

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1931

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, January 7, 1931.

In convention of the members-elect of the Eighty-Fifth Legislature.

This day being the day designated by the Constitution of the State for the meeting of the Eighty-Fifth Legislature, the members-elect of the House of Representatives assembled in the hall of the House of Representatives at 10 o'clock A. M., and were called to order by Clyde R. Chapman, Clerk of the House of 1929.

Prayer was offered by the Rev. Mr. Pressey of Augusta.

A communication was received from the Secretary of State, transmitting a certified roll of the Representatives-elect of the Eighty-Fifth Legislature.

A call of the roll by the Clerk revealed the presence of a quorum and 149 members responded to the call.

On motion by Mr. Blaisdell of Franklin, Messrs. Blaisdell of Franklin, Littlefield of Monroe, Friend of Skowhegan, McCart of Eastport, Jackson of Bath, Perham of Paris and Burkett of Union were appointed a committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives-elect had assembled in the Representatives' Hall and request his attendance to administer to them the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

Mr. Blaisdell subsequently reported that the committee had discharged the duty assigned it, and the Governor was pleased to say that he would forthwith attend upon the Representatives-elect for the purpose of administering to them the oaths required by the Constitution.

The report of the committee was accepted.

Thereupon, the Governor, attended by his Council, came in and administered to the members-elect, and they subscribed, the oaths required by the Constitution to qualify them to discharge their official duties.

The Governor and suite then retired.

On motion by Mr. Hathaway of Milo, Messrs. Hathaway of Milo, Farris of Augusta, Boody of Windham, MacKinnon of Mexico, Burns of Eagle Lake, Picher of Waterville, and Hamel of Lewiston were appointed a committee to receive, sort and count votes for Speaker of the House.

Mr. Hathaway subsequently reported the whole number of votes cast 121. Necessary for a choice 61. Hon. E. D. Merrill of Dover-Foxcroft had 98 and Hon. John Clark Scates of Westbrook had 23.

The report was accepted whereupon Hon. E. D. Merrill was declared duly elected Speaker of the House of Representatives of the Eighty-Fifth Legislature for the years 1931 and 1932, and Mr. Merrill was conducted to the Chair by Mr. Scates of Westbrook, amid applause, the members rising.

Mr. SCATES of Westbrook: Members of the House of the Eighty-Fifth Legislature. It is my privilege and I can assure you a pleasant one to present Honorable E. D. Merrill whom you have elected Speaker of the House. Ladies and gentlemen of the House, our Speaker, Dr. Merrill. (Applause)

SPEAKER MERRILL: Fellow members of the House of Representatives of the Eighty-Fifth Legislature: It is with a feeling of modesty that I enter upon the duties of the speakership when I remember the succession of notable men who, from the remote to the near past, have preceded me in this office, many of whom subsequently entered wider fields of public service as jurists, governors, members of Congress, diplomats, members of the cabinet, even the vice-presidency of the United States, and one by a narrow margin failing of the highest honor in the gift of the American people. Together in my heart with that feeling of modesty is a deep and abiding appreciation of, and gratitude for, the loyal friends who have made it possible for me to serve in this highly honorable office of Speaker of this House.

We are met here as Representatives of the people of the State to provide funds from the revenues of the State for the adequate carrying on of the government for the ensuing two years and to enact laws

for the welfare of the 800,000 people whom we represent. If, in our appropriations, we shall be successful in pursuing a course neither niggardly nor extravagant, but keeping well within the limits of the recommendations of the budget committee which are the result of a careful and painstaking study of State finances, if in our deliberations we shall be as expeditious as may be consistent with that careful consideration of proposed legislation necessary for its disposition, the Eighty-Fifth Legislature, on final adjournment, will have honorably discharged its duties and passed into history with a notable record. The next matter before the House is the election of a Clerk, and the Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS of Auburn: Mr. Speaker, I consider it a high privilege at this time, as a member of the Eighty-Fifth Legislature, to address you as Speaker of the House the first time from the floor. I rise, sir, to ask for the selection of a committee of seven to be appointed by the Chair, to receive, sort and count votes for the office of Clerk of the House.

Thereupon on motion by Mr. Jacobs of Auburn, Messrs. Jacobs of Auburn, Angell of Saco, Sturtevant of Livermore Falls, Ford of Brooklin, Thompson of Belfast, Breen of Lewiston and Berry of Waterville were appointed such committee.

