator from Somerset, Senator Weeks, and believe possible the Secretary of State could give more study than we could possibly give here in the closing days, and could give the next Legislature constructive suggestions on this bill.

The motion to refer to the next Legislature in non-concurrence prevailed.

The President laid before the Senate, An Act relative to the "Blue Sky Law," (S. D. 403), tabled on April 5th by Mr. Slocum of Cumberland, pending adoption of House Amendment A; and on motion by that Senator, the Senate voted to recede and concur with the House in the adoption of House Amendment A;

Thereupon, the bill as so amended, was passed to be engrossed in concurrence.

The President laid before the Senate, House Report from the Committee on Judiciary, Majority Report "Ought to Pass in a New Draft," Minority Report "Ought not to Pass" on An act to modify the practice on pleas in abatement, (H. D. 471), tabled on April 5th by Mr. Weeks of Somerset, pending acceptance of Minority Report.

Mr. WEEKS of Somerset: Mr. President, I wish to ask unanimous consent to withdraw my motion to accept the minority report.

Unanimous consent of the Senate was given to Senator Weeks to withdraw his motion.

Mr. WEEKS: Mr. President, in order to hasten legislation somewhat and not in any way abandoning my rights but in order to get the bill amended in proper form I move the acceptance of the minority report "ought to pass in a new draft."

Thereupon, the minority report of the committee "ought to pass in a new draft" was accepted and the bill received its first reading.

On motion by Mr. Weeks of Somerset, the rules were then suspended and the bill was given its second reading.

Thereupon the same Senator offered Senate Amendment A and moved its adoption: "Senate Amendment A to House Document 471. Amend said bill by striking out lines one to five as follows:

"Pleas and motions in abatement or to the jurisdiction may be filed within two days after the entry of the action, the day of entry to be reckoned as one, and if alleging matter of fact not apparent on the face of the record, shall be verified by affidavit."

Senate Amendment A was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

The President laid before the Senate, An act relating to Auxiliary State Forests, (H. D. 465), tabled on April 5th by Mr. Littlefield of York, pending second reading; and on motion by that Senator, the bill was given its second reading.

Thereupon the same Senator offered Senate Amendment A and moved its adoption:

"Senate Amendment A to House Document 465: Amend Section five by striking out lines six, seven, eight, nine, ten and eleven, and to the word "year" in the twelfth line and inserting in place thereof, the following: 'per cent if cut during the first year, two per cent for the second year, three per cent for the third year, four per cent for the fourth year, and five per cent for the fifth year.'"

Senate Amendment A was adopted.

Thereupon, on motion by Mr. Oakes of Cumberland, the bill as amended was tabled pending passage to be engrossed, in non-concurrence.

Mr. OAKES of Cumberland: Mr. President, if in order, I move that this bill which I just tabled, House Document 465 be taken from the table.

The motion prevailed.

Thereupon, on further motion by the same Senator, the bill as amended was passed to be engrossed in non-concurrence.

The President laid before the Senate, Report from the State Highway Commission on Projects known as 102A, 102B, and 103A, tabled on April 5th by Mr. Carlton of Sagadahoc pending consideration; and on motion by that Senator the report was retabled.

The President laid before the Senate, Senate Report from the Committee on Legal Affairs, "ought to pass in a new draft" on An act providing for the initiative and referendum (S. D. 262) tabled on April 5th by Mr. Dwinal of Knox pending acceptance of the report; and on motion by that Senator the report was retabled.

The President laid before the Senate, resolve in favor of several academies (S. D. 414) tabled on April 5th by Mrs. Pinkham of Aroostook pending passage to be engrossed as amended by Senate Amendment A; and on motion by that Senator the resolve was retabled.

The President laid before the Senate, an act relating to state aid for academies (S. D. 405) tabled on April 5th by Mr. Spear of Cumberland pending passage to be engrossed; and no motion by that

Senator the bill was retabled and especially assigned for tomorrow.

The President laid before the Senate, an act relating to snow removal (H. D. 408) tabled on April 5th by Mr. Wheeler of Penobscot pending passage to be enacted in concurrence; and on motion by that Senator the bill was passed to be enacted.

The President laid before the Senate, resolve in favor of poultry husbandry (H. D. 342) tabled on April 5th by Mr. Harriman of Kennebec pending adoption of Senate Amendment A in non-concurrence; and on motion by that Senator the resolve was retabled.

The President laid before the Senate, an act to create a Commissioner of Highways (S. D. 363) tabled on April 5th by Mr. Minott of Cumberland pending consideration and on motion by that Senator the bill was retabled.

The President laid before the Senate, Senate Report from the Joint Committee of Public Utilities, Judiciary and Interior Waters, Majority Report "Ought not to pass", Minority Report "Ought to pass", on an act to repeal the Fernald Law, so-called (S. D. 77) tabled on April 5th by Mr. Oakes of Cumberland pending acceptance of either report; and on motion by that Senator the Majority Report of the committee "ought not to pass" was accepted.

The President laid before the Senate, Senate Report from Joint Committee on Public Utilities, Judiciary and Interior Waters, Majority Report "Ought not to pass", Minority Report "Ought to pass", on an act to investigate and negotiate a compact regarding water power and electricity in New England (S. D. 118) tabled on April 5th by Mr. Oakes of Cumberland pending acceptance of either report; and on motion by that Senator the Majority Report of the committee "ought not to pass" was accepted.

The President laid before the Senate, An Act to make valid the copies of records of instruments affecting or conveying title to real estate in the County of Knox

and recorded in other counties, (H. D. 287), tabled on April 5th by Mr. Dwinal of Knox, pending passage to be enacted; and on motion by that Senator, the rules were suspended and the Senate reconsidered its action whereby this bill was passed to be engrossed.

