

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

Tuesday, March 10, 1931.

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

Prayer by the Rev. Mr. Milligan of Randolph.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act to enable special officers of Bangor police to receive benefits of departments (H. P. 1189) (L. D. 778) which was passed to be engrossed in the House March 4th.

Comes from the Senate, Senate Amendment A adopted and the bill passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House that body voted to reconsider its former action where-by the bill was passed to be engrossed, Senate Amendment A was adopted, and the bill passed to be engrossed as amended by Senate Amendment A in concurrence.

The following remonstrances and petition were received and, upon recommendation of the committee on reference of bills, were referred as follows:

By Mr. Oliver of Bath: Remonstrance of F. L. Littlefield and 19 others against H. P. 1192 an act providing for sentences and the imposition thereof. (H. P. 1280)

By Mr. Smith of Bangor: Remonstrance of Donald P. Hurlburt and 20 others against same. (H. P. 1281)

Were read and ordered placed on file, and sent up for concurrence.

Legal Affairs

By Mr. Burkett of Union: Petition of Robert C. Farris and 52 others in favor of liberalizing the Sunday Blue Laws. (H. P. 1282)

Orders

On motion by Mr. Thompson of Belfast, it was

Ordered, that the use of the hall of the House be granted to the Maine Veteran Legislators' Association for the evening of March 11.

On motion by Mr. Ford of Brooklin, it was

Ordered, that the use of the hall of the House be granted to the committees on Sea and Shore Fisheries and Inland Fisheries and Game, jointly, for the afternoon of March 18.

Reports of Committees

Mr. Kent from the Committee on Pensions on resolve in favor of Rena Cooley (H. P. 642) reported that legislation on the same is inexpedient.

Mr. Angell from the Committee on Inland Fisheries and Game on petition for change in hunting and fishing licenses (H. P. 733) reported that same be placed on file.

Mr. Webber from the Committee on Claims reported ought not to pass on resolve in favor of Fred E. Peacock of Hallowell. (H. P. 695)

Mr. Angell from the Committee on Inland Fisheries and Game reported same on bill an act to compensate the owners of lands situated in the limits of a game preserve for loss of hunting privileges and for damage to property. (H. P. 738) (L. D. 259)

Same gentleman from same Committee reported same on bill an act to provide for an open season on moose in Knox County (H. P. 723) (L. D. 254), with accompanying petitions.

Mr. MacKinnon from same Committee reported same on bill an act permitting hunting on Sundays. (H. P. 736) (L. D. 257)

Mr. Bussey from same Committee reported same on bill an act to abolish the Knox County Game Preserve. (H. P. 757) (L. D. 258)

Mr. Farris from the Committee on Judiciary reported same on bill an act relating to dealers' registration plates. (H. P. 965) (L. D. 456)

Same gentleman from same Committee reported same on bill an act relating to the distribution of the estates of decedents. (H. P. 929) (L. D. 406)

Mr. Burkett from same Committee reported same on bill an act relating to allowances from estates of decedents. (H. P. 928) (L. D. 399)

Same gentleman from same Committee reported same on bill an act relating to contributory negligence. (H. P. 1033) (L. D. 565)

Mr. McCart from same Committee reported same on bill an act relating to light and signals on fire apparatus. (H. P. 592) (L. D. 160)

Mr. Varney from same Committee reported same on bill an act re-

lating to reports on inheritance taxes. (H. P. 926) (L. D. 405)

Mr. Authier from same Committee reported same on bill an act relating to the division of inheritance taxes. (H. P. 927) (L. D. 404)

Mr. Snow from same Committee reported same on bill an act to define and limit the jurisdiction of courts sitting in equity, and for other purposes. (H. P. 1034) (L. D. 566)

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

Mr. Goudy from the Committee on Legal Affairs reported ought not to pass on bill an act to authorize cities and towns to create civil service rules for police and fire departments. (H. P. 934) (L. D. 411)

Same gentleman from same Committee reported same on bill an act to permit the city of Auburn to pension present and former members of its fire department (H. P. 836) (L. D. 318)

Miss Martin from same Committee reported same on bill an act to extend the time for ratifying change in government for the town of Mount Desert (H. P. 832) (L. D. 315)

Mr. Sargent from same committee reported same on bill an act relating to commitment of patients to State Hospitals for temporary observation (H. P. 976) (L. D. 497)

(Tabled by Miss Martin of Bangor pending acceptance of report)

Mr. Shaw from the Committee on Legal Affairs reported ought not to pass on bill an act to grant a new charter to the city of Old Town (H. P. 751) (L. D. 273)

Mr. Pratt from the Committee on Salaries and Fees reported same on bill an act relating to the salary of the County Attorney of Aroostook County (H. P. 1124)

Mr. Morse from same Committee reported same on bill an act increasing the salary of the Governor, and abolishing the Governor's personal contingent fund (H. P. 1110) (L. D. 687)

Reports read and accepted and sent up for concurrence.