Mr. SCATES of Westbrook: Mr. Speaker and members of the House: It is the desire of the minority members that Clyde R. Chapman be elected Clerk without opposition, and I would move you that the committee cast a vote of one for Mr. Chapman.

The motion prevailed and Mr. Jacobs of the committee reported that Clyde R. Chapman was duly elected Clerk of the House for the Eighty-Fifth Legislature of Maine. (Applause)

The SPEAKER: The next matter of organization before the House is the election of an Assistant Clerk, and the Chair recognizes the gentleman from Oakland, Mr. Morse.

On motion by Mr. Morse, Messrs. Morse of Oakland, Blodgett of Bucksport, Patterson of Freeport,

Carleton of Portland, Audibert of Fort Kent, Cooper of Chelsea and Hobbs of Hope were appointed a committee to receive, sort and count votes for Assistant Clerk of the House.

Mr. SCATES of Westbrook: Mr. Speaker, in behalf of the minority members I move you that the committee cast a vote of one for Harvey R. Pease as Assistant Clerk of this House.

Thereupon Mr. Morse of the Committee reported that Harvey R. Pease was duly elected Assistant Clerk of the House for the Eighty-Fifth Legislature of Maine.

On motion by Mr. Robie of Westbrook that gentleman was charged with a message to the Governor, notifying him of the organization of the House by the election of Hon. E. Delmont Merrill as Speaker, Clyde R. Chapman as Clerk and Harvey R. Pease as Assistant Clerk.

Mr. Robie subsequently reported that he had discharged the duty assigned, which report was accepted.

On motion by Mr. Allen of Sanford that gentleman was charged with a message to the Senate, informing that body of the organization of the House by the election of Honorable E. Delmont Merrill as Speaker, Clyde R. Chapman as Clerk and Harvey R. Pease as Assistant Clerk.

Mr. Allen subsequently reported that he had discharged the duty assigned him and the report was accepted.

On motion by Mr. Jack of Lisbon that gentleman conducted the Clerk and Assistant Clerk to the Governor to take and subscribe the oaths necessary to qualify them to enter upon the discharge of their official duties, and he subsequently reported that he had discharged the duty assigned him and that the Clerk and Assistant Clerk had taken and subscribed the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties, which report was accepted.

Thereupon Clyde R. Chapman and Harvey R. Pease as Clerk and Assistant Clerk respectively appeared and entered upon the discharge of their official duties.

At this point a message was received from the Senate through Senator Weatherbee of Penobscot informing the House that the Senate had been duly organized by the election of Honorable Burleigh Martin as President, Royden V. Brown as Secretary, and Chester T. Winslow as Assistant Secretary.

Orders

On motion by Mr. Melcher of Rumford, it was

Ordered, that H. Ralph Hayes of Portland be Messenger; Frank H. Treworgy of East Surry be Assistant Messenger; John K. Forhan of Canton be Postmaster; D. S. Clement of Winthrop be Mail Carrier; Fred C. Barnes of Bangor be First Folder; John Curry of Gardiner be Second Folder; Patrick H. Fitzgerald of Augusta be Doorkeeper; and that the Speaker appoint two pages and a Document Clerk.

At this point the Chair announced the following appointments: Document Clerk, Ransom D. Palmer of Augusta; as Pages Richard Venus of Augusta and Kenneth E. Sanborn of Monmouth.

On motion by Mr. Farris of Augusta, it was

Ordered, that the Official Reporter of the House be authorized to procure the services of a typist and proof-reader during the present session for the preparation and completion of the Legislative Record, the compensation to be the same as at the last regular session.

Mr. Carleton of Portland presented the following order and moved its passage:

Ordered, the Senate concurring, that a Joint Select Committee be appointed, consisting of two members of the Senate, to be appointed by the President thereof, and three members of the House to be appointed by the Speaker thereof, to be known as the joint committee on Legislative Expense.

And it is further ordered, that all joint orders providing for the expenditure of any money to be charged to legislative expense be referred to the joint committee on Legislative Expense.

Mr. ROUNDS of Portland: Mr. Speaker, it seems very queer that at the beginning of this session we should come in here and delegate

our powers to five people. Of course it has been ruleable that we should have some little thing to do business with, but if this order is now passed we would have to go to five people, three of the House and two of the Senate, and it looks to me as though the full body should work on this. I know that in the business of this Legislature it is necessary to call people at home by telephone, that has been our practice for years to my certain knowledge and I think I have put in an order for this purpose five times if not six to have fifty calls, and it seems to me at this late day that we are trying to save fifteen cents while spending fifteen hundred dollars in some other way. As I understand it there are some ninety-odd members of this House who are new here and who do not understand how convenient it is to have this privilege. Now, I for one, am opposed to any such order as that going in. Therefore, I move that it be laid on the table for the present.

