

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

Friday, March 13, 1931

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

Prayer by the Rev. Mr. Lowe of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 532, L. D. 814: An act to appropriate monies for the necessary expenses of State government.

S. P. 387, L. D. 491: An act relating to ballots for primary elections.

From the Senate: Joint order relative to investigating methods employed in State Assessors' Department (L. D. 107) which was referred to the committee on Taxation in the House February 12th in non-concurrence.

Comes from the Senate that body voting to adhere to its former action whereby the order received a passage.

In the House:

Mr. ROBIE of Westbrook: Mr. Speaker, I move that we recede and concur with the Senate.

A viva voce vote being doubted, A division of the House was had.

Thirty-four voting in the affirmative and 55 in the negative the motion to recede and concur failed of passage.

Mr. ALLEN of Sanford: Mr. Speaker, I move that we adhere to our former action.

The SPEAKER: Is this the pleasure of the House?

Mr. FARRIS of Augusta: Mr. Speaker, I move that we insist and that a committee of conference be appointed.

A viva voce vote being doubted,

A division was had,

Thirty-seven voting in the affirmative and 43 in the negative, the motion failed of passage.

The SPEAKER: The motion of the gentleman from Sanford (Mr. Allen) is now in order.

Mr. ALLEN: Mr. Speaker, I move that the House adhere.

A viva voce vote being taken, the motion to adhere prevailed.

The following petitions were received, and, upon recommendation of the committee on reference of bills, were referred to the following committees:

Legal Affairs

By Mr. Perham of Paris: Petition signed by H. B. Frost of Leeds Junction and 36 others in favor of liberalizing the Sunday Blue Laws (H. P. No. 1288).

By the same gentleman: Petition signed by H. M. Little of Pembroke and 23 others in favor of same (H. P. No. 1289).

Pensions

By Mrs. Morey of Lewiston: Petition of Muriel L. Peterson of Lewiston and 14 others in favor of old age pension bill (H. P. No. 1290).

By Mr. Thomas of Harpswell: Petition of Muriel L. Peterson and 14 others in favor of same (H. P. No. 1291).

Orders

On motion by Mr. Snow of Bluehill, it was

Ordered, that the State Librarian is hereby authorized and instructed to forward to Paul W. Scott, Recorder of the Western Hancock Municipal Court, one copy of the Revised Statutes for his official use.

On motion by Mr. Lancaster of Canaan, it was

Ordered, that the use of the hall of the House of Representatives be granted to the committee on Administrative Code beginning at 1:30 o'clock this afternoon.

On motion by Mr. Carleton of Portland, it was

Ordered, that the Superintendent of Public Buildings be hereby authorized to exchange the mimeograph equipment purchased pursuant to an order passed by the 83rd Legislature for new equipment suitable for furnishing duplicate copies of such requirements of the Legislature as may be necessary from time to time, the cost of the same to be paid out of the contingent expenses of the Legislature.

Report of Committees

Mr. Burr from the Committee on Claims on resolve in favor of the town of New Gloucester (H. P. No.

512) reported that same be referred to the next legislature.

Mr. White from same Committee reported same on resolve in favor of the town of New Gloucester (H. P. No. 511).

Mr. Richardson from the Committee on Pensions on resolve providing for a State pension for Fred Taber of Gardiner (H. P. No. 848). reported that legislation thereon is inexpedient.

Same gentleman from same Committee reported same on resolve in favor of James W. Tenney for State pension (H. P. No. 845).

Mr. White from the Committee on Claims reported ought not to pass on resolve in favor of Agnes Dodge (H. P. No. 482).

Mr. Burr from same Committee reported same on resolve in favor of Joseph L. Martin (H. P. No. 497).

Same gentleman from same Committee reported same on resolve in favor of George L. Palmer (H. P. No. 483).

Mr. Littlefield from same Committee reported same on resolve to reimburse Reed Plantation for support of George Howard, a State pauper (H. P. No. 469).

Mr. Blodgett from same Committee reported same on resolve in favor of Heber H. Allen (H. P. No. 782).

Same gentleman from same Committee reported same on resolve in favor of Mrs. Viola Gay (H. P. No. 481).

Mr. Weeks from the Committee on Indian Affairs reported same on bill an act relating to the Penobscot Tribe of Indians (H. P. No. 700).

Mr. Davis from same Committee reported same on bill an act relating to schools for the Penobscot Indians (H. P. No. 1166).

Mr. White from the Committee on Labor reported same on bill an act to regulate employment of help on all state highway construction, (H. P. 911) (L. D. 365).

Reports read and accepted and sent up for concurrence.

Mr. White from the Committee on Labor, reported ought not to pass on bill an act relating to preference to Maine contractors, (H. P. 983) (L. D. 504.)

(Tabled by Mr. Clement of Durham pending acceptance of report.)

Mr. Hawkes from the Committee

on Pensions reported same on resolve in favor of Ora M. Ripley (H. P. 755.)

Report read and accepted and sent up for concurrence.

