

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

SENATE

Friday, March 6, 1931

Senate called to order by the President.

Prayer by the Rev. F. S. Walker of Gardiner.

Journal of yesterday read and approved.

On motion by Mr. Campbell of Washington out of order and under suspension of the rules, it was

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, March 10th, at four-thirty P. M.

Sent down for concurrence.

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

Papers from the House disposed of in concurrence.

From the House:

The Committee on Library reported ought not to pass on Resolve for the purchase and distribution of Ward's Syllabus-Digest of the Maine Reports. (H. P. 626)

In the House, report read and accepted.

In the Senate:

Mr. SLOCUM of Cumberland: Mr. President, I move that this bill be referred to the Committee on Judiciary.

Mr. CROCKETT of York: Mr. President, I have no objection to the reference of this bill to the Committee on Judiciary. However, I do feel that an explanation should be made before that motion is acted upon. The bill was referred in the first instance to the Committee on Library and we gave the opponents an opportunity to be heard on three different occasions. There was some objection in the public hearing. It is a matter, of course, primarily, that interests the attorneys of the state and the committee is made up of laymen. But members of the committee individually did confer with attorneys and we found diverse opinions, some that it would be a good book to have published and others that it could be dispensed with, but all seemed to agree that the price was excessive.

The resolve would call for an appropriation of \$7,500. Later the man who proposed to prepare this work said he would be satisfied with an appropriation of \$5,000 calling for the purchase of five hundred copies. We learned, I think on reliable authority, that two hundred copies would meet all the needs of the state provided the book was thought desirable. That would save the state the purchase of three hundred books, at a cost of \$3,000, for which the state apparently has no need. Now, with this information placed before the Committee we voted unanimously "ought not to pass," or the report that is before you. If the legal profession wishes to consider the matter again I have no objection, but I do feel that the Senate ought to know what action has been taken before voting on this question.

Mr. SLOCUM: Mr. President, I am also a member of the Library Committee and the proponents of the bill asked that I make such a motion. The matter was one that seemed quite controversial. There were many opinions from members of the legal profession that this was a very worth-while purchase for the State of Maine to make, others did not feel that it was quite as necessary, and where the book is really an index of the Maine Reports which I believe are passed upon—that is, the necessity of purchasing the Maine Reports is passed upon—by the Judiciary Committee, it would seem that there was some merit in referring this matter to that committee and I believe that even originally it should have been referred to the Judiciary Committee.

Thereupon on motion by Mr. Weatherbee of Penobscot the House Report was laid upon the table pending motion to refer the resolve to the Judiciary Committee.

From the House:

The Committee on Claims on, Resolve in favor of Horace Kelly (H. P. 522); reported the same in a new draft under the same title (H. P. 1200), and that it ought to pass.

In the House, recommitted to the Committee on Claims.

In the Senate, recommitted to the Committee on Claims in concurrence.

Thereupon, on motion by Mr. Littlefield of York, the Senate voted to reconsider its action just taken whereby this resolve was recommitted to the Committee on Claims; and on further motion by the same Senator the resolve was laid upon the table pending motion to be recommitted to the Committee on Claims.

House Bills in First Reading

Resolve in favor of Frank Moulton of Alfred. (H. P. 1199, L. D. 788)

Resolve in favor of town of Stetson. (H. P. 516, L. D. 787)

Resolve in favor of the town of Danforth. (H. P. 500, L. D. 786)

An act relating to licenses issued by the Department of Inland Fisheries and Game. (H. P. 95, L. D. 66)

An act prohibiting the shooting of wild birds and waterfowl on Simpson's Pond, in Roque Bluffs. (H. P. 182, L. D. 132)

An act relating to pools at state fish hatcheries and feeding stations. (H. P. 93, L. D. 64)

An act relating to red, silver, silver black or black foxes. (H. P. 91, L. D. 62)

An act closing Dry pond to hunting. (H. P. 189, L. D. 139)

An act to regulate fishing in Swift river tributaries. (H. P. 188, L. D. 138)

