

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

Thursday, February 19, 1931.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Milligan of Gardiner.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill, An act relating to Public Health Nursing in the Schools (S. P. 443) (L. D. 602)

Comes from the Senate referred to the Committee on Education.

In the House, referred to the Committee on Education in concurrence.

On motion by Mr. Rounds of Portland, the House voted to reconsider its action whereby it referred, in concurrence with the Senate An act relating to Public Health Nursing in the schools (S. P. 443) (L. D. 602), to the Committee on Education; and on further motion by the same gentleman the bill was tabled pending reference in concurrence.

Senate Bills in First Reading

S. P. 194, L. D. 581, An act authorizing the County Commissioners of Lincoln County to transfer certain real estate.

S. P. 196, L. D. 583, An act relating to the April term of the Superior Court for Penobscot County.

S. P. 197, L. D. 582, An act relating to the removal of unworthy attorneys.

S. P. 198, L. D. 584: An act to extend the charter granted to the Sandy River and Rangeley Lakes Railroad Company.

S. P. 201, L. D. 585: An act changing the charter of the Fort Kent Water Company.

S. P. 202, L. D. 586: An act increasing the capital stock of the Frontier Water Company.

S. P. 203, L. D. 587: An act relating to the Seal Cove Water Company.

The following petitions were received, and, upon recommendation

of the committee on reference of bills, were referred to the following committees:

Inland Fisheries And Game

By Mr. Carleton of Portland: Petition of Mrs. Fred B. Spear and 50 others in favor of H. D. 255, an act relating to the hunting of water fowl in Back Bay (H. P. 1127.)

Judiciary

By Mr. Robie of Westbrook: Petition of 33 members of the Westbrook Woman's Club in favor of passage of Juvenile Court bill. (H. P. 1128).

Taxation

By Mr. Robie of Westbrook: Petition of 27 members of the Westbrook Woman's Club in favor of bill for taxation of billboards. (H. P. 1129.)

Ways And Bridges

By Mr. Gagnon of Van Buren: Petition of Ferdinand Dube of Van Buren and others of Van Buren in favor of road in Township 17, Range 3, W. E. L. S. (H. P. 1130.)

ORDERS

Mr. BURKETT of Portland: Mr. Speaker, yesterday I gave notice that, under the Rule, I would present today an order to suspend House Rule 25, prohibiting smoking in the House of Representatives. I do this at the suggestion of the lady members of the House, and move its passage. The order is as follows:

ORDERED, that Rule 25 of the House Rules, prohibiting smoking in the House of Representatives while the House is in session, be suspended during the remainder of the session.

A vive voce vote being doubted, A division of the House was had. 77 voting in the affirmative and 45 in the negative, the order, which required a two-thirds vote of the members present, failed of passage. (Laughter and applause.)

On motion by Mr. Sterling of Kittery, it was

ORDERED, that the Committee on Agriculture be granted the use of the hall of the House of Representatives on Thursday, February 26, at 1:30 P. M.

Reports of Committees

Mr. Worthen from the Committee on Interior Waters reported ought not to pass on bill an act to change the name of Three Cornered Lake. (H. P. 197.)

Mr. Snow from the Committee on Judiciary reported same on bill an act relating to powers of attorney. (H. P. 822) (L. D. 308.)

Mr. Authier from same Committee reported same on bill an act relating to the election of selectmen in the town of Harpswell. (H. P. 589.)

Mr. Tompkins from same Committee reported same on bill an act authorizing the City Council of the city of Portland to pay to Samuel S. Gilbert certain money paid by him to the city through error. (H. P. 704.)

Reports read and accepted and sent up for concurrence.

Mr. Farris from the Committee on Judiciary reported ought not to pass on bill an act relating to patients in Insane Hospitals. (H. P. 705)

(Tabled by Mr. Rounds of Portland pending acceptance of report.)

