

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Fifth Legislature

OF THE

STATE OF MAINE

1931

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**SENATE**

Friday, March 13, 1931

Senate called to order by the President.

Prayer by the Rev. A. T. McWhorter of Augusta.

Journal of yesterday read and approved.

Mr. Weeks of Somerset out of order and under suspension of the rules, presented the following order and moved its passage:

ORDERED, The House concurring, that when the Senate and House adjourn, they adjourn to meet Monday, March 16, at four-thirty o'clock in the afternoon.

Mr. CROSBY of Penobscot: Mr. President, I think the members may realize that on Monday next occur a great many of our town meetings and it may well prove very difficult for quite a few of us to be here on Monday. I would suggest that the order be amended to read "Tuesday" instead of "Monday." For the purpose of amendment, if agreeable to this body, I move this order lie on the table temporarily.

The motion to table prevailed.

Papers from the House disposed of in concurrence.

From the House:

Bill, An act relating to Agricultural Societies (H. P. 902, L. D. 358)

In the House, that body recalled it from the Committee on Agriculture by joint order; reference re-considered, and leave to withdraw granted.

In the Senate, on motion by Mr. Towle of Kennebec, tabled pending consideration.

From the House:

The Committee on Legal Affairs on bill, An act relating to Aroostook County sleds. (H. P. 601, L. D. 161); reported that the same ought not to pass.

In the House, recommitted to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Littlefield of York, tabled pending recommitment in concurrence.

From the House:

The Committee on Ways and Bridges on bill, An act relating to the bridge between Richmond and

Dresden. (H. P. 882); reported that the same ought not to pass.

In the House, recommitted to the Committee on Ways and Bridges.

In the Senate, on motion by Mr. Littlefield of York, tabled pending recommitment 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 March 10 report read and accepted.)

(In the Senate March 11, recommitted to the Committee on Judiciary in non-concurrence.)

In the House, that body having adhered to its former action whereby the "ought not to pass" report was accepted.

In the Senate, on motion by Mr. Weeks of Somerset, tabled pending consideration.

From the House:

The Committee on Public Health on bill "An act to register and license persons in the practice of barbering and to create a Board of Barber Examiners. (H. P. 127, L. D. 52); reported that the same ought to pass.

In the House, indefinitely postponed.

In the Senate:

Mr. SLOCUM of Cumberland: Mr. President, I move that we accept the report.

Mr. GREENLEAF of Androscoggin: Mr. President, I ask for a division.

Thereupon, on motion by Mr. Aldrich, of Sagadahoc, the report was laid upon the table pending the motion to accept the report, in non-concurrence.

On motion by Mr. Crosby of Penobscot, out of order and under suspension of the rules, the Senate voted to take from the table the Adjournment Order, tabled by that senate, earlier in today's session; and the same senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Adjournment Order. Amend said order by striking out the phrase 'Monday at four-thirty P. M.' and

inserting in place thereof "Tuesday at 10 A. M."

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

Sent down for concurrence.

Subsequently the forgoing order as amended came back from the House, read and passed in concurrence.

From the House:

An "Ought not to pass" report of the Committee on Judiciary on bill An act to incorporate the Knox Water District (S. P. 195, L. D. 158); the Senate voted March 5 to adhere, in non-concurrence, to its former action whereby the report was accepted.

In the House, that body insisted on its former action to recommit to the Committee on Judiciary in non-concurrence; and asked for a Committee of conference, the Speaker appointed as House conferees:

Messrs. HOBBS of Hope  
McLOON of Rockland  
SCATES of Westbrook

In the Senate: on motion by Mr. Weeks of Somerset, the Senate voted to join in a committee of conference.

The PRESIDENT: The Chair will announce the committee later.

