

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

Wednesday, March 11, 1931

Senate called to order by the President.

Prayer by the Rev. M. W. Bryant of Gardiner.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

From the House:

The Committee on Legal Affairs 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) reported that the same "ought not to pass."

In the House, report read and accepted.

In the Senate, on motion by Mr. Greenleaf of Androscooggin, tabled pending acceptance in concurrence.

House Bills in First Reading

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

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

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

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

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

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

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

From the House:

The Committee on Inland Fisheries and Game on bill, An act regulating the open season for fishing in the county of York (H. P. 535, L. D. 168); reported that the same ought to pass.

In the House, report read and accepted and the bill given its several readings and passed to be engrossed.

In the Senate, on motion by Mr. Boulter of York, tabled pending acceptance in concurrence.

From the House:

The Committee on Inland Fisheries and Game on bill, An act regulating fishing in Kennebago stream (H. P. 544, L. D. 176); reported that the same ought to pass.

In the House, report read and accepted and the bill given its several readings and passed to be engrossed.

In the Senate, on motion by Mr. Boulter of York, tabled pending acceptance in concurrence.

From the House:

The Committee on Inland Fisheries and Game on bill, An act regulating fishing in Dead river, South Branch and tributaries thereto (H. P. 546, L. D. 180); reported that the same ought to pass.

In the House, report read and accepted and the bill given its several readings and passed to be engrossed.

In the Senate, on motion by Mr. Boulter of York, tabled pending acceptance in concurrence.

From the House:

The Committee on Inland Fisheries and Game on bill, An act regulating fishing in Alder Stream (H. P. 548, L. D. 182); reported that the same ought to pass.

In the House, report read and accepted and the bill given its several readings and passed to be engrossed.

In the Senate, on motion by Mr. Boulter of York, tabled pending acceptance in concurrence.

From the House:

The Committee on Inland Fisheries and Game on bill, An act regulating fishing in Bunganut Lake, Ossipee Lake, Lone Pond, Moody Pond and Barker's pond, county of York (H. P. 560, L. D. 193); reported that the same ought to pass.

In the House, report read and accepted and the bill given its several readings and passed to be engrossed.

In the Senate, on motion by Mr. Boulter of York, tabled pending acceptance in concurrence.

From the House:

The Committee on Inland Fish-

eries and Game on bill, An act regulating fishing in Little Lyford Pond (H. P. 699, L. D. 228); reported that the same ought to pass.

In the House, report read and accepted and the bill given its several readings and passed to be engrossed.

In the Senate, on motion by Mr. Boulter of York, tabled pending acceptance in concurrence.

The following remonstrances were received and on recommendation by the committee on reference of bills were referred to the following committee:

Legal Affairs

Mr. St. Clair of Knox: remonstrance of Frank Geyer and 33 others against any change in Sunday laws, L. D. numbers 367 and 369. (S. P. 541)

The same Senator: remonstrance of George F. Currier and 15 others against same (S. P. 542)

The same Senator: remonstrance of Jesse Kenderdine and 41 others against same (S. P. 543)

The same Senator: remonstrance of Chas. Atherton and 37 others against same (S. P. 544)

The same Senator: remonstrance of Osmond A. Palmer and 116 others against same (S. P. 545)

Sent down for concurrence.

Committee Reports

Mr. Campbell from the Committee on Sea and Shore Fisheries on bill An act to license all fishermen who catch fish for sale. (S. P. 429, L. D. 535); reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Aldrich from the Committee on Judiciary on bill An act with reference to the meaning of the word 'distributor' as applied to distributors of gasoline. (S. P. 356, L. D. 379); reported the same in a new draft (S. P. 546) under the same title and that it ought to pass.

Mr. Littlefield from the Committee on Sea and Shore Fisheries on bill An act relative to digging clams in the town of Kennebunk. (S. P. 224); 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.

Passed to be Engrossed

An act to authorize the Standish Fish Hatchery and Fur Farms, Inc., to control Horse Pond stream and Mink brook. (H. P. 612, L. D. 212)

An act relating to the salary of the County Commissioners of Androscoggin County. (H. P. 1144, L. D. 721)

An act to incorporate the Vanceboro Water and Power Company. (H. P. 1234, L. D. 800)

An act to increase the salary of the Treasurer of Washington County. (H. P. 1235, L. D. 801)

An act to incorporate the town of Lincoln School district. (S. P. 205, L. D. 813)

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

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

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

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

An act to appropriate monies for the necessary expenses of state government. (S. P. 532, L. D. 814)

(On motion by Mr. Bissett of Cumberland, tabled pending second reading.)

Orders Of The Day

On motion by Mr. Foster of Hancock, out of order and under suspension of the rules, that senator was given unanimous consent to introduce, An act relating to the erection and construction of a Court House at Ellsworth.

Mr. FOSTER of Hancock: Mr. President, I will make a brief explanation. As most of you know, we lost our Court House by fire in 1930 and at the time of starting construction we asked for permission to issue bonds to the extent of \$150,000 for rebuilding. We have not as yet completed construction and we find that we have not sufficient money to do so. We are asking therefor for an additional \$50,000 from this Legislature, and I move that the bill have its first and second readings without reference to a committee.

Thereupon, the bill received its first and second readings without reference to a committee, and was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Southard of Kennebec, the Senate voted to reconsider its action taken earlier in today's session whereby An act relating to ballots for primary election. (S. P. 387, L. D. 491) was passed to be engrossed; and on further motion by the same senator the bill was laid upon the table pending passage to be engrossed.