Mr. Varney from the Committee on Judiciary reported ought not to pass on bill an act relating to the granting of administration upon estates of persons upon circumstantial or presumptive evidence of death (H. P. No. 824) (L. D. No. 310).

Mr. Sargent from the Committee on Legal Affairs reported same on bill an act relating to pensions of retired firemen of the city of Portland (H. P. No. 611) (L. D. No. 211).

Reports read and accepted and sent up for concurrence.

Mr. Wright from the Committee on Public Health on bill an act to regulate the practice of the system, method, or science of healing known as naturopathy, and to create a Board of Examination and Registration for those desiring to practice the same and providing penalties for violation of this act, (H. P. No. 126) (L. D. No. 51, reported that legislation thereon is inexpedient.

(Tabled by Mr. Goudy of South Portland pending acceptance of the report).

Mr. Burkett from the Committee on Judiciary on bill an act to legalize and make valid doings of the Cumberland Bar Association (H. P. No. 816) reported same in a new draft (H. P. No. 1132) under same title and that it ought to pass.

Mr. Adams from the Committee on Interior Waters on bill an act to designate certain waters of Kennebec River as "Caratunk Lake" (H. P. No. 684) reported same in a new draft (H. P. No. 1131) under title of an act to designate certain waters of the Kennebec River as "Wyman Lake" and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Littlefield from the Committee on Claims reported ought to pass on resolve in favor of the town of Frankfort (H. P. No. 49).

Mr. Rounds from same Committee reported same on resolve in favor of town of Stockton Springs (H. P. No. 69).

Reports read and accepted and the resolves ordered printed under the Joint Rules.

Mr. Worthen from the Committee on Interior Waters reported ought to pass on bill an act to amend the charter of the Big Black River Dam Company. (H. P. No. 571).

(Tabled by Mr. Eaton of Calais pending acceptance of report).

Mr. Burkett from the Committee on Judiciary reported ought to pass on bill an act to enlarge the powers of Richardson Wharf Company (H. P. No. 582)

Mr. Varney from same Committee reported same on bill an act relating to the property of extinct or disbanded Universalist churches, parishes or societies (H. P. No. 584).

Miss Martin from the Committee on Legal Affairs reported same on bill an act to authorize the city of South Portland to pass ordinance to regulate cemeteries and burials (H. P. No. 620).

Mr. Goudy from same Committee reported same on bill an act relating to liability for support of a pauper in the town of Gouldsboro (H. P. No. 617).

Mr. Kent from the Committee on Pensions reported same on resolve providing for a State pension for

Cora B. Young of South Berwick (H. P. No. 220).

Reports read and accepted and the bills and resolves ordered printed under the Joint Rules.

Mr. Soper from the Committee on Banks and Banking reported ought to pass on bill an act relating to qualifications of Trust Company directors (H. P. No. 692) (L. L. No. 224).

Mr. Dow from same committee reported same on bill an act relating to increase of capital stock of Trust Companies (H. P. No. 722) (L. D. No. 253).

Mr. Sturtevant from same Committee reported same on bill an act relating to organization of Trust Companies (H. P. No. 691) (L. D. No. 223).

Mr. Athier from the Committee on Judiciary reported same on bill an act to repeal the special law relating to political caucuses in the city of Bangor (H. P. No. 746) (L. D. No. 267).

Mr. Jack from the Committee on Legal Affairs reported same on bill an act to authorize the merging of Pine Grove Cemetery of Portland, Maine, with Evergreen Cemetery of Portland, Maine (H. P. No. 610) (L. D. 210).

Reports read and accepted, and the bills having already been printed were read twice under suspension of the rules and tomorrow assigned.

First Reading of Printed Bills and Resolves

H. P. 692: L. D. 224: An act relating to qualifications of trust company directors.

H. P. 722: L. D. 253: An act relating to increase of capital stock of trust companies.

H. P. 691: L. D. 223: An act relating to organization of trust companies.

H. P. 746: L. D. 267: An act to repeal the Special Law relating to political caucuses in the city of Bangor.

H. P. 610: L. D. 210: An act to authorize the merging of Pine Grove Cemetery of Portland, Maine, with Evergreen Cemetery of Portland, Maine.