#### House Bills in First Reading

Resolve in favor of the town of Fort Kent. (H. P. 1077, L. D. 833)

An act to authorize the town of St. Francis to compensate Adrienne Michaud for services performed by her in the public schools of St. Francis. (H. P. 1276, L. D. 829)

An act to amend the charter of the Ogunquit Beach District. (H. P. 1275, L. D. 828)

An act relating to the disposal of fines and costs collected by the State Highway Police. (H. P. 585, L. D. 825)

An act to amend the charter of the Eastport Municipal Court. (H. P. 586, L. D. 826)

An act relating to Western Hancock Municipal Court. (H. P. 818, L. D. 827)

An act relative to the salary of the Commissioner of Inland Fisheries and Game. (H. P. 1279, L. D. 832)

An act relating to taking of

smelts in Gouldsboro. (H. P. 665, L. D. 816)

From the House:

The Committee on Salaries and Fees on bill An act to increase the salary of the State Librarian (H. P. 128) reported the same in a new draft under the title of An act relative to the salary of the State Librarian (H. P. 1278, L. D. 831) and that it 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. Littlefield of York, tabled pending acceptance of the report in concurrence.

#### Orders

On motion by Mr. Greenleaf of Androscoggin, it was

Ordered, that on Wednesday of each week, beginning March 18th, under Orders of the Day, all matters placed on the table and unassigned during the preceding week shall be taken up without motion and disposed of in the order in which they were placed upon the table.

On motion by Mr. Towle of Kennebec, it was

Ordered, that the Rev. H. M. Worthley of Winthrop be invited to act as Chaplain on Tuesday morning, March 17th.

#### Bills in First Reading

An act relative to digging clams in the town of Kennebunk. (S. P. 224, L. D. 845)

An act relating to fees for registration of trailers. (S. P. 527, L. D. 846)

An act with reference to the meaning of the word "distributors" as applied to distributors of gasoline. (S. P. 546, L. D. 847)

#### Committee Reports

Mr. Kitchen from the Committee on Claims on Resolve to reimburse the town of Dover-Foxcroft for support of the family of Harry E. Tompkins, a veteran of the World War (S. P. 442); reported that the same be referred to the next Legislature.

Mr. Weymouth from the Committee on Pensions on Resolve providing for a state pension for Mary

A. Begert of Lewiston (S. P. 327) reported that legislation thereon is inexpedient.

Mr. Weatherbee from the Committee on Public Utilities on bill An act making Air transportation Companies Public Utilities (S. P. 398, L. D. 472); reported that legislation thereon is inexpedient.

Mr. Littlefield from the Committee on Claims on Resolve in favor of Harold Wing of Leeds (S. P. 297); reported that the same ought not to pass.

Mr. Crosby from the Committee on Labor reported same on bill An act regulating labor and bids on state construction. (S. P. 420, L. D. 527)

Mr. Kitchen from the Committee on Ways and Bridges reported same on bill An act to exempt U. S. government mail carriers from the gasoline tax. (S. P. 516, L. D. 761)

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Littlefield from the Committee on Claims on Resolve in favor of Mrs. Minnie Shea, of Kittery. (S. P. 172); reported the same in a new draft (S. P. 551) under the same title and that it ought to pass.

Mr. Weatherbee from the Committee on Public Utilities on bill, An act classifying public heating companies as public utilities. (S. P. 482, L. D. 643); reported the same in a new draft (S. P. 552) under the same title and that it ought to pass.

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

Mr. Boulter from the Committee on Inland Fisheries and Game on bill, An act authorizing the establishment of a Federal Fish Hatchery in Maine. (S. P. 354, L. D. 377); reported that the same ought to pass.

