

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

Tuesday, March 17, 1931.

Senate called to order by the President.

Prayer by the Rev. H. M. Worthley of Winthrop.

Journal of Friday, March 13th, read and approved.

Papers from the House disposed of in concurrence.

From the House:
The Committee on Claims on "Resolve in favor of Mrs. Viola Gay." (H. P. 481)

In the House, report read and accepted.

In the Senate, on motion by Mr. Kitchen of Aroostook, tabled pending acceptance in concurrence.

House Bills in First Reading

An Act to amend Guilford and Sangerville Water District. (H. P. 1284, L. D. 842)

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

An Act relating to close time on Damariscotta river. (H. P. 1286, L. D. 844)

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

The following remonstrance was received and on recommendation by the committee on reference of bills was referred to the following committee:

Legal Affairs

Mr. St. Clair of Knox: Remonstrance of J. R. House and 33 others against Sunday Recreation bills. (S. P. 553)

Sent down for concurrence.

Orders

Mr. SLOCUM of Cumberland: Mr. President, I have on the table, an act relating to taxation of stock of trust and banking companies, L. D. 54, and there is grave question whether this bill is constitutional and I therefore present the following order and move its passage:

Whereas, it appears to the Senate of the Eighty-fifth Legislature that the following is an important

question of law, and the occasion a solemn one, and

Whereas, a bill has been introduced into the House of Representatives, and is now before the Senate providing for a tax of thirty mills on stock of trust companies and banking institutions, and

Whereas, the question of the power of a legislature to enact such a law according to the terms of said bill, under the Constitution of this State has been raised:

Ordered, the Justices of the Supreme Judicial Court are hereby requested to give to the Senate, according to the provisions of the Constitution in this behalf, their opinion on the following question, to wit: Has the legislature the right and authority under the Constitution to enact a law according to the terms of the following bill "An Act Relating to Taxation of Stock of Trust and Banking Companies." (H. P. 135, L. D. 54)?"

On motion by Mrs. Carter of Androscoggin, the order was laid upon the table, pending passage.

Subsequently, on motion by the same senator, five hundred copies were ordered printed.

Bills in First Reading

Resolve in favor of Mrs. Minnie Shea, of Kittery. (S. P. 551, L. D. 854)

An act classifying public heating companies as public utilities. (S. P. 552, L. D. 853)

Committee Reports

Mr. Leland from the Committee on Agriculture