Mrs. DAY of Gorham: Mr. Speaker, I rise to a point of order.

The SPEAKER: The lady may state her point.

Mrs. DAY: When I entered the House this afternoon I noted a cigar on each desk. On inquiry I learned that they were sent over by Mrs. Perham as congratulations

were being received on the arrival of a ten pound boy. Therefore, on this occasion, I move that the rules be suspended and the gentlemen be allowed to smoke. (Laughter and applause.)

The SPEAKER: It is hardly necessary to put the motion. Is it the pleasure of the House that the rules be suspended and that smoking be allowed?

Mr. PERHAM of Paris: Mr. Speaker, I rise to a point of personal privilege.

The motion prevailed.

The SPEAKER: The gentleman may state his point.

Mr. PERHAM: Mr. Speaker, ever since I landed here at this session of the Legislature, I have been met with the inquiry from one lady and another, and some gentlemen, why my wife was not down here; so I kind of hem'd and haw'd and got red in the face two or three times. Then the ladies would get in a bunch and talk and I let them alone. Now I hope they will all be satisfied. (Laughter)

Report of Committees Continued

Mr. Angell from the Committee on Inland Fisheries and Game on bill an act relating to ice fishing in Mousam Lake, Square Lake and Goose Pond, situated in the towns of Shapleigh and Acton, in York County (H. P. 537) (L. D. 170) with accompanying petitions reported same in a new draft (H. P. 1274) under same title and that it ought to pass.

(Tabled by Mr. Allen of Sanford pending acceptance of report.)

Mr. Varney from the committee on Judiciary on bill an act to amend the charter of the Ogunquit Beach District (H. P. 575) (L. D. 197) reported same in a new draft (H. P. 1275) under same title and that it ought to pass.

Mr. Thomas from the Committee on Salaries and Fees on bill an act to increase the salary of the Judge of the Municipal Court of the City of Biddeford (H. P. 862) reported same in a new draft (H. P. 1277) under same title and that it ought to pass.

Mr. Littlefield from the Committee on Claims on resolve for payment to Miss Adrienne Michaud of \$648. (H. P. 163) reported same in a new draft (H. P. 1276) under title of an act to authorize the town of St. Francis to compensate Adrienne Michaud for services per-

formed by her in the public schools of St. Francis, and that it ought to pass.

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

Mr. Burgess from the Committee on Salaries and Fees on bill an act to increase the salary of the State Librarian (H. P. 123) reported same in a new draft (H. P. 1278) under title of an act relative to the salary of the State Librarian and that it ought to pass.

(Tabled by Mr. Briggs of Caribou pending acceptance of report)

Mr. Cobb from the Committee on Salaries and Fees on bill an act to increase the salary of the Commissioner of Inland Fisheries and Game (H. P. 710) reported same in a new draft (H. P. 1279) under title of an act relative to the salary of the Commissioner of Inland Fisheries and Game and that it ought to pass.

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

Mr. White from the Committee on Claims reported ought to pass on resolve in favor of the town of Fort Kent (H. P. 1077)

Mr. Snow from the Committee on Judiciary reported same on bill an act relating to the disposal of fines and costs collected by the State Highway Police (H. P. 585)

Same gentleman from same Committee reported same on bill an act relating to Western Hancock Municipal Court (H. P. 818)

Mr. McCart from the Committee on Judiciary reported same on bill an act to amend the charter of the Eastport Municipal Court (H. P. 586)

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

Mr. Angell from the Committee on Inland Fisheries and Game reported ought to pass on bill an act to regulate fishing in Hill's Pond in Perkins Plantation in the County of Franklin (H. P. 540 (L. D. 173)

Same gentleman from same Committee reported same on bill an act opening Upper and Lower Cold Stream Ponds to ice fishing (H. P. 734) (L. D. 256) with accompanying petition.

Mr. Bussey from same Committee reported same on bill an act relating to personal recognizances in fish and game violations (H. P. 557) (L. D. 191)

Same gentleman from same Committee reported same on bill an act to regulate fishing in Wilson Lake in the town of Wilton in the County of Franklin (H. P. 539) (L. D. 172)

Mr. Eaton from same Committee reported same on bill an act relating to fee for game and fur farming licenses (H. P. No. 697) (L. D. No. 226).