Mr. Towle from the Committee on Public Utilities reported same on bill, An act having to do with increases in the capital stock of railroad corporations. (S. P. 117, L. D. 115)

Mr. Weatherbee from the same Committee reported same on bill, An act having reference to the authorization and approval of issues of stocks, bonds and notes by

public utilities. (S. P. 118, L. D. 114)

The same senator from the same Committee reported same on bill, An act relating to closing of accounts of public utilities. (S. P. 425, L. D. 531)

Mr. Towle from the same Committee reported same on bill, An act relating to procedure before Public Utilities Commission. (S. P. 441, L. D. 580)

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

#### Passed to be Engrossed

An act relative to the trapping of fur-bearing animals. (H. P. 106, L. D. 75)

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

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

An act authorizing commissioner of Inland Fisheries and Game to take necessary steps to exterminate vermin. (H. P. 536, L. D. 169)

An act relating to personal recognizances in fish and game violations. (H. P. 557, L. D. 191)

An act to grant a new charter to the city of Brewer. (H. P. 597, L. D. 220)

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

An act relating to fee for Game and Fur bearing licenses. (H. P. 697, L. D. 226)

An act relating to the charter of Old Town. (H. P. 831, L. D. 314)

(On motion by Mr. Aldrich of Sagadahoc, tabled pending second reading)

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

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

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

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

An act relative to corporations without capital stock. (H. P. 958, L. D. 449)

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

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

An act relating to the care of neglected and abandoned animals. (S. P. 421, L. D. 528)

An act relative to the promotion of medical education. (S. P. 451, L. D. 608)

An act to authorize York Harbor to appropriate money to improve part of York river. (S. P. 509, L. D. 752)

Resolve in favor of Mrs. Gladys Malcolm. (S. P. 533, L. D. 835)

An act to amend section 118 of Chapter 29, of the Revised Statutes of 1930. (S. P. 534, L. D. 834)

An act regarding inspector of buildings. (S. P. 535, L. D. 836)

An act in relation to the salary of the State Auditor. (S. P. 536, L. D. 839)

(On motion by Mr. Aldrich of Sagadahoc, tabled pending second reading).

An act relating to the salary of the Commissioner of Agriculture. (S. P. 537, L. D. 841)

(On motion by Mr. Aldrich of Sagadahoc, tabled pending second reading).

An act to incorporate the Madawaska Village Corporation. (S. P. 538, L. D. 839)

An act relating to the construction and maintenance of bridges on state highways. (S. P. 539, L. D. 840)

An act forbidding sirens on motor vehicles with certain exceptions. (S. P. 540, L. D. 837)

#### Passed to be Enacted

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

An act relating to payments to County Law Libraries. (S. P. 40, L. D. 237)

#### ORDERS OF THE DAY

The President laid before the Senate An act relating to hunting with Jack-lights (L. D. 90) tabled on March 12th by Mr. Spear of Cumberland pending enactment and today assigned.

Thereupon, on motion by Mr. Spear of Cumberland, the bill was passed to be enacted.

The President laid before the Senate, An act relating to catching smelts in Salt Pond in the towns

of Bluehill, Sedgwick and Brooklin (L. D. 767), tabled on March 12th by Mr. Spear of Cumberland pending enactment and today assigned.

Thereupon on motion by Mr. Spear of Cumberland, the bill was passed to be enacted.

The President laid before the Senate, An act relating to fishing in Spear Stream, in Peru (L. D. 137), tabled on March 12th by Mr. Spear of Cumberland pending enactment and today assigned.

Mr. SPEAR of Cumberland: Mr. President, I yield to the Senator from York, Senator Boulter.

Thereupon, on motion by Mr. Boulter of York, the bill was re-committed to the Committee on Inland Fisheries and Game.

On motion by Mr. Boulter of York, the Senate voted to take from the table, House Report from Committee on Inland Fisheries and Game, "Ought to pass" on H. P. 535, L. D. 168, An act regulating the open season for fishing in the county of York, tabled by that senator on March 11th pending acceptance of report in concurrence; and on further motion by the same senator the bill was re-committed to the Committee on Inland Fisheries and Game in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boulter of York, the Senate voted to take from the table, House Report from Committee on Inland Fisheries and Game, "Ought to pass" on H. P. 544, L. D. 178, An act regulating fishing in Kennebago Stream, tabled by that senator on March 11th pending acceptance of report in concurrence; and on further motion by the same senator the bill was re-committed to the Committee on Inland Fisheries and Game in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boulter of York, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to Pass" on H. P. 546, L. D. 180, An act regulating fishing in Dead River, South Branch and tributaries thereto, tabled by that senator on March 11th pending acceptance of report