Passed to be Engrossed

(S. P. 165) (L. D. 477) An act to incorporate the Federal Employees Credit Union of Maine.

(H. P. 711) (L. D. 233) An act re-

lating to taxation of shares of stock of Trust and Banking Companies.

(H. P. 749) (L. D. 268) An act to increase the powers of the Portland High School Athletic Field Commission.

(H. P. 752) (L. D. 271) An act relating to commitments to the Reformatory for Women.

H. P. 830) (L. D. 313) An act relating to steam and gasoline engines.

(H. P. 125) (L. D. 590) Resolve providing for a State pension for Maria E. Collins of Chelsea.

(H. P. 1068) (L. D. 592) Resolve to appropriate moneys for the payment of certain claims and departmental and institutional overdrafts for which no legislative appropriation has been made and to provide for carrying on the activities of departments and institutions for the remaining months of the fiscal year ending June 30, 1931, and for other purposes.

At this point a communication was received from the Senate, through its Secretary, proposing a joint convention of both branches of the legislature forthwith in the hall of the House for the purpose of extending an invitation to the Honorable Ashton Dovell, leader of the House of Delegates of Virginia, to attend the convention and make such communication as he may desire to make.

Thereupon, on motion by Mr. Allen of Sanford, it was voted that the House signify to the Senate its concurrence in the proposal of the Honorable Senate for such joint convention, and that the Clerk of the House so notify the Senate.

The Clerk subsequently reported that he had performed the duty assigned him, which report was accepted with the thanks of the House.

The SPEAKER: The Chair wishes to make an announcement so that all may understand regarding the order finally limiting the time within which bills and resolves may be introduced. Under the order, it is still necessary for members to ask for unanimous consent; but measures may be introduced until tomorrow night, at which time a positive and absolute closure on the introduction of all legislative matter will go into effect. Until that

time, matters may be introduced by request for unanimous consent, which is necessary in order to conform to a parliamentary rule.

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 Mr. Aldrich of Sagadahoc,

ORDERED, that a Committee be appointed to wait upon Honorable Ashton Dovell, floor leader of the House of Delegates of Virginia, and Chairman of the Virginia Sesquicentennial Exposition, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make; also

ORDERED, that the same Committee wait upon Honorable William Tudor Gardiner, Governor, and extend to him an invitation to attend the convention.

Which was read and passed.

The Chairman appointed as members of such Committee;

Senators—Aldrich of Sagadahoc, Wheeler of Oxford, Crosby of Penobscot;

And on the part of the House: Representatives—Burkett of Portland, Scates of Westbrook, Goodrich of York, Adams of Linneus, Owen of Vassalboro, Littlefield of Monroe, Leonard of Hampden.

Mr. Aldrich subsequently reported that the Committee had discharged the duty assigned it, and that the Honorable Ashton Dovell, floor leader of the House of Delegates of Virginia and Chairman of the Virginia Susquicentennial Exposition, and the Governor, were pleased to say that they would attend the Convention forthwith.

Thereupon the Honorable Ashton Dovell, and Honorable William Tudor Gardiner, attended by the Executive Council, and heads of departments, came in and the Honorable Ashton Dovell addressed the Convention as follows:

The GOVERNOR: Members of the Legislature: It is a great pleasure to present to you a visitor from a sister state, the personal rep-

resentative of Governor Pollard of Virginia, a very good friend of mine, in the person of the Honorable Ashton Dovell, floor leader of the House of Delegates of Virginia and Chairman of Virginia's Sesquicentennial Exposition. (Applause, the Convention rising).

HON. ASHTON DOVELL: Your Excellency, ladies and gentlemen of the Joint Assembly of the Legislature of the State of Maine: It is a very gracious honor you do me, as the representative of his Excellency, the Governor of Virginia, on this occasion. I desire to acknowledge it as such.