Mr. Smith from the Committee on Public Utilities reported ought not to pass on bill an act to provide adequate rural electric service at just reasonable rates throughout the State of Maine (H. P. 991) (L. D. 434.)

(Tabled by Mr. Jack of Lisbon pending acceptance of report.)

Mr. Lancaster from the Committee on Public Utilities, reported ought not to pass on bill an act relating to service charges by water or gas companies in Portland, South Portland or Westbrook (H. P. 861) (L. D. 341.)

Report read and accepted and sent up for concurrence.

Mr. Bennett from the committee on Public Utilities reported ought not to pass on bill an act relating to excess earnings of public utilities (H. P. 1169) (L. D. 750.)

(Tabled by Mr. Boody of Windham pending acceptance of report.)

Mr. Burkett from the Committee on Taxation reported ought not to pass on bill an act relating to taxation of vessels and barges (H. P. 712) (L. D. 234.)

(Tabled by Mr. Lewis of Boothbay pending acceptance of report.)

Mr. Smith from the Committee on Claims on resolve in favor of Josian W. Reed and Carleton Day Reed of Woolwich, co-partners in trade and doing business under the firm name and style of Reed & Reed (H. P. 502) reported same in a new draft (H. P. 1292) under same title and that it ought to pass.

Mr. Williams from the Committee on Indian Affairs on bill an act relating to supervision of Indian Old Town Schools (H. P. 947) (L. D. 426) reported same in a new draft (H. P. 1293) under same title and that it ought to pass.

Mr. Burkett from the Committee on Taxation on bill an act exempting charitable organizations from excise tax (H. P. 1039) (L. D. 571) reported same in a new draft (H. P. 1294) under same title and that it ought to pass.

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

Mr. Davis from the Committee on Indian Affairs reported ought to pass on bill an act relating to the Penobscot Tribe of Indians (H. P. 701.)

Report read and accepted and the bill ordered printed under the Joint Rules.

Mr. MacKinnon from the Committee on Inland Fisheries and Game reported ought to pass on bill an act relating to fish hatcheries and feeding stations (H. P. 94) (L. D. 65.)

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

Mr. Cobb from the Committee on Labor reported same on bill an act to establish a Bureau of Safety in the State Department of Labor and Industry (H. P. 26) (L. D. 37.)

Mr. PLOUFF of Dexter: Mr. Speaker, inasmuch as this bill carries an appropriation of six thousand dollars a year, I move that it be recommitted to the committee on Appropriations and Financial Affairs.

The motion prevailed, and the bill was so recommitted.

First Reading of a Printed Bill

H. P. 1069, L. D. 848: An act relating to County Law Libraries.

Papers from the Senate out of order.

From the Senate: Ordered, the House concurring, that bill an act to provide for the proper branding of potatoes, S. P. 460, L. D. 624, be returned to the Senate from the Committee on Agriculture.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet, Monday, March 16, at 4:30 o'clock in the afternoon.

Comes from the Senate passed as amended by Senate amendment A, reading as follows:

Senate Amendment A to order of Senator Weeks.

Amend said order by striking out the phrase "Monday at 4:30 P. M."

and insert in lieu thereof, the phrase "Tuesday at 10 A. M."

In the House, that body voted to adopt Senate Amendment A, and the order as amended was passed in concurrence.

Passed to Be Engrossed

(S. P. 142) (L. D. 713) An act to change the name of Soward Island to Treasure Island.

(S. P. 205) (L. D. 813) An act to incorporate the Town of Lincoln School District.

(S. P. 384) (L. D. 488) An act relating to sending of ballots to city, town and plantation clerks.

(S. P. 386) (L. D. 490) An act relating to the number of ballots to be provided at elections.

(S. P. 437) (L. D. 576) An act relating to the investment of municipal trust funds.

(H. P. 964) (L. D. 455) An act with respect to the trial terms of the Superior Court within and for the counties of Androscoggin and Franklin.

(H. P. 1284) (L. D. 842) An act to amend an act to incorporate the Guilford and Sangerville Water District.

(H. P. 1285) (L. D. 843) An act to authorize the Ogunquit Village Corporation to issue bonds.

(H. P. 1286) (L. D. 844) An act relating to close time on Damariscotta River.

Orders of the Day

The SPEAKER: Under unfinished business coming up under orders of the day, the House is considering the motion of the gentleman from Hampden, Mr. Leonard, on reconsideration of its action whereby it accepted the minority report ought not to pass of the committee on Legal Affairs on bill an act providing for sentences and the imposition thereof.

Mr. BLAISDELL of Franklin: Mr. Speaker, owing to the fact that the principal opponent of the bill, Mr. Sargent of Brewer, has been called home by the very serious illness of his mother, and the absence of other members, who are both for and against, I move that this matter be retabled.

A viva voce vote being taken, the motion prevailed.

Mr. GOUDY of South Portland: Mr. Speaker, what I am going to say now may not be of any interest

to members of the House, but it is certainly of vital interest to me.

The SPEAKER: The Chair would ask the gentleman if he is speaking on any motion? There is no motion before the House.

Mr. GOUDY: No, I am not, Mr. Speaker.