in concurrence; and on further motion by the same senator the bill was recommitted to the Committee on Inland Fisheries and Game in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boulter of York, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to pass" on H. P. 548, L. D. 182, An act regulating fishing in Alder Stream, tabled by that senator on March 11th pending acceptance of the report in concurrence; and on further motion by the same senator the bill was recommitted to the Committee on Inland Fisheries and Game in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boulter of York, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to pass" on 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, tabled by that senator on March 11th pending acceptance of report in concurrence; and on further motion by the same senator the bill was recommitted to the Committee on Inland Fisheries and Game in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boulter of York, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to pass" on H. P. 699, L. D. 228, An act regulating fishing in Little Lyford Pond, tabled by that Senator on March 11th pending acceptance of report in concurrence; and on further motion by the same senator the bill was recommitted to the Committee on Inland Fisheries and Game in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boulter of York, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to pass" on H. P. 534, L. D. 167, An act relating to length and daily limit of fish in Stanley Ponds, in Hiram and Porter, county of Oxford, tabled by

that senator on March 12th pending acceptance of report in concurrence; and on further motion by the same senator the bill was recommitted to the Committee on Inland Fisheries and Game in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boulter of York, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "ought to pass" on H. P. 539, L. D. 172, An act to regulating fishing in Wilson Lake in the town of Wilton in the County of Franklin, tabled by that senator on March 12th pending acceptance of report in concurrence; and on further motion by the same senator the bill was recommitted to the Committee on Inland Fisheries and Game in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boulter of York, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to pass" on H. P. 540, L. D. 173, An act to regulate fishing in Hill's Pond in Perkins Plantation in the County of Franklin, tabled by that senator on March 12th, pending acceptance of report in concurrence; and on further motion by the same senator the bill was recommitted to the Committee on Inland Fisheries and Game in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boulter of York, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to pass" on H. P. 545, L. D. 179, An act regulating fishing in Cupsuptic Lake Tributaries, tabled by that senator on March 12th, pending acceptance of report in concurrence; and on further motion by the same senator the bill was recommitted to the Committee on Inland Fisheries and Game in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boulter of York, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to pass" on H. P. 734, L. D. 256, An act opening

Upper and Lower Cold Stream Ponds to ice fishing, tabled by that senator on March 12th pending acceptance of report in concurrence; and on further motion by the same senator the bill was recommitted to the Committee on Inland Fisheries and Game in non-concurrence.

Sent down for concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An act relating to the bridge between Richmond and Dresden (H. P. 882), tabled by that Senator earlier in today's session pending recommitment to the Committee on Ways and Bridges; and on further motion by the same Senator, the bill was recommitted to the Committee on Ways and Bridges in concurrence.

On motion by Mr. Southard of Kennebec, the Senate voted to take from the table, Divided House Report from the Committee on Towns, Majority Report "Ought Not to Pass," Minority Report, "Ought to Pass", on An Act to re-establish the town line between the towns of Hancock and Lamoine (L. D. 42), tabled by that Senator on March 12th pending acceptance of either report.

Mr. SOUTHARD of Kennebec: Mr. President, I yield to the Senator from Cumberland, Senator Spear.

Mr. SPEAR of Cumberland: Mr. President, personally I have no interest in this bill but I think as Chairman of the Committee on Towns perhaps an explanation would be in order. We had a very lengthy hearing down in the "Hall of Flags" on this bill. Everybody, I think, had a chance to say all they wanted to. The "Ought Not to Pass" report was signed by eight members and the "Ought to Pass" report by two. We asked the proponents of the bill if they would be willing to submit to a referendum to the voters of the two towns and they said "No", because Hancock was larger than Lamoine or the village of Marlboro of course, which is in Hancock. They said passage would kill it. The opponents of the bill were willing it should be submitted to the voters. It seemed to us and those who signed the "ought not to pass" report, that the legislature should

not be called upon to give one part of the town to another town without adequate compensation or without referring it to a larger number of people than was involved the first time. The whole matter has been troublesome because of one faction being outnumbered by the other. I would move, Mr. President and Members of the Senate, that we adopt the majority report, "ought not to pass."