THE SPEAKER: The gentleman from Portland (Mr. Rounds) moves to table the order. The question is not debatable. All those in favor of the motion to table—

Mr. CARLETON of Portland: Mr. Speaker, might I inquire when it can be taken from the table?

THE SPEAKER: The gentleman is not in order inasmuch as the gentleman who made the motion to table does not signify a time.

Thereupon a viva voce vote being taken, the order was tabled.

On motion by Mr. Jackson of Bath, it was

Ordered, that the Rules and Orders of the last House of Representatives be adopted for the government of this House until otherwise ordered.

Mr. Wright of Bath presented the following order and moved its passage:

Ordered, that the Secretary of State be directed to deliver to the Clerk of the House one copy of Webster's Unabridged Dictionary, one copy of The Standard Dictionary, one copy of the Holy Bible, one copy of Cushing's Parliamentary Law, one copy of Reed's Parliamentary Rules and one copy of Roberts' Rules.

Mr. CARLETON of Portland: Mr. Speaker, I move that the order be tabled.

A viva voce vote being taken, the motion to table failed of passage.

THE SPEAKER: The question before the House is on the passage of the order.

A viva voce vote being taken, the order received passage.

Mr. Holbrook of Vanceboro presented the following order and moved its passage:

Ordered, that all House orders calling for the expenditure of any money to be charged to legislative expenses, except such orders for printing of bills as are recommended by the committee on reference of bills be referred for consideration to the House members of the committee on Legislative Expense.

Mr. ROUNDS of Portland: Mr. Speaker, this seems to be on the same line with the other order, and therefore, I ask to have it indefinitely postponed.

A viva voce vote being taken, the order was indefinitely postponed.

On motion by Mrs. Day of Gorham, it was

Ordered, that the Clerk of the House be authorized and directed to furnish each member of the House with a copy of the Advance Journal of the House, said copy to be on the desk of each member at the opening of each daily session.

The Clerk of the House is also hereby directed to employ necessary additional clerical assistance, and to make the necessary printing arrangements.

On motion by Mr. Perham of Paris, it was

Ordered, that the Secretary of State be directed to deliver to the Clerk of the House all typewriting paper, pencils, fountain pens, carbon paper, and other supplies which may be needed in the Clerk's office during the present session.

On motion by Mr. Melcher of Rumford, it was

Ordered, that House Rule 48 be amended by adding thereto the following words: "The Revisor of Statutes shall be the Clerk to the committee on bills in the Third Reading.

On motion by Mr. Sterling of Caratunk, it was

Ordered, that Cecil Clay of Belfast be the Official Reporter of the House for the present session, his compensation to be the same as at the last regular session.

Mr. Carleton of Portland presented the following order and moved its passage:

Mr. CARLETON: Mr. Speaker, I will say at this time that this will save about \$10,000 to the State, if passed

Ordered, the Senate concurring, that the Document Clerks prepare and keep up to date a cumulative index of all bills and resolves introduced during the session to show precisely the important steps in the history of each and its final disposition of present status, so that this information will be available to all members of the Legislature at all times, and that no copies thereof be printed.

The order received passage and was sent up for concurrence.

On motion by Mr. Goudy of South Portland, it was

Ordered, that the Clerk of the House be directed to furnish each member and officer of the House during the present session with one copy each of three daily papers printed in the State as each member and officer may select.

On motion by Mr. Wilbur of Bridgton, it was

Ordered, that the Secretary of State furnish each member and officer of the House of Representatives with postage stamps to the amount of ten dollars.

On motion by Mr. Hatch of Lovell, it was

Ordered, that the State Librarian be authorized and directed to furnish the Clerk of the House with three copies of the Revised Statutes, the House Journal of 1925, the Senate Journal of 1925 and the Legislative Records of 1927 and 1929.

On motion by Mr. Eastman of Stow, it was

Ordered, that each member and officer of the House be supplied with a fountain pen.

On motion by Mr. Littlefield of Monroe, it was

Ordered, that the Clerk of the House be directed to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as chaplains of the House during the present session.

On motion by Mr. Rounds of Portland, it was

Ordered, the Senate concurring, that a Joint committee consisting of the three on the part of the House, and as many as the Senate may join, be appointed with full authority to make a contract with the New England Telephone and Telegraph Company for telephone service for the members of the Eighty-Fifth Legislature relative to matters connected with their official duties.