An act relating to trapping on the Rangeley Game Preserve. (H. P. 186, L. D. 136)

An act relating to fishing in Big Magalloway river. (H. P. 185, L. D. 135)

An act relating to fishing in Swan lake. (H. P. 554, L. D. 188)

An act opening Ladd brook to fishing. (H. P. 552, L. D. 186)

An act regulating fishing in Leeman brook, or Ladd brook, so called, in Abbott. (H. P. 551, L. D. 185)

An act regulating fishing in Round Mountain lake. (H. P. 549, L. D. 183)

An act closing the tributaries of Thomas pond to all fishing. (H. P. 409, L. D. 195)

An act to close Duck pond, known as Meeting House pond, and Spragues pond, in Phippsburg, to ice fishing. (H. P. 191, L. D. 141)

An act relating to the taking of

smelts in the tributaries of Three Mile Pond. (H. P. 183, L. D. 133)

An act to change the names of certain waters in Piscataquis County. (H. P. 572, L. D. 789)

An act amending the Statute of Limitations in certain actions. (H. P. 963, L. D. 454)

An act relating to dealer's registration under the motor vehicle law. (H. P. 702, L. D. 229)

An act relating to apothecaries and the sale of poisons. (H. P. 986, L. D. 507)

Bills in First Reading

Resolve for the purchase of the history of York, Maine. (S. P. 212, L. D. 808)

Resolve for the purchase of 100 copies of the History of the town of Cushing. (S. P. 325, L. D. 809)

Resolve for the purchase of 100 copies of Pioneers on Maine rivers. (S. P. 513, L. D. 810)

Resolve for the purchase of Maine legislature 1820-1931. (S. P. 530, L. D. 811)

An act relating to the manufacture of beverages. (S. P. 531, L. D. 812)

Committee Reports

Mr. Weeks from the Committee on Judiciary on bill An act authorizing the county of Lincoln to issue bridge bonds. (S. P. 249); reported that legislation thereon is inexpedient.

The same Senator from the same Committee on bill An act relating to license for carrying weapons. (S. P. 383, L. D. 487); reported that the same ought not to pass.

Mrs. Carter from the Committee on Taxation on bill An act relating to Loan and Building Associations. (S. P. 74, L. D. 88); reported legislation thereon inexpedient, as the subject matter is covered by other legislation.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Spear from the Committee on appropriations and Financial Affairs on bill, An act to appropriate monies for the necessary expenses of State government (S. P. 36, L. D. 11) reported the same in a new draft (S. P. 532) under the same title and that it ought to pass.

Mr. SPEAR of Cumberland: Mr. President and members of the Senate, I would like to explain briefly that this bill is being reported out

much earlier than usual in the legislative session. It covers the general expenses of the departments and institutions of the state for the next two years. There will be a supplementary bill introduced later to cover such matters as the Legislature deems wise to adopt. I will move that this report be accepted and that the bill lie upon the table for printing under the joint rules.

The motion prevailed.

Mr. Holman from the Committee on Legal Affairs on bill An act to incorporate the town of Lincoln School District. (S. P. 205); reported that the same ought to pass.

Which reports were read and accepted and the bills laid upon the table for printing under the joint rules.

Mr. Weeks from the Committee on Judiciary on bill An act relating to reservation of motor vehicle plates and numbers. (S. P. 361, L. D. 383); reported that the same ought to pass.

Mr. Southard from the Committee on Legal Affairs on bill An act to give municipal courts jurisdiction of certain offenses. (S. P. 33, L. D. 9); reported that the same ought to pass.

Mr. Leland from the Committee on Ways and Bridges reported same on bill An act to repeal Section thirty-two of chapter 28 of the Revised Statutes of 1930 relating to special provisions for towns peculiarly located. (S. P. 487, L. D. 648)

Which reports were severally read and accepted and the bills read once and Tuesday next assigned for second reading.

