

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fourth Legislature

SPECIAL SESSION

OF THE

STATE OF MAINE

1930

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Tuesday, August 5, 1930.

In compliance with a proclamation by His Excellency, the Governor, William Tudor Gardiner, the Senators convened in the Senate Chamber at three o'clock in the afternoon.

Senate called to order by the President.

Prayer by the Rev. Herbert Pressey of Augusta.

By direction of the President, the Secretary read the proclamation:

STATE OF MAINE**PROCLAMATION BY THE GOVERNOR****SPECIAL LEGISLATIVE SESSION**

Provision was made, under Chapter 179 of the Resolves of 1927 and under Chapter 133 of the Resolves of 1929, for Revision of the General and Public Laws of the State.

Due notice has been given that this work will shortly be ready for submission to the legislature, and WHEREAS, it is advisable for the Legislature to pass on any general revision of the statutes at least 90 days prior to its regular session:

I, THEREFORE, by virtue of the power vested in the Executive, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol, in Augusta, on Tuesday, the fifth day of August, 1930, at three o'clock in the afternoon, in order to receive such communication as may then be made to them, and to consult and determine on such measures as in their judgment will best promote the welfare of the State.

Given at the office of the Governor and sealed with the Great Seal of the State of Maine, this 25th day of June, in the year of our Lord one thousand nine hundred and thirty, and of the Independence of the United States of America one hundred and fifty-fourth.

(Signed)

WM. TUDOR GARDINER
Governor of Maine.

By the Governor:

(Signed) EDGAR C. SMITH
Secretary of State.

Which was placed on file.

Roll Call

The roll being called by the Secretary, the following Senators responded to their names:

Allen, Bond, Boulter, Bragdon, Campbell, Carlton, Carter, Crockett, Crosby, Dwinal, Greenleaf, Harriman, Leland, Littlefield, Martin, Minott, Morrison, Murchie, Nickerson, Noyes, Oakes, Page, Pinkham, Slocum, Spear, Weatherbee, Weeks, and Wheeler—28.

The President announced that a quorum was present.

On motion by Mr. Martin of Kennebec it was

ORDERED, that a message be conveyed to the House of Representatives informing that body that a quorum of Senators is present for the consideration of such business as may come before it.

The Secretary subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Leland of Piscataquis, it was

ORDERED, that a message be sent to his Excellency, the Governor, informing him that in obedience to his proclamation, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before it.

The President appointed Senators Leland of Piscataquis, Pinkham of Aroostook, and Crockett of York to convey the message.

The committee retired, and subsequently reported that they had delivered the message with which they were charged.

A message was received from the House of Representatives, by Mr. Chapman, its Clerk, informing the Senate that a quorum of the Representatives is present for the consideration of such business as may come before it.

THE PRESIDENT: The Chair will state at this time that the Chief Executive has no message to present to this Legislature as he considers that the occasion necessitates no special communication on his part beyond that already made and he is unwilling to consume the time of the Legislature for anything unnecessary.

The Chair, however, has been asked to announce that the Governor and Mrs. Gardiner request

the attendance of the members and their wives at the Blaine Mansion at 5:30 o'clock this afternoon, Standard Time.

Reports

The report of the Hon. Clarence W. Peabody, commissioner on the revision of the Statutes, was received.

On motion by Mr. Weatherbee of Penobscot the reading of the report was dispensed with and the report was adopted.

Sent down for concurrence.

The report of the Committee on Revision of the Statutes was received, read and adopted, and sent down for concurrence.

Mr. Weatherbee of Penobscot, of the Committee on the Revision of Statutes, presented, An Act to revise and consolidate the Public Laws of the State of Maine.

The same Senator presented, An Act to repeal the Acts consolidated in the Revised Statutes of the year nineteen hundred and thirty.

On motion by the same Senator, the rules were suspended and these two bills received their two readings and were passed to be engrossed without reference to a committee.

Sent down for concurrence.

On motion by Mr. Slocum of Cumberland, out of order, it was

ORDERED, that the Secretary of the Senate be authorized to procure the services of a stenographer and typewriter operator during the Special Session of the Legislature and for the preparation of the Senate Journal.