I have been in New England all the week and I feel that the reception that has been tendered me, wherever I have been, is fully as hearty and warm as that tendered some of your ancestors by some of mine on Virginia's soil not so very long ago.

I am reminded, as I visit the legislative bodies of the New England States that I will have a particular message to take back to Virginia. As I stand and look at the numerical strength of the different assemblies, I am reminded of a story that illustrates the point that I shall tell Governor Pollard and my associates in Virginia on my return, and with your permission I shall divert for a moment to tell it here. I found over in New Hampshire some 448 men and women in the Legislature of that state, and in Vermont 254; and from looking at your membership here I would say that you are not so far behind. This—let it be a Virginian, a chicken fancier—had all varieties of poultry including ducks, geese, drakes, and even ostriches, in different pens and corrals. Finally the rooster of the flock scratched out under the fence from the chicken coop and got into the ostrich pen and saw an ostrich egg lying on the ground. He wasn't exactly sure of himself but, legislator-like, he wanted to be master of the situation and he pecked at it, by way of discovery. It began to roll and it rolled back through the hole that he had scratched out into the hen-coop and he followed it, and as it got there the hens gathered around it and commenced to cackle. Still desiring to be supreme in the situation, he walked

up to the hens and said, "Now, girls, I did not roll this in here to discourage you but simply to show you what others are doing in your line." (Laughter).

They still talk about representative assemblies in Virginia, and I think we might well increase the number from 140 in Virginia.

My friends of the State of Maine, and to you, Governor Gardiner, I have come as a representative of the Governor of Virginia to extend his invitation, and through him the invitation of the people of Virginia, to the people of Maine, to attend the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, which is to be commemorated for four days this year, beginning on the 18th day of October. It will be an especial pleasure to the people of Virginia to have Maine officially represented on that occasion. We want to assure you that it will be most gratifying if in an official way the people of Maine participate in that celebration. It is not our purpose, nor the purpose of the Governor in sending me here, to even suggest to you the form which that participation shall take. Rather is it your own affair to work that out for yourselves. We do, however, want the flag of Maine to pass in review with the flags of the other states in the celebration of that event which made the republic possible.

It may be of interest to you to know that the Congress of the United States is treating the celebration as essentially a national event. A commission has been created from the Congress to have in charge the matter of the celebration, and the participation of the several states of the Union is a matter to be worked out between the national commission, and the governor or the commission representing the particular states desiring to participate. I feel quite sure, from what has been done in the assemblies of other states, particularly along the Atlantic seaboard and those states carved out of the Northwest Territory, that they will all be officially represented at Yorktown, some by the governor, his cabinet, his staff, and color guard, and others by part of the state militia;

but the form of the participation, as I say, is a matter for decision by those directly interested themselves.

Yorktown, on the south bank of the old York River, is just twenty miles away from Jamestown, the point of the establishment on May 13th., 1607, of the first permanent English colony on the North American continent, and Williamsburg is just midway between Jamestown, on the James River, and Yorktown, twenty miles away on the York River. There you will find Jamestown marking, then, the beginning of the Colonial period in America. Twenty miles away Yorktown, on October 19th, 1781, marked the close of the Colonial period and the beginning of the formative period of government on this North American continent. It is unique in all history that those points in the nation's development and growth should be so close to each other. That has given rise to the establishment of the Colonial National Monument, which embraces Jamestown, Yorktown, and parts of Williamsburg, figuring so conspicuously in that colonial period, that at this time is being developed by the national government on the battlefield at Yorktown, in which troops from every one of the then colonies along the Atlantic seaboard participated. The only battle of the Revolution in which troops from every one of the colonies were present was Yorktown, and those spots are marked on that battlefield. Virginia has been preserving it as a trustee for the people of the entire Republic, but we feel that Yorktown belongs as much to Maine as it does to Virginia.