Same gentleman from same Committee reported same on bill an act relating to length and daily limit of fish in Stanley Ponds, in Hiram and Porter, county of Oxford (H. P. No. 534) (L. D. No. 167).

Same gentleman from same Committee reported same on bill an act regulating fishing in Cupsuptic Lake Tributaries (H. P. No. 545) (L. D. No. 179).

Mr. Sterling from same Committee reported same on bill an act authorizing Commissioner of Inland Fisheries and Game to take necessary steps to exterminate vermin (H. P. No. 536) (L. D. No. 169).

Same gentleman from same Committee reported same on bill an act relative to the trapping of fur-bearing animals (H. P. No. 106) (L. D. No. 75).

Mr. Burkett from the Committee on Judiciary reported same on bill an act relative to corporations without capital stock (H. P. No. 958) (L. D. No. 449).

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

Mr. Blanchard from the Committee on Legal Affairs reported same on bill an act to abolish the Common Council of the City of Biddeford (H. P. No. 214) (L. D. No. 123).

(On motion by Mr. Blaisdell of Franklin recommitted to the Committee on Legal Affairs).

Mr. Sargent from the Committee on Legal Affairs reported ought to pass on bill an act to grant a new charter to the city of Brewer (H. P. No. 597) (L. D. No. 220) with accompanying petitions.

Report read and accepted, and the bill read twice under suspension of the rules.

Mr. Sargent of Brewer offered House Amendment A to bill an act

to grant a new charter to the city of Brewer as follows:

"Amend said bill by adding at the end of Section two of Article II the following sentence: 'Members of the City Council shall serve without compensation.'"

The amendment was read and adopted, and tomorrow assigned.

Mr. Jack from the Committee on Legal Affairs reported ought to pass on bill an act relating to the charter of Old Town (H. P. No. 831) (L. D. No. 314).

Report read and accepted and the bill having already been printed was read twice under suspension of the rules and tomorrow assigned.

First Reading of Printed Bills and Resolves

(H. P. 132) (L. D. 815) An act to prohibit the catching of smelts in the Cathance River except by hook and line.

(H. P. 665) (L. D. 816) An act relating to the taking of smelts in Gouldsboro.

(H. P. 666) (L. D. 817) An act to regulate the taking of clams in the town of Sullivan.

(H. P. 880) (L. D. 818) An act relating to the construction of a road in the city of Augusta.

(H. P. 884) (L. D. 819) An act relating to the construction of a road in the town of Oakland.

(H. P. 885) (L. D. 820) An act relating to the construction of a road in the town of Sidney.

(H. P. 891) (L. D. 821) An act relating to road construction in the town of Athens.

(H. P. 1273) (L. D. 822) An act relating to a road in the town of Ludlow.

(H. P. 519) (L. D. 823) Resolve in favor of Christine Libby to compensate for damage done by dogs.

(H. P. 1272) (L. D. 824) Resolve in favor of E. M. Wylie of Pittston.

Passed to be Engrossed

(S. P. 108) (L. D. 791) An act relating to deer on Mount Desert Island, and in certain other localities.

(S. P. 185) (L. D. 795) An act relating to fishing in Long Lake, Kennebec County.

(S. P. 188) (L. D. 792) An act to regulate fishing in Moose Horn Lake, formerly known as Shaw Pond, in Somerset County.

(S. P. 192) (L. D. 796) An act to

amend and extend the charter of the Kennebec Reservoir Company.

(S. P. 209) (L. D. 774) An act to incorporate the Maine Heating Corporation.

(S. P. 218) (L. D. 153) An act relating to dental hygienist and appropriation and contributions for dental hygienist and appropriation and contribution for dental hygienist service, by towns, individuals and organizations.

(H. P. 129) (L. D. 53) An act removing protection from lobsters and crabs in Georges River.

(S. P. 535) (L. D. 168) An act regulating the open season for fishing in the county of York.

(H. P. 541) (L. D. 174) An act to protect muskrats in the town of Wilton, in the county of Franklin.

On motion by Mr. Burkett of Portland the report of the Committee on Engrossed Bills was accepted, and that gentleman offered House Amendment A and moved its adoption as follows:

House Amendment A to House Paper 541, L. D. 174, bill an act to protect muskrats in the town of Wilton.