The SPEAKER: The Chair will have to rule that the gentleman is not in order.

Mr. GOUDY: I would like permission to address the House at this time on a question of personal privilege.

Permission was granted.

Mr. GOUDY: Mr. Speaker, what I am going to say may not interest the members of the House, but it is of vital importance to me, and as it is a matter concerning our duties here, I feel that the House should know about it. I was very much displeased this morning to notice on the front page of the Press Herald in regard to the bill to change the city charter of Portland that it says "Others appearing against the bill were Neal W. Allen of Portland, a former chairman of the City Council under present form of government; Representative Harold F. Biddle of Portland and Representative Clinton T. Goudy of South Portland."

I want to say to the members of this House and to the newspapers that I did not appear against that bill before the Legal Affairs Committee. I did say, and I thought it was my duty to say, and for the benefit of the members of this committee I want to state that I have received several telephone calls favoring the bill from discontented and disgruntled citizens of Portland. I felt it was my duty to make that fact known to the committee, and I have taken sides neither one way nor the other, and I did not, as the paper says, appear against that bill. I thank you.

On motion by Mr. Smith of Waterboro, the House voted to reconsider its action of yesterday whereby it accepted the report ought not to pass on H. P. 1061, L. D. 617, an act relating to the purposes for which cities and towns may raise money; and on further motion by the same gentleman the bill was recommitted to the committee on Legal Affairs.

Mr. VILES of Madison: Mr. Speaker, I move that we reconsider our action whereby we voted to ad-

here on the Joint Order relative to investigating the methods employed by the State Assessors.

The SPEAKER: The gentleman from Madison, Mr. Viles, moves that the House reconsider its action whereby it voted on the motion of the gentleman from Sanford, Mr. Allen, to adhere.

Mr. FARRIS of Augusta: Mr. Speaker, I rise to a point of order. I would like to ask the Chair for a ruling on the effect of the vote to adhere in this branch of the Legislature. The Senate voted to adhere to its former action on the joint order and the House, this morning, voted to adhere. As I understand it, that killed the Joint Order.

The SPEAKER: The gentleman is quite correct. That is a definite action, and, as the Chair understands it, kills the Order. At the same time the Chair will have to rule that a motion to reconsider is in order on the same day a vote is taken, or on the following day, and will have to rule that while the motion to adhere kills the Order, the motion to reconsider is in order.

Mr. ROBIE of Westbrook: Mr. Speaker, I understand there are quite a few members of this House who do not understand the purport of this proposed investigation. I made a motion earlier in the day that we recede and concur with the Senate. This motion, if carried, would have permitted the investigation. I find that Cumberland County, and particularly the city of Westbrook, has not been treated, as we consider, fairly in the matter of the State Assessors' assessment. This investigation, in my opinion, would bring out those facts, and either justify the Assessors' assessment or show we were wrong, and for that reason I would like to proceed with the investigation, and I hope the motion of my seatmate here will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Madison, Mr. Viles, on reconsideration. All those in favor of the motion for reconsideration will rise and remain standing until counted by the monitors and the count is returned.

A division of the House was had. Fifty-six having voted in the affirmative and 46 in the negative, the motion to reconsider prevailed.

Mr. ROBIE: Mr. Speaker, I move

that we recede and concur with the Senate.

A viva voce vote being doubted,

A division of the House was had.

Sixty-eight having voted in the affirmative and 40 in the negative the motion prevailed.

On motion by Mr. Bowers of Portland, it was voted to take from the table the eighth unassigned matter, House report ought not to pass of the committee on Banks and Banking on bill an act relating to requirements of dealers in securities, H. P. 15, L. D. 29, tabled by that gentleman March 11, pending acceptance of report; and on further motion by the same gentleman the report was accepted.

On motion by Miss Martin of Bangor, it was voted to take from the table the second unassigned matter House report, ought not to pass of the committee on Legal Affairs on bill an act relating to commitment of patients to State hospitals for temporary observation, H. P. 876, L. D. 497, tabled by that member, March 10 pending acceptance of report; and on further motion by the same member the bill was recommitted to the committee on Legal Affairs.

On motion by Mr. Clement of Durham, it was voted to take from the table House paper 983, L. D.

504, report of the committee on Labor, ought not to pass, on bill an act relating to preference to Maine contractors tabled by that gentleman earlier in the session; and on further motion by the same gentleman the report was accepted.

On motion by Mr. Biddle of Portland, it was voted to take from the table the first unassigned matter House report ought not to pass of the committee on Judiciary 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 that gentleman March 10, pending acceptance of the report; and on further motion by the same gentleman the report was accepted.

On motion by Mr. Farris of Augusta, it was voted to take from the table the 13th unassigned matter, House report ought to pass of the committee on Legal Affairs on bill an act relating to legal holidays, H. P. 1104, L. D. 682, tabled by that gentleman March 12, pending acceptance of the report; and on further motion by the same gentleman the report was accepted and the bill had its two readings under suspension of the rules and the next legislative day assigned.

On motion by Mr. Oliver of Bath, Adjourned until Tuesday morning, March 17, at 10 a. m.