Read, passed and sent up for concurrence.

The SPEAKER: The Chair wishes to call attention in the most courteous manner possible to a House rule which prohibits smoking during a session of the House unless a motion is made and carried to suspend the rules and permit it. Several of the gentlemen not being aware, probably, of that rule are violating it and I am simply calling your attention to that fact.

Mr. SCATES of Westbrook: Mr. Speaker, the most of my formal duties seem to be in relation to the Clerk and I have an order to present here as to which I hope the veteran from Portland (Mr. Rounds) will not move its indefinite postponement. (Laughter)

Ordered, that the Superintendent of Buildings be directed to purchase for the Clerk of the House typewriters and such other office equipment as shall be deemed necessary by the Clerk, and charge the same to Legislative expense.

The order received passage.

From the Senate: Ordered, the House concurring, that all matters pertaining to printing, binding, advertising, committee record binding and paper supplies be referred to the Superintendent of Public Printing who shall direct the handling of such matters.

Comes from the Senate, read and passed

In the House, read and passed in concurrence.

From the Senate: Ordered, the House concurring, that the Secretary of the Senate and Clerk of the House jointly prepare the Senate and House Register, and that four thousand copies be printed for the use of the Legislature.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Ordered, the House concurring, that the Joint Rules and Orders of the Eighty-Fourth Legislature be the Joint Rules and Orders of this Legislature.

Comes from the Senate read and passed.

In the House:

Mr. SCATES of Westbrook: Mr. Speaker, in regard to the Joint Rules, I read in the Legislative Record of the last session the statement by the veteran from Portland (Mr. Rounds) that there had been more legislation, important legislation, passed in the last twenty-four hours of the Legislature than during all the previous time. Now it seems to me that the Joint Rules could be so amended as to expedite the business of the Legislature, and would it not be advisable to table this order until the Speaker of the House and President of the Senate can confer and see if some additional rule cannot be made to expedite the business of the Legislature; and I would like to have this order tabled until you two presiding officers have opportunity to formulate some additional rule in this regard.

Thereupon, on motion by Mr. Scates of Westbrook, the order was tabled in non-concurrence.

From the Senate: Ordered, the House concurring, that the members and officers of the Legislature be furnished with express and parcel transportation for all packages and departmental reports in a sum not exceeding five dollars for each member and officer thereof, and that such transportation be furnished and expended under the direction

of the State Library Department, and the unexpended balance at the close of the year 1931 shall be available for use in 1932.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

Mr. ROUNDS of Portland: Mr. Speaker, if in order I would like to take from the table the order tabled by me earlier today relative to the appointment of a joint committee on Legislative expense.

On motion by Mr. Rounds, a viva voce vote being taken, the order was indefinitely postponed and sent up for concurrence.

On motion by Mr. Rounds of Portland, it was voted that the lady members of the House be permitted to select such seats as they may desire.

On motion by Mr. Patterson of Freeport, it was voted that members having defective hearing be allowed to choose their seats.

On motion by Mr. Holbrook of Vanceboro, the House recessed until 2.30 P. M.

Afternoon Session

Called to order by the Speaker at 2.30 P. M.

A communication was received from the Senate, through its Secretary, proposing a joint convention of the two branches of the Legislature to be held in the hall of the House of Representatives forthwith for the purpose of electing a Secretary of State, State Treasurer, Attorney General and seven Executive Councilors.

Thereupon the House voted to concur with the Senate in accepting the proposition for a joint convention.

The Clerk of the House was then charged with a message to the Senate signifying the concurrence of the House in the proposition for a joint convention.

The Clerk of the House subsequently reported that he had discharged the duty assigned him.

At this point the Senate came in and a joint convention was formed.

In Convention

The President of the Senate in the Chair.

On motion by Senator Holman of Franklin, it was voted to appoint a committee to receive, sort and count votes for Secretary of State.

The Chairman of the Convention thereupon appointed as members of such committee Senators Holman of Franklin, Aldrich of Sagadahoc, and Representatives Hussey of Augusta, Burkett of Portland, Patterson of Freeport, Wright of Bath and White of Dyer Brook.

The committee to receive, sort and count votes having attended to the duty assigned it, Senator Holman for that committee reported as follows:

Whole number of votes cast, 161; necessary for a choice, 81; Edgar C. Smith had 151, Charles T. Reade had nine, and George W. Boulter had 1.

The report was read and accepted, and Edgar C. Smith, having received the majority of votes cast, was declared elected Secretary of State for the political years 1931-1932.