Passed to be Engrossed

An act relating to fishing in Spear stream, in Peru. (H. P. 187, L. D. 137)

An act relating to the town of Standish. (H. P. 434, L. D. 719)

An act to enable special officers of Bangor Police to receive benefits of departments. (H. P. 1189, L. D. 778)

An act relating to the Highway Commission of Lewiston. (H. P. 1190, L. D. 779)

An act relating to Loan and Building Associations. (H. P. 1191, L. D. 780)

An act to grant a new charter to the city of Bangor. (H. P. 1193, L. D. 782)

An act to provide a penalty for circulating false reports concern-

ing Banks and Loan and Building Associations. (H. P. 1194, L. D. 781)

Passed to be Enacted

An act to amend chapter forty-four of the Private and Special laws of eighteen hundred eighty-seven entitled An act to Incorporate the Skowhegan Water Company, as amended by chapter one hundred fifty-four of the Private and Special Laws of nineteen hundred seventeen. (S. P. 1, L. D. 712)

An act relating to the construction of a road in the town of Guilford. (S. P. 246, L. D. 726)

An act relating to the Issuance of stock by Public Utilities Corporations for organization purposes. (S. P. 269, L. D. 241)

An act to amend an act incorporating Alna Lodge. (S. P. 507, L. D. 734)

An act to amend the charter of the city of Portland. (H. P. 212, L. D. 122)

An act to amend the charter of the Big Black River Dam Company. (H. P. 571, L. D. 701)

An act to enlarge the powers of Richardson Wharf Company. (H. P. 582, L. D. 702)

An act relating to the property of extinct or disbanded Universalist churches, parishes or societies. (H. P. 584, L. D. 704)

An act to amend the charter of the city of Saco. (H. P. 602, L. D. 205)

An act to authorize the city of South Portland to pass ordinances to regulate cemeteries and burials. (H. P. 620, L. D. 705)

An act to amend the charter of the Livermore Falls Municipal Court. (H. P. 707, L. D. 720)

An act relative to the apportionment of the state aid to Agricultural Societies. (H. P. 919, L. D. 397)

(On motion by Mr. Kitchen of Aroostook, tabled pending passage to be enacted.)

An act to Legalize and make valid certain doings of the Cumberland Bar Association. (H. P. 1132, L. D. 707).

Finally Passed

Resolve, providing for the payment of certain amounts due exhibitors at the Central Maine Fair Association in nineteen hundred twenty-nine, on account of State stipend. (S. P. 75, L. D. 513)

Resolve providing for an increase in state pension for Lorenzo D. Wright of Fairfield. (S. P. 145, L. D. 725)

Resolve providing for a state pension for Susie W. Morse of Auburn. (S. P. 497, L. D. 727)

Resolve providing for a state pension for Heslyn York of Freedom. (S. P. 498, L. D. 728)

Resolve providing for a state pension for Florence H. Baker of Liberty. (S. P. 499, L. D. 729)

Resolve providing for a state pension for Lottie McFarland of Searsmont. (S. P. 500, L. D. 730)

Resolve providing for a state pension for Nellie E. Turner of Auburn. (S. P. 501, L. D. 731)

Resolve in favor of the town of Frankfort. (H. P. 49, L. D. 700)

Resolve in favor of the town of Stockton Springs. (H. P. 69, L. D. 698)

Orders Of The Day

On motion by Mr. Towle of Kennebec, the Senate voted to take from the table, House Report from the Committee on Agriculture, "ought to pass, in a new draft" (H. P. 1191) on H. P. 5, L. D. 149, An act relating to payment of damages done by dogs or wild animals, tabled by that senator on February 27, pending acceptance in concurrence.

Mr. TOWLE of Kennebec: Mr. President, I now move acceptance of the report "ought to pass" in concurrence.

The motion prevailed.

The PRESIDENT: The Chair understands that there is a House Amendment "A" to the original bill. Does the Senator from Kennebec, Senator Towle, wish to have House Amendment "A" adopted?

Thereupon the Secretary read House Amendment "A".