Mr. WEATHERBEE of Penobscot: Mr. President, I desire to introduce a bill to provide for a Reviser to assist in the preparation and revision of statutes. Now this is a new matter in the State of Maine. Heretofore revisions have been made as they were made during the last revision. The Revision Committee have given the matter a great deal of study and we believe the State of Maine could save a great many thousand dollars and the expenditure of a great deal of time if a bill such as we now offer to you were to receive a

passage by this legislature. The title of the bill is, "An Act to provide for the appointment of a Reviser to Assist in the Preparation and Revision of the Statutes." The bill provides as follows:

(Here the Senator read the bill)

Now if this bill were to receive passage, the Revised Statutes would be kept up to date, then by the time the acts of the next session become law, through the elimination of time, the work of revision would be completely made, so that whenever the State by vote, determines it desires a revision of the Statutes, the work would be all done and all the reviser would have to do would be to send the copy right to the printer.

It is intended that the Reviser during the session will do extra work and thus save the State of Maine the amount of his salary.

I believe that this would be very wise, in the interest of economy and in the saving of time; and I think that we ought to give the bill a passage at this time so that the machinery may be set up in time for the work to commence at the beginning of the next session.

THE PRESIDENT: Does the Senator from Penobscot, Senator Weatherbee, make a motion?

Mr. WEATHERBEE: I move you, Mr. President, that the rules be suspended and the bill have its several readings and be passed to be engrossed at this time without reference to a committee.

Mr. LITTLEFIELD of York: Mr. President, this may possibly be all right,—I think perhaps it may be from what the Senator says, but I think this is a thing that is sprung on us too quick. I think that this is a matter that should be sifted out in a regular session of the legislature. I never had heard of it before. I suppose perhaps the rest have but I haven't and I do not think, in justice to the people of the State of Maine that this thing should be dropped in here and no one know anything about it. I would like very much to hear this argued out. Here is a bill put in here and if it is allowed to go through we don't know how many bills will be put in and go through and it certainly seems to me that this is not an emergency measure

and it doesn't make a mite of difference whether it goes through or not and I hope the motion will not prevail.

MR. WEATHERBEE: The reason it is presented at this time is so that the Revisor may attend to the work of the very next session,—begin at the very first of the session. We have always heretofore hired someone to draft bills at an expense of a thousand dollars or more. That can be saved. At the end of the session we have always hired someone to prepare an index and that cost a considerable sum of money and that can be saved. We think there is no reason why we cannot have the benefit of the Revisor's services as quickly as possible. Nearly every other state in the Union has adopted this method instead of the old, cumbersome method that has been in vogue since we were organized as a State. The expense will amount to nothing and the State will save money although the work will be more accurately done. The enactments at the next session will be more accurately done. It will be a great help to the next legislature of the State of Maine.

The **PRESIDENT:** Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Penobscot, Senator Weatherbee, that the rules be suspended and the bill be given its two several readings at this time and passed to be engrossed without reference to a committee. The Chair will state that to suspend the rules requires a two-thirds vote. Those in favor of the motion to suspend the rules will rise and stand in their places until counted.

A division of the Senate was had.

A sufficient number having arisen the motion prevailed, the rules were suspended, the bill was given its two several readings and was passed to be engrossed without reference to a committee.

Sent down for concurrence.

On motion by Mrs. Allen of Penobscot, out of order, it was

ORDERED, the House concurring, that three hundred and fifty copies of the Legislative Record for the special session of 1930 be printed

and bound, one copy each for the members of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library, and be it further

ORDERED, that three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments under the direction of the document clerk.

Sent down for concurrence.

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

Mr. MURCHIE of Washington: Mr. President, I desire to introduce an act at the present time, and before asking for the suspension of the rules I will read it so that everybody may have an opportunity to know that it is not an involved matter. The title of the bill is, "An Act relating to the Western Washington Municipal Court." I will say in explanation of the introduction of the bill that at the regular session in 1929 an error was made in the redrafting of the Western Washington Municipal Court and as a result of that error the trial justices west of the Machias river are entirely deprived of criminal jurisdiction, and it is hoped that the passage of this bill will not only save the county some expense, but the people some inconvenience. It seems to me that this is a proper matter to be disposed of at this time and I therefore move that the rules be suspended and the bill be given its two several readings and be passed to be engrossed without reference to a committee.