House Paper 541, L. D. 174, is hereby amended by inserting in the second line of Section three after the word "dollars" the following words, "more than three hundred dollars".

Thereupon Amendment A was adopted and the bill as amended was passed to be engrossed.

(H. P. 544) (L. D. 178) An act regulating fishing in Kennebago Stream.

(H. P. 546) (L. D. 180) An act regulating fishing in Dead River, South Branch, and tributaries thereto. (H. P. 546) (L. D. 180)

(H. P. 547) (L. D. 181) An act to regulate the hunting of wild birds in Rangeley Lake.

(H. P. 548) (L. D. 182) An act regulating fishing in Alder Stream.

(H. P. 560) (L. D. 193) An act regulating fishing in Bunganut Lake, Ossipee Lake, Lone Pond, Moody Pond and Barker's Pond, county of York.

(H. P. 699) (L. D. 228) An act regulating fishing in Little Lyford Pond.

(H. P. 706) (L. D. 231) An act to incorporate the Sebasco Mosquito Abatement District.

(H. P. 1233) (L. D. 804) An act relating to primary nominations.

(H. P. 1265) (L. D. 806) An act relative to the taxation of motor vehicles.

(S. P. 4) (L. D. 790) Resolve in favor of the town of Stetson.

(H. P. 1263) (L. D. 807) Resolve in favor of the town of St. Albans.

Paper from the Senate, out of order.

Ordered, the House concurring, that H. P. 69, L. D. 693, resolve in favor of the town of Stockton Springs, and H. P. 49, L. D. 700, resolve in favor of the town of Frankfort be recalled from the Governor for the purpose of an amendment.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

Orders of the Day

The SPEAKER: The Chair presents, tabled and today assigned, Senate Report, ought to pass, from the Committee on Public Health on bill an act to prevent the polluting of the water of the West Basin of China Lake, S. P. 96, L. D. 115, which came from the Senate report accepted and the bill passed to be engrossed, and which in the House was tabled on March 6, pending acceptance of the report in concurrence; and the Chair recognizes the gentleman from Vassalboro, Mr. Owen.

On motion by Mr. Owen that gentleman was given unanimous consent to have inserted in the records, without reading, a letter written and signed by the proponents of the Kennebec Water District, by their trustees, to the attorney of the opponents at the hearing, which letter is as follows:

"Augusta, February 17th, 1931.

To Carroll N. Perkins, Atty. for Opponents to Leg. Doc. No. 116, 85th Legislature:

The trustees of the Kennebec Water District in the performance of our duties in insuring the protection of the purity of the water supply of the district have caused to be introduced a bill prohibiting bathing in the West Basin of China Lake.

Certain owners of property on the shore of the East Basin of China Lake while desirous of insuring the purity of the water supply, are fearful that this legislation is only an entering wedge and that in the

future the Water District will endeavor to extend this prohibition against bathing to the East Basin, and further attempt to secure the passage of an act to prevent fishing or boating in both basins.

L. order that there may be no misunderstanding in this matter, therefore we wish to definitely assure all of these parties in interest, that there is no desire or intent on our part, or the part of the District to ask for any legislative act to prevent fishing or boating in the lake or to prevent bathing in the East Basin under present conditions.

Respectfully submitted,
KENNEBEC WATER DISTRICT,

By Luther G. Bunker
William W. Nye

(Signed) S. T. Lawry
Fred H. Rose
G. A. Chamberlain
Trustees"

On motion by Mr. Owen the report was accepted in concurrence, and the bill had its first two readings, and tomorrow assigned.

On motion by Mr. Farris of Augusta, it was voted to take from the table the 8th unassigned matter, bill an act relating to public health nursing in the schools, S. P. 443, L. D. 602, which came from the Senate referred to the committee on Education, and which in the House on March 4 was tabled by the gentleman from Augusta, Mr. Farris, pending reference in concurrence.

On motion by Mr. Farris, the bill was referred to the Committee on Education in concurrence.

On motion by Mr. Hamel of Lewiston it was voted to take from the table the second unassigned matter, House Report ought not to pass of the Committee on Judiciary on bill an act to reduce the salary of the Fire Commissioner of Lewiston, H. P. 657, L. D. 588, tabled by that gentleman March 1st, pending acceptance of the report.

Mr. HAMEL: Mr. Speaker, I move the substitution of the bill for the report.