On motion by Mr. Towle of Kennebec, House Amendment "A" was then adopted in concurrence and the bill as so amended received its first reading, in concurrence.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table, An act to increase maximum and minimum rate under the Workmen's Compensation Act (H. P. 982, L. D. 503), tabled by that senator on March 4th pending reference in concurrence; and on further motion by

the same senator the bill was referred to the Committee on Labor in concurrence.

On motion by Mr. Kitchen of Aroostook, the Senate voted to take from the table, Joint Order, relative to maps showing State Highway Construction, tabled by that senator on March 5th pending passage.

Mr. KITCHEN of Aroostook: Mr. President, I now yield to the Senator from Sagadahoc, Senator Aldrich.

Thereupon, Mr. Aldrich of Sagadahoc presented the following amendment, and moved its adoption.

"Senate Amendment A to Joint Order, for Highway Commission to furnish maps of State Highway construction. Amend said order by substituting for the words 'two hundred and fifty', the words 'twenty-five'."

Mr. ALDRICH of Sagadahoc: Mr. President, I feel that I should explain at this time, and possibly should have done so yesterday, the purpose of this order. And in as much as I have an amendment today I will take this opportunity of briefly explaining to you my reasons for the suggestion. Before this session is over we will be called upon to vote upon the question as to whether or not the balance of the bond money to be raised shall be issued. I have felt that in order that we might understandingly vote upon that measure we should comprehend just what the situation is going to be in the matter of road construction after that money has been expended. I have had prepared for myself by the Highway Department a map which shows the present condition of State Highway construction and which also shows in detail what the situation as to completed State Highway construction will be after the expenditure of the ten million dollars called for under the so-called "Four Year Program." That map shows not only the location of the construction but also the character of the construction of roads and I have felt that it would be of very material assistance to the members of the Legislature who will be called upon to vote upon this important question as to whether funds shall be released for the carrying out of the pro-

gram, that we should understand intimately just what the state will have in the way of road construction after that program has been carried out.

In my order of yesterday I provided for the preparation of two hundred and fifty of those maps, the idea being that every member of the Legislature might have one of those maps and be given an opportunity to study the same if they so wished. I find, however, upon consulting the Highway Department that it might be a matter of ten days before that number of maps could be secured but that they can in all probability furnish us twenty-five maps by the middle of next week, and for that reason I am moving to amend the original order of yesterday by substituting the number twenty-five for two hundred and fifty, the idea being that these maps can be distributed around or tacked up so that they will be available for every member of the Legislature to examine and become familiar with.

Now, the second order which I offered yesterday and which is on the table, if I may make this explanation at this time it will save the necessity of explaining later if the Senator from Aroostook, Senator Kitchen, moves that it be taken from the table. It simply provides that there be furnished a statement outlining what the Four Year Program calls for, so that with the help of the map—which will show in colors what the construction will be—you can readily understand, by comparison with the statement for the Four Year Pro-

gram, if that is furnished us, what the situation is going to be after we have expended the balance of the bond money. I make this explanation in order that you may understand the purpose for which the order is presented.

Thereupon, Senate Amendment "A" was adopted and the order as so amended received passage.

On motion by Mr. Kitchen of Aroostook, the Senate voted to take from the table, Joint Order relative to Four Year Road Program, tabled by that senator on March 5th, pending passage.

Mr. KITCHEN of Aroostook: Mr. President, again I yield to the Senator from Sagadahoc, Senator Aldrich.

Mr. ALDRICH of Sagadahoc: Mr. President, I now move the passage of this order and shall make no further explanation than I have already made.

Thereupon the order received a passage.

The PRESIDENT: Is there any further business under Orders of the Day? The Chair knows that the members of the Senate will be glad to know that Senator Bishop is considerably better, after having several rather mean days, and expects to be able to be back in the Senate next Tuesday.

On motion by Mr. Farnsworth of Aroostook,

Adjourned, until next Tuesday afternoon at four-thirty o'clock.