Mr. PAGE of Somerset: Mr. President, I move to take from the table. Resolve in favor of Frank Moulton of Alfred, in new draft (L. D. 788) tabled by me yesterday pending passage to be engrossed. This resolve appropriates the sum of \$315 for, I think, eighteen sheep killed by dogs in 1926, which is at the rate of \$17.50 per sheep. Two months later the balance of the sheep which were not killed were sold for \$6 per head.

The motion to take from the table prevailed.

Mr. PAGE: Mr. President, I now yield the floor.

Mr. WEATHERBEE of Penobscot: Mr. President, what is the pending question, please?

The PRESIDENT: The Chair will state that the pending question is the passage to be engrossed.

Mr. WEATHERBEE: Mr. President, in as much as the Senator from Somerset County (Senator Page) has made the remarks which he has I think that out of respect to the Committee on Claims I should make some observations myself.

This is a claim that the claimant had against the town in which he lives, under the laws of the State of Maine, for reimbursement for the killing of sheep by dogs. The Selectmen of the town made an investigation and made an estimate of the damage. The claimant, believing that the sum was insufficient to properly reimburse him, went to referees as the law provides and those referees investigated the claim and made an award of a few dollars in excess of what the Selectmen had awarded Mr. Moulton. Mr. Moulton felt that that sum was altogether too low and he refused to accept the award. Now, after hearing the evidence in the case, Mr. Moulton claiming that his sheep were worth about \$150 more than the Selectmen saw fit to allow him,

our committee believed that he was entitled to just the amount the Selectmen originally awarded him at their first hearing. And we believe that that award is fair and just. It is of little consequence that at a later time some other sheep may have been killed for which he has been awarded the sum of \$6 per sheep. I do not think it is a fair inference that the sheep were all of the same value. There is no evidence to sustain that and out of respect to the judgment of the committee I feel that I ought to have made this comment. I move that the matter take its regular course.

The PRESIDENT: The Senator from Penobscot, Senator Weatherbee, moves that this resolve be passed to be engrossed. Is this the pleasure of the Senate?

Thereupon, a viva voce vote being taken, the resolve was passed to be engrossed.

On motion by Mr. Greenleaf of Androscoggin, the Senate voted to take from the table, An act to permit the city of Auburn to pension present and former members of its Fire Department (L. D. 313), tabled by that Senator earlier in today's session pending acceptance of the report of the committee on Legal Affairs, "ought not to pass"; and on further motion by the same Senator, the bill was recommitted to the Committee on Legal Affairs.

On motion by Mr. Page of Somerset, the Senate voted to take from the table, An act relating to trapping on the Rangeley Game Preserve, (L. L. 136), tabled by that Senator on March 10th pending passage to be engrossed.

Thereupon, the same Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Legislative Document 136. Amend said bill by striking out in the 23rd line of the third paragraph of Section 2 thereof, the words, 'first day of April, A. D. 1924' and by inserting in place thereof the words 'time this act takes effect'."

Senate Amendment "A" was adopted, and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

Mr. SPEAR of Cumberland: Mr. President, at the session yesterday I introduced an order recalling two bills from the Governor. Are they now in the possession of the Senate?

The PRESIDENT: The Chair will advise that they are.

Mr. SPEAR: Mr. President, I now yield to the Senator from Penobscot, Senator Weatherbee.

Mr. WEATHERBEE of Penobscot: Mr. President, I move that we reconsider the vote whereby we passed to be engrossed, Legislative Document 700. I do this that an amendment may be offered to the resolve providing that the money there appropriated shall come out of the funds of the Department of Education, as should be.

Thereupon, under suspension of the rules, the Senate voted to reconsider its action whereby Resolve in favor of the town of Frankfort (L. D. 700) was passed to be engrossed.

Mr. Weatherbee of Penobscot then offered Senate Amendment "A" and moved its adoption:—

"Senate Amendment 'A' to Legislative Document 700. Amend said resolve by adding to the end thereof the words 'said sum to be paid from the funds of the Department of Education.'"

"Senate Amendment 'A' to Leg-adopted and the resolve as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Weatherbee of Penobscot, under suspension of the rules, the Senate voted to reconsider its action whereby Resolve in favor of the town of Stockton Springs (L. D. 698) was passed to be engrossed.

Thereupon, that Senator offered Senate Amendment "A" and moved its adoption.

"Senate Amendment 'A' to Legislative Document 698. Amend said resolve by adding to the end thereof the words, 'said sum to be paid from the funds of the Department of Education.'"

Senate Amendment "A" was adopted and the resolve as so

amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table, An act closing Dry Pond to hunting, (L. D. 139), tabled by that Senator on March 10th pending second reading; and on further motion by the same Senator the bill received its second reading and was passed to be engrossed in concurrence.

On motion by Mr. Greenleaf of Androscoggin, the Senate voted to take from the table, Senate Report from the Committee on Judiciary "ought to pass in new draft" on S. P. 364, L. D. 386 An act relating to fees for registration of trailers, tabled by that senator on March 3rd pending acceptance of the report; and on further motion by the same senator the report was accepted and the bill in new draft was laid upon the table for printing under the joint rules.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An act relating to dealer's registration under the motor vehicle law (H. P. 702, L. D. 229), tabled by that senator on March 10th pending second reading; and on further motion by the same senator the bill received its second reading and was passed to be engrossed in concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, House Report from the Committee on Claims "ought to pass in new draft" on H. P. 522, Resolve in favor of Horace Kelly, tabled by that senator on March 6th pending motion to recommit to the Committee on Claims; and on further motion by the same senator the bill was recommitted to the Committee on Claims.

On motion by Mr. Wheeler of Oxford,
Adjourned until tomorrow morning at ten o'clock.