Thereupon, under suspension of the rules, the bill received its two several readings, and was passed to be engrossed without reference to a committee.

Sent down for concurrence.

Mr. MURCHIE of Washington: Mr. President, I desire to repeat that process and I want to assure you that I won't endeavor to do it again.

This bill is entitled, "An Act to Amend Chapter 111 of the Private and Special Laws of 1925, Being An Act to Incorporate Dexter P. Cooper, Inc." I will read the bill.

(Here the Senator read the bill).

In explanation of this bill I may say merely this: An engineer by the name of Dexter P. Cooper only a few years ago dreamed of the possibility of utilizing the tides in the Bay of Fundy region for the development of electric energy. The development, if it could be put into effect, would be a development of tremendous value not only to the locality itself, and to the entire county itself, but to the entire State of Maine. In 1925 a charter was granted by the State, according to the terms of which,—Section Seven referred to herein—no powers granted under the Act can be exercised until the International Joint Commission allocates the power to be developed between the United States on one hand and the Dominion of Canada on the other. In 1929, too late for action in this Legislature, the Canadian sister company was denied legislation extending its charter. Mr. Cooper in the meantime has developed the possibility of an American development without infringing at all on Canadian waters. The passage of the bill at this time will make it possible for him to start construction in the Spring of 1931. A delay of a few months would make it impossible for him to do anything before the spring of 1932. For that reason, not Mr. Cooper, not the immediate community, but I think the entire county of Washington, is desirous that this bill be disposed of at this time.

Again I move the rules be suspended and this bill be given its two several readings and pass to be engrossed without reference to a committee.

Thereupon, the rules were suspended, the bill received its two several readings and was passed to be engrossed without reference to a committee.

Sent down for concurrence.

Mr. WHEELER or Oxford: Mr. President, I have a bill which I would like to introduce and I will give a brief explanation of it. The title of the bill is, "An Act Relating to Oxford County Issuing Bonds."

Under the Bridge Act, Chapter 315 of the Public Laws of 1915, we are owing the Highway Commission \$185,000 and due to certain irregu-

larities we are not able to float the bond issue without the passage of this bill. The Highway Commission has been asking us for their money and the County of Oxford would be very pleased to pay them if we could float the bonds. I would, therefore, very much like to have the Senate approve of the suspension of rules and the bill given its two several readings and passed to be engrossed without reference to a committee.

Thereupon, the rules were suspended, the bill was given its two several readings and passed to be engrossed without reference to a committee.

Sent down for concurrence.

Mr. CARLTON of Sagadahoc: Mr. President, I have a little bill here to amend a couple of bills which seem to have got lost in the shuffle of the last legislature relative to fish and game. We passed a license law and we expected,—I think everyone did—that it was to be paid annually but through some error the "annually" was left out, therefore they can let no more fishing licenses until that section is revised. It means something like \$35,000 or \$40,000 to the State of Maine.

Again they had a little bill on the close time on the hunting of partridges and they practically cut all gunning out when they cut out the month of November. Many keep dogs down there and now they get no gunning under that law and they have to go to Virginia to get gunning.

These two amendment, I would move be passed to be engrossed without reference to a committee. One means quite a little to fish and game, and to the state. We have five counties who are in this: Sagadahoc, Knox, Lincoln, York and Cumberland.

(The Secretary read, "An Act to Amend Chapter 331 of the Public Laws of 1929.")

Mr. CARLTON: We had an amendment passed through the Senate and it went down to the House and they were taking up the other fish and game laws and they used up the alphabet and threw this out with it, and I talked with many members of the Senate and they

thought it had gone through. Delegations from three counties I saw and they were favorable to it, and Mr. Angell has just signed for the other two and he is pretty good authority in that section.