We are glad that at this time, when that for which Yorktown stands goes back so conspicuously into the life of the American people, that we can say with you that it is now United States territory and that Virginia has yielded her trusteeship to that extent to all of the people, to the end that Yorktown may be preserved for generations yet unborn.

I am satisfied that it is needless for me to speak to you with reference to the significance of Yorktown in the history of our nation. Doubtless, better than I, you are already familiar with that phase of

our history. I come simply to extend the greetings of the State of Virginia to his Excellency, and to you good people of the State of Maine, and to say to you that it will be immensely gratifying to the people of Virginia if, on that occasion, you will come on to Virginian soil and, with us, celebrate the achievement of our fathers at Yorktown. (Prolonged applause, the members rising.)

The GOVERNOR: Mr. Dovell, we thank you for the courtesy of your visit and, as representatives of the people of the State of Maine, thank you, as a representative of the people of Virginia, for their courteous invitation to us, and bid you carry back to them the greetings from their sister state in the North. (Applause.)

At the conclusion of the address, the Honorable Ashton Dovell accompanied by the Governor and his suite retired.

The purpose for which the convention was assembled having been accomplished, the convention was dissolved, and the Senate retired to the Senate Chamber amid the applause of the House.

In The House

The Speaker in the Chair.

Passed to be Engrossed, continued.

H. P. 1070, L. D. 591: Resolve providing for a State pension for Meda C. Peabody of Dixmont.

Orders of the Day

On motion by Mr. Eaton of Calais, the rules were suspended and that gentleman was given unanimous consent to introduce out of order resolve providing for the screening of Nash's Lake in Washington County; and on further motion by the same gentleman the resolve was referred to the Committee on Inland Fisheries and Game.

On motion by Mr. Robie of Westbrook, the House voted to reconsider its action whereby it voted ought not to pass on the order rescinding Rule 25, prohibiting smoking.

Mr. ROBIE: Mr. Speaker, I now move that the order lie on the table.

(Calls of "No.")

A division of the House being had.

74 voting to table, and 35 in the negative, the motion to table prevailed.

On motion by Mr. Burkett of Portland, the rules were suspended and that gentleman was given unanimous consent to introduce out of order an act relating to the granting of licenses; and on further motion by the same gentleman the bill was referred to the Committee on Legal Affairs.

On motion by Mr. Edwards of Bethel, the rules were suspended and that gentleman was given unanimous consent to introduce out of order resolve in favor of the town of Andover, resolve in favor of the town of Greenwood, and resolve in favor of the town of Albany; and on further motion by the same gentleman the above three resolves were referred to the Committee on Ways and Bridges.

Mr. CARLETON of Portland: Mr. Speaker, I wish to correct an error in printing in L. D. 592. On page 3, the figure should be "53,735.21" instead of "48,000."

The SPEAKER: The House takes notice of the correction.

On motion by Mr. Robie of Westbrook, the rules were suspended and that gentleman was given unanimous consent to introduce out of order resolve in favor of the town of Solon; and on further motion by the same gentleman the resolve was referred to the Committee on Ways and Bridges.

On motion by Mr. Gray of South Portland, the rules were suspended and that gentleman was given unanimous consent to introduce out of order bill an act additional to Chapter 242 of the Private and Special Laws of 1895, entitled "An act to incorporate the city of South Portland"; and on further motion by the same gentleman the bill was referred to the Committee on Legal Affairs and 500 copies ordered printed.

On motion by Mr. Harrington of Patten, it was voted to take from the table the third unassigned matter, bill an act relating to disposition of inheritance taxes, tabled by that gentleman February 17th, pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the Committee on Legal Affairs in concurrence.

On motion by Mr. Eaton of Calais, it was voted to take from the table H. P. 571, report of the Committee on Interior Waters on bill an act to amend the charter of the Big Black River Dam Company, tabled by that gentleman earlier in the session pending acceptance of the report; and on further motion by the same gentleman the report "ought to pass" was accepted, and the bill ordered printed under the Joint Rules.