Mr. LITTLEFIELD of York: Mr. President, I being a member of the Committee would like to say that we put in a whole afternoon down there in hearing this case and the only thing I could draw from this was that two years ago the same case was before the Towns Committee and we gave them a referendum which they said was perfectly all right, as you will remember. They went home and they had the referendum and the referendum came out in the defeat of the division. then they put up a great holler that everything was crooked and all wrong, and these people had defrauded the other people, etc., and they took this case into court and as I understand it,—I may be a little wrong here, but the Supreme Court, to say the least, said that they did have an election and the election was all right and proper and one witness got up and said it was a crooked deal right along with his conversation in regard to the Supreme Court, and I asked him if he wished us to understand that he meant the Supreme Court had given them a crooked deal. He said, "Oh no, no." He didn't want us to understand that. I said, "Would you like another referendum and see if you can have it all straight?" He said, "No, either give us this bill or kill it, one or the other." We talked it all over and had quite a lengthy session and finally one man was missing,—one Senator, I think, on the committee—and the Chairman made us all sign our names on the back of the bill. He said it was so we could not back out over night and I guess that was all right. (Laughter). Seven signed the bill and the other two members signed a minority report. The next day the other Senator came in and I understand he signed the majority report so that the way it stands,



is eight and two, and I hope this Senate will uphold the committee's report.

Mr. WEATHERBEE of Penobscot: Mr. President, this is quite an important matter and most of the Senators have not informed themselves about the details of this case, especially about the evidence of fraud that has been asserted in some quarters to have something to do with the decision in the referendum. I think the matter should lie on the table and be especially assigned. I therefore, move that this bill lie on the table and be especially assigned for next Wednesday.

The motion to table and assign prevailed.

On motion by Mr. Aldrich of Sagadahoc, the Senate voted to take from the table, An act to register and license persons in the practise of barbering and to create a Board of Barber Examiners (L. D. 52), tabled by that Senator earlier in today's session pending acceptance of the report of the Committee on Public Health, "Ought to Pass."

Mr. ALDRICH of Sagadahoc: Mr. President, I yield to the Senator from Cumberland, Senator Slocum.

Mr. SLOCUM of Cumberland: Mr. President, my motion was to accept the report of the Committee.

On motion by Mr. Weeks of Somerset, a division of the Senate was had.

Eight having voted in the affirmative and sixteen in the negative, the motion to accept the report of the committee was lost.

Thereupon, on motion by Mr.

Greenleaf of Androscoggin, the Senate voted to concur with the House in the indefinite postponement of the bill.

On motion by Mr. Spear of Cumberland, the Senate voted to reconsider its action taken earlier in today's session whereby An act to amend Section 118 of Chapter 29, of the Revised Statutes of 1930 (S. P. 534, L. D. 834) 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.

On motion by Mr. Towle of Kennebec, the Senate voted to take from the table, An act relating to Agricultural Societies (H. P. 702, L. D. 358), tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator leave to withdraw the bill was granted in concurrence.

On motion by Mr. Weatherbee of Penobscot, the Senate voted to take from the table, House Report from the Committee on Library, "Ought not to pass" on H. P. 626, Resolve for the purchase and distribution of Ward's Syllabus-Digest of the Maine Reports, tabled by that Senator on March 6th pending motion to commit to the Committee on Judiciary, and on further motion by the same Senator the bill was committed to the Committee on Judiciary.

On motion by Mr. Campbell of Washington,

Adjourned, until Tuesday morning at ten o'clock.