Mr. BRAGDON of Aroostook: Mr. President, after the reception which this Senate gave to what I considered a business-like suggestion from the Senator from York, (Senator Littlefield), I naturally hesitate to offer any suggestions myself, but I wish to call attention to the fact that at the regular session of this legislature, after the appointment of a Committee on Inland Fisheries and Game, this whole subject of the Fish and Game Laws was gone over very carefully by that committee with the assistance of eminent legal counsel and considerable assistance from very able parties from without the borders of the State, and it seems that after all this care had been taken and people from all over the State had come in here to express their opinions on how our Fish and Game Laws should read, it was discovered that in spite of all that pains that was taken, there was a little error that had crept into the bill, by means of which the Senator from Sagadahoc (Senator Carlton) says the State will lose perhaps \$35,000 a year. I feel like suggesting at the present time that if we go on permitting every member of this legislature perhaps to introduce two matters of legislation and have them enacted without reference to a committee or printed, that the time is coming after we get home that we will find we have made a mistake that has cost the State a great deal more than \$35,000. And without any feeling towards any members of the Senate other than of the most extreme kindness, I do hope that the members of this Senate will decided to go slow in the way of enacting legislation in this manner.

Mr. CARLTON: Mr. President, I take the attitude that these were errors and it seemed to be the general opinion that they were going to fix up the few errors in this fish and game law. Now, the matter of the fish and game law was in considerable confusion, if I remember correctly, at the last session and even the members of the committee who told me that these amend-

ments had gone through, told me that after the Legislature had adjourned. Now, there was no opposition to it in the Senate here but in the House it got more or less mixed up and they ruled it all out and started over again and I don't think it was very clear to anybody what actually happened. Now, this means revenue to the state. I don't believe anybody thinks they intended to have those licenses any other way than annually. The Fish and Game Commission, if they are going to do anything, needs more revenue. There is more discussion about lack of revenue then there is about any other thing I know of. This was a mistake and these amendments correct it.

Mr. PAGE of Somerset: Mr. President, I would like to inquire from the Senator from Sagadahoc, Senator Carlton, if all this bill does is to require an annual license fee.

The PRESIDENT: The Senator from Somerset, Senator Page, inquires through the Chair of the Senator from Sagadahoc, Senator Carlton, and the Senator from Sagadahoc may answer if he desires.

Mr. CARLTON: That is one of the amendments to the bill.

Mr. PAGE: Well, I would like to know what the bill does. For instance, does it lengthen the open time on partridges?

Mr. CARLTON: It lengthens the open time for those counties which are mentioned. It adds one month. Now, I wish to call my colleague's attention to this. Up in the northern counties there is nearly a month's difference. In our county, if the season comes early we have snow in November and if it is a late season the leaves stay on until October, and you don't get more than five or six weeks hunting season and many of the people there keep bird dogs and they don't want to have to go to Virginia to hunt, because the partridge hunting season there is practically ruined. I was assured by the member of the committee that this went through. But I wasn't surprised when I learned that something had happened to it when it got into the House.

Mr. LITTLEFIELD of York: Mr. President, I don't quite understand the partridge end of that bill and I would like to have it read again. (The secretary read the bill).

The PRESIDENT: Is the Senate

ready for the question? The question is on the motion of the Senator from Sagadahoc, Senator Carlton, who has presented the bill, that the rules be suspended and the bill be given its several readings at this time and passed to be engrossed without reference to a committee.

A division of the Senate was had. Eight having voted in the affirmative and fifteen in the negative, the necessary two-thirds vote was not obtained and the motion failed of passage.

The PRESIDENT: The Chair will state that the bill automatically is now referred to the next Legislature.

On motion by Mr. Weeks of Somerset, it was

ORDERED, that the Secretary of the Senate be directed to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as chaplains of the Senate during the present session.

On motion by Mr. Campbell of Washington, it was

ORDERED, that Charles P. Lyford, of Augusta, be appointed Official Reporter of the Senate for the Special Session.

Mr. WEEKS of Somerset: Mr. President, I wish to present a bill relative to the road from Jackman to Moosehead Lake. The last Legislature appropriated \$25,000 for the past fiscal year and \$25,000 for the coming present fiscal year for the construction of a road leading from Jackman to Moosehead Lake. That was on condition that \$10,000 be raised from outside sources for each of the two fiscal years. It was found to be possible to raise only \$10,000. Now the state has gone ahead with the road, has spent about \$25,000 there and all materials, tools and so forth are there so that the road work can be carried along at the present time if this bill is passed. But if the matter goes over until next year those tools and other materials will have to be removed.