On motion by Mr. Kent of Benton, the rules were suspended and that gentleman was given unanimous consent to introduce out of order, resolve in favor of Mrs. Natalie Buker of Benton; and on further motion by the same gentleman the resolve was referred to the Committee on Pensions.

On motion by Mr. Pratt of Turner, the rules were suspended and that gentleman was given unanimous consent to introduce out of order, bill an act giving power to arrest for all violations to Chief Game Wardens; also bill an act relating to trapping in the southern counties; and on further motion by the same gentleman the bill giving power to arrest for all violations to Chief Game Wardens was referred to the Committee on Legal Affairs, and 500 copies ordered printed, and the bill relating to trapping in the southern counties was referred to the Committee on Inland Fisheries and Game, and 500 copies ordered printed.

On motion by Mr. McCart of Eastport, it was voted to take from the table the 6th unassigned matter, House report "ought to pass" of the Committee on Legal Affairs on bill an act relative to taxation

of motor vehicles, H. P. 603, L. D. 162, tabled by that gentleman February 18th, pending acceptance of the report.

Mr. McCART: Mr. Speaker, I now yield to the gentleman from Franklin, Mr. Blaisdell.

On motion by Mr. Blaisdell of Franklin, the bill and report were recommitted to the Committee on Legal Affairs for the purpose of correcting an error.

Mr. SCATES of Westbrook: Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER: The gentleman may state his question.

Mr. SCATES: It is in regard, Mr. Speaker, to making a presentation to one of our members. There are many pleasant occasions, even to us members here, notwithstanding what may have passed, and this is one of them; and I have been requested to make this presentation and pay a little tribute to one of our members, which I assure you is a very pleasant duty to perform.

Many times have I stood on the southern shores of Peaks Island, looking across the Narrows there and seeing the storm-driven waves beat against the side of old White Head. Notwithstanding that, the towering rock stood there, bold, rugged, defiant. I have also stood on that shore and seen the sun cast its golden, glittering shield over the quiet waves as they gently lapped the shore at the base of old White Head. Now I know of no better illustration than this to portray in a small measure the life and character of one of the members of this House. He has served for eight terms the beautiful city of Portland as a member of this House, and, while there have been those in the past who have not agreed with him—and probably some of us at this session will not agree with him—yet he has stood here like old White Head, and we know where to find him and will know where to find him. He is usually aggressive and militant, but at this session we have heard his voice quaver and we have seen the tears glisten in his eyes as his sympathies have been appealed to.

It is a pleasure for me, in behalf of the membership of this House, to present him, Representative Rounds of Portland, with this beautiful bouquet of flowers as a token of our

love and regard for him. (Prolonged applause, the members rising.)

Mr. ROUNDS: Mr. Speaker and Members of this House: My voice does quaver sometimes of late and I am not so aggressive as I was the first time I came here in 1909; but the same old spirit is there if the voice is not.

I want to thank all the members of this House for what they have given me today. Of course somebody found out that it was my birthday today. Two years ago I was given a bouquet on my birthday. I sent it home to my wife, who now is sick. I hope that she will like it as well as I do.

I will say that it takes me back to the old fight of woman suffrage. I see that you have given me the red roses, which I always stood by, voting against suffrage for women. (Laughter) I don't know why they picked me out, but I was about the only Republican who seemed to

want to vote against woman suffrage at that time. Nobody would speak on that side.

I want to thank you again for what you have given me today, and when the time comes you will probably hear my voice as aggressive as of old. I thank you all. (Prolonged applause, the members rising.)

On motion by Mr. Lancaster of Canaan, the rules were suspended and that gentleman was given unanimous consent to introduce out of order resolve in favor of the State School for Girls, and on further motion by the same gentleman the resolve was referred to the Committee on State School for Boys, State School for Girls and State Reformatories.

On motion by Mr. Lowell of Lincoln,
Adjourned until tomorrow morning.