On motion by Senator Bishop of Lincoln, it was voted to appoint a committee to receive, sort and count votes for Treasurer of State.

The Chairman of the Convention thereupon appointed as members of such committee Senators Bishop of Lincoln, Southard of Kennebec and Representatives Blanchard of Phillips, Blaisdell of Franklin, Burkett of Union, Robie of Westbrook and Hathaway of Milo.

The committee having attended to its duty Senator Bishop for the committee reported as follows:

Whole number of votes cast, 168; necessary for a choice, 85. William S. Owen had 138; Frank E. Mace, 26, scattering 4.

The report was accepted and William S. Owen was declared elected Treasurer of State for the political years 1931-1932.

On motion by Senator Slocum of Cumberland, it was voted to appoint a committee to receive, sort and count votes for Attorney-General.

The Chairman of the Convention thereupon appointed as members of such committee Senators Slocum of Cumberland and McLean of Han-

cock and Representatives McCart of Eastport, Farris of Augusta, Scates of Westbrook, Snow of Bluehill and Jack of Lisbon.

The committee having attended to the duty assigned it, Senator Slocum, for the committee, reported as follows:

Whole number of votes cast, 169; necessary for a choice, 85. Clement F. Robinson had 138 and Herbert E. Holmes had 31.

The report was read and accepted and Clement F. Robinson, having received the majority of all the votes cast, was declared elected Attorney-General for the political years 1931-1932.

On motion by Senator Weeks of Somerset, it was voted to appoint a committee to receive, sort and count votes for Executive Councilors.

Thereupon the Chairman of the Convention appointed upon that committee Senators Weeks of Somerset and Farnsworth of Aroostook and Representatives Fenlason of Anson, Mrs. Day of Gorham, Miss Martin of Bangor, Mrs. Morey of Lewiston and Mrs. Carter of Fairfield.

The committee to receive, sort and count votes having attended to the duty assigned it, Senator Weeks for that committee reported as follows:

Whole number of votes cast, 172; necessary for a choice, 87. George C. Lord had 141, Frederick Robie, Charles S. Cummings, Blaine S. Viles, Forrest H. Bond, Lewis O. Barrows and Allen C. T. Wilson 142 each; Willard H. Perkins, 30, John H. Dooley, 30, Louis J. Brann, 30, Elmer E. Newbert, 30, James B. Perkins, 30, Cornelius J. O'Leary, 30 and J. A. Laliberte, 30.

The report was read and accepted and George C. Lord, Frederick Robie, Charles S. Cummings, Blaine S. Viles, Forrest H. Bond, Lewis O. Barrows and Allen C. T. Wilson were declared elected Executive Councilors for the political years 1931-1932.

On motion by Senator Leland of Piscataquis, the Secretary was directed to notify the Secretary of State, the Treasurer of State, the Attorney-General and the seven Councilors of their election.

Subsequently the secretary re-

ported that he had notified the officers as directed.

On motion by Senator Murchie of Washington, it was

Ordered, that a message be sent to the Governor informing him of the election of Honorable Edgar C. Smith of Dover-Foxcroft as Secretary of State, Honorable William S. Owen as Treasurer of State, Honorable Clement F. Robinson as Attorney-General and the Honorables George C. Lord, First District, Frederick Robie, Second District, Charles S. Cummings, Third District, Blaine S. Viles, Fourth District, Forest H. Bond, Fifth District, Lewis O. Barrows, Sixth District and Allen C. T. Wilson as Executive Councilors for the political years 1931-1932.

The Chairman of the Convention appointed the Senator from Washington, Senator Murchie, to convey the message.

Subsequently that Senator reported that he had delivered the message with which he was charged.

At this point the joint convention was dissolved, its purposes having been accomplished, and the Senate retired to its chamber.

In The House

The Speaker in the Chair.

Orders

On motion by Mr. Sargent of Brewer, it was

Ordered, that the Secretary of State be and is authorized and directed to furnish each member and officer of the House of Representatives with one copy of the Maine State Year Book.

On motion by Mr. Littlefield of Monroe, it was

Ordered, that the State Librarian be and is authorized and directed to furnish each member and officer of the House of Representatives with one copy of the Revised Statutes.

On motion by Mr. Burkett of Union, it was

Ordered, that each adjournment of the House be until 10 o'clock of the following morning unless otherwise voted.

On motion by Mr. Burns of Eagle Lake,

Adjourned until 10 o'clock tomorrow morning.