Now, I don't know whether the members of the Senate realize it but we have in our county a settlement of 315 people who have no road to get out on to any of our Maine highways without going through Canada and the construc-

tion of this road would open up that territory so they could get out without going outside of the State of Maine. I therefore move that the rules be suspended and the bill be given its two several readings and passed to be engrossed without reference to a committee.

(The Secretary read bill "An Act in Favor of the Jackman-Rockwood Road.")

Thereupon, the rules were suspended and the bill received its two several readings.

On motion by Mr. Spear of Cumberland the bill was then laid upon the table pending passage to be engrossed.

On motion by Mr. Weatherbee of Penobscot, out of order, it was,

ORDERED, the House concurring, that the committee on the Revision of the Statutes be and is hereby authorized and directed to supervise the completion of the index to the Revised Statutes, with power to accept the same.

Sent down for concurrence.

Mr. Crockett of York presented "An Act to Amend Section 43 of Chapter 23 of the Revised Statutes of 1930 relating to the Mill Tax Highway Fund."

On motion by that senator the bill was referred to the next Legislature.

Sent down for concurrence.

The PRESIDENT: The Chair will inquire if any Senator has any other matter which he wishes to introduce at this time.

Mr. WEEKS of Somerset: Mr. President, I have another bill to enable the Town of Cornville to obtain its state aid money. Under the Three Towns Act, two towns voted for a road and the other town got twisted up and selected another road. The Town of Cornville, I think, is entitled to about \$900 and this bill enables them to obtain the money and complete the road as was originally intended. It does not raise any question of revenue at all.

(The Secretary read, "An Act to Permit the State Highway Commission to Expend Certain Moneys in the Town of Cornville.")

Thereupon, on motion by Mr. Weeks of Somerset the rules were suspended and the bill was given its two several readings without

reference to a committee and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: Is there any other Senator who has anything to present at this time? If not, pending arrival of papers from the House, the Senate will recess.

After Recess

The PRESIDENT: The Senate will be in order.

Mr. Spear of Cumberland, out of order, presented "Resolve on the Pay Roll of the Senate."

On motion by the same Senator the rules were suspended, the resolve given its two several readings without reference to a committee and passed to be engrossed.

Papers from the House disposed of in concurrence.

From the House: "An Act Relating to Clerk Hire in the County Offices in the County of Piscataquis."

In the House, under suspension of the rules this bill was given its three several readings and passed to be engrossed.

In the Senate:

Mr. LELAND of Piscataquis: Mr. President, this bill, I think was introduced in the House to correct what was apparently a clerical error in the work of the last Legislature. Since the introduction of this bill it has been found that in the very thorough and painstaking work of the Committee on Revision of the Statutes this error has been corrected and I therefore move that this bill be indefinitely postponed in non-concurrence.

The motion prevailed.

Sent down for concurrence.

Passed To Be Enacted

An Act to Repeal the acts Consolidated in the Revised Statutes of the Year One Thousand Nine Hundred Thirty.

An Act to Revise and Consolidate the Public Laws of the State.

From the House: An Act Relating to Fur-Bearing Animals.

In the House: Passed to be Engrossed as amended by House Amendment A.

In the Senate: On motion by Mr. Carlton of Sagadahoc the bill and amendment were laid upon the table pending the adoption of House Amendment A in concurrence.

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

After Recess

The PRESIDENT: The Senate will be in order. The Chair wishes to state that the invitation of the Governor and Mrs. Gardiner includes all of the officers of the Legislature as well as the members. Is there any further business to come before the Senate at this time?

On motion by Mr. Spear of Cumberland, bill "An Act in Favor of the Jackman-Rockwood Road" was taken from the table, and that senator yielded the floor to Mr. Weeks of Somerset.

On motion by Mr. Weeks of Somerset the bill was passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: Is there any further business?

On motion by Mr. Oakes of Cumberland,

Adjourned until tomorrow morning at nine o'clock.