Thereupon, the same Senator offered Senate Amendment A and moved its adoption.

"Senate Amendment A to House Document 287. Amend said bill by striking out Section Two."

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

The President laid before the Senate, Resolve relating to the removal of the Highway Commissioners (S. D. 333) tabled on April 5th by Mr. Spear of Cumberland pending consideration; and on motion by that Senator the resolve was retabled.

The President laid before the Senate, Senate Report from the Committee on Ways and Bridges, Majority Report, "ought to pass in a new draft"; Minority Report, "ought not to pass", on Resolve providing for an additional issue of highway and bridge bonds (S. D. 76) tabled on April 5th by Mr. Dwinal of York pending acceptance of Majority Report; and on motion by that Senator the resolve and accompanying reports were retabled.

The President laid before the Senate, resolve, in favor of Emmerston J. Hills and Alice S. Hills (S. D. 361) tabled on April 5th by Mr. Spear of Cumberland pending final passage; and on motion by that Senator the resolve was retabled.

The President laid before the Senate, resolve in favor of D. B. Cornish (S. D. 141) tabled on April 5th by Mr. Spear of Cumberland pending final passage; and on motion by that Senator the resolve was retabled.

The President laid before the Senate, House report from the Committee on Legal Affairs, "ought not to pass," on An Act relating to the registration of motor vehicles (H. D. 280) tabled on April

5th by Mr. Dwinal of Knox pending acceptance of the report in concurrence; and on motion by that Senator the report was retabled.

The President laid before the Senate, Joint Order, Relative to recalling from the Governor, "Resolve in favor of Lloyd Hickey," tabled on April 5th by Mr. Weatherbee of Penobscot pending passage in concurrence; and on motion by that Senator the order was retabled.

The President laid before the Senate, an act to provide for building a bridge at or near Bucksport (S. D. 364) tabled on April 5th by Mr. Spear of Cumberland pending printing of House Amendment A.

Mr. SPEAR of Cumberland: Mr. President, I yield to the Senator from Penobscot, Senator Crosby.

Mr. CROSBY of Penobscot: Mr. President, I move that the bill be retabled.

The motion to retable prevailed.

The PRESIDENT: A waiting papers from the House, the Chair will declare a short recess.

#### After Recess

The Senate was called to order by the President.

Additional papers from the House, out of order, disposed of in concurrence.

#### Passed to be Enacted

(Out of order)

An Act to provide for the exportation of surplus power. (S. P. 81) (S. D. 44)

Mr. SLOCUM of Cumberland: Mr. President, I am opposed to the passage to be enacted of this measure and ask a division of the Senate.

A division of the Senate was had Twenty-three having voted in the affirmative and seven in the negative, the bill was passed to be enacted.

An act concerning the licensing of airmen and aircraft, concerning air traffic rules, and to make uniform the law with reference thereto. (S. P. 31) (S. D. 23)

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

An act fixing trial terms of the



Superior Court. (S. P. 667) (S. D. 329)

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

An act relating to the protection of silver, silver black and black foxes, and providing a penalty. (S. P. 694) (S. D. 369)

An act relative to the State School for Girls. (S. P. 701) (H. D. 709)

An act relating to the protection of children. (S. P. 725) (S. D. 386)

An act relating to marriage. (S. P. 735) (S. D. 388)

An act to authorize the County Commissioners for the County of Washington to create a sinking fund for the purpose of retiring bonds issued in accordance with the terms of chapter 88 of the Private and Special Laws of 1927. (S. P. 743) (S. D. 396)

An act relative to certification of cases to the Law Court. (S. P. 744) (S. D. 397)

(The Senate resumed under Orders of the Day).

On motion by Mr. Spear of Cumberland, the Senate voted to reconsider its action taken earlier in today's session whereby an act to amend Section 98 of Chapter 16 of the Revised Statutes of the State of Maine on State Aid to Academies (S. D. 405) was assigned for tomorrow morning.

Thereupon on further motion by the same Senator the bill was taken from the table and that Senator offered the following amendment and moved its adoption: "Senate Amendment A to Senate Document 405, entitled 'an act to amend Section 98 of Chapter 16 of the Revised Statutes of the State of Maine on State Aid to Academies.' Amend paragraph two by striking out after the word

'annually' in line twenty-one, all to the word 'it' in line twenty-four and inserting in place thereof, '\$105,000 to be deducted from the State School Fund.'"

Senate Amendment A was adopted.

Thereupon, Mrs. Pinkham of Aroostook offered the following amendment and moved its adoption: "Senate Amendment B to Senate Paper 750, Senate Document 405, entitled 'an act to amend Section 98 of Chapter 16 of the Revised Statutes of the State of Maine on State Aid to Academies'. Amend paragraph two by adding in line thirty-four after the word 'incomes' the words 'from invested funds.'"

Senate Amendment B was adopted.

Thereupon, the bill as amended by Senate Amendment A and Senate Amendment B was passed to be engrossed.

On motion by Mrs. Pinkham of Aroostook, the Senate voted to take from the table, resolve in favor of several academies, (S. D. 414), tabled by that Senator earlier in today's session, pending passage to be engrossed as amended by Senate Amendment A; and on further motion by the same Senator, the resolve as so amended was passed to be engrossed.

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

Ordered, that the Senate Reporter be paid the sum of \$200 to reimburse him for clerical and other expenses incurred in making the official Senate report of the Eighty-fourth Legislature.

On motion by Mr. Weeks of Somerset

Adjourned until tomorrow morning at ten o'clock.