Mr. VARNEY of Berwick: Mr. Speaker, the gentleman has not given any reason why he wishes to substitute the bill for the report. This matter was heard by the committee and had to do with abolishing in the city of Lewiston the

office of Fire Commissioner and creating a new Fire Commission consisting of three members, as I remember, although I have not the documents before me at the present time. The committee heard the proponents of the bill and the only reason given for abolishing the office of Fire Commissioner was because the gentleman who introduced the bill, with several citizens of Lewiston, thought it ought to be done. It seemed to the committee and to me that we should hesitate before going away with the Commissioner they now have. It appeared at the hearing that Lewiston has a very efficient fire department headed by their present Commissioner, and there were letters introduced from a considerable number of citizens, really a good part of the taxpayers in the city of Lewiston, saying that they were satisfied with their fire protection and were opposed to any change.

I want the House to understand that personally I am not interested, and the vote of the House will be my vote, but it does seem to me that the consideration which the committee gave to this matter should have some weight in this House, and I certainly hope that the gentleman's motion will not prevail.

Mrs. MOREY of Lewiston: Mr. Speaker, I fully agree with the last speaker. The Fire Commissioner in Lewiston is a marvelous one and many of us know of no sufficient reason for removing him.

Mr. FARRIS of Augusta: Mr. Speaker, I, too, want to go on record as being against the motion of the gentleman from Lewiston. Mr. Hamel, to substitute the bill for the report, one reason being that this reduces the Fire Commissioner's salary from twelve hundred dollars to two hundred dollars a year, and also creates a Commission. That matter was threshed out before the Judiciary committee and it took nearly half of an afternoon. I can see no reason why at this time it should be done. The majority of the Lewiston people who appeared at the hearing were against the bill, and those people in Lewiston who sent in letters to the Judiciary committee were heavy taxpayers, some of the heaviest there, protesting against the passage of this bill. Therefore I trust and hope that

the House will not vote to substitute the bill for the report.

Mr. BREEN of Lewiston: Mr. Speaker and members of the House: I see no reason at this time why there should be any change in the Fire Commissioner of the city of Lewiston. The position has been handled very satisfactorily by the present incumbent. This matter was very ably presented before the committee and letters were received from citizens of Lewiston, corporations and individuals, representing \$250,000 in Lewiston's taxes, or about one quarter of the taxes assessed. I certainly hope that the motion made by the gentleman from Lewiston (Mr. Hamel) will not prevail.

Mr. HAMEL: Mr. Speaker, I have an amendment to offer.

The SPEAKER: An amendment at the present time is not in order.

The pending question is the substitution of the bill for the report,

Is the House ready for the question? Those in favor of the motion to substitute the bill for the report will say aye; those opposed no.

A viva voce vote being taken, the motion to substitute the bill for the report, failed of passage.

On motion by Mr. Farris of Augusta, the report was accepted.

Permission was given Mr. Blaisdell of Franklin to make the following announcement not pertaining to legislative matters.

Mr. BLAISDELL: I have been requested to announce on behalf of the committee which is arranging for the banquet tomorrow night that, while it is possible for the committee to take care of as many members of the Legislature, their wives, sweethearts and friends, as care to attend, it is very essential that the committee should know how many intend to be present in order that the caterer who has been chosen to do the work may know just how many to provide for. So I have been requested to say that you may obtain your tickets for the banquet tomorrow night in this building at the legislative post-office, and that all those holding tickets purchased up until tomorrow noon will be taken care of. After that they will take their chances.

There was some confusion the other day as to whether the new members of the Legislature who are not members of the Legislative Association, were invited. Every member of the Legislature is invited, whether of this Legislature or of past ones, with all their friends, with the lobby, and with the executive heads of the several departments, and we trust you will all come. But buy your tickets early at the legislative postoffice,—by tomorrow noon anyway, so that the committee may prepare for you a lobster stew and all the fixings.

On motion by Mr. Carleton of Portland, it was voted to take from the table House paper 1279 in new draft, an act relative to the salary of the Commissioner of Inland Fisheries and Game, ought to pass report of the committee on Salaries

and Fees, tabled by that gentleman earlier in the session; and on further motion by the same gentleman the report was accepted, and the new draft tabled for printing under the Joint Rules.

On motion by Mr. Briggs of Caribou, it was voted to take from the table House paper 1278 in new draft, an act relative to the salary of the State Librarian, ought to pass report of the committee on Salaries and Fees, tabled by that gentleman earlier in the session; and on further motion by the same gentleman the report was accepted, and the new draft tabled for printing under the Joint Rules.

On motion by Mr. Jack of Lisbon,

Adjourned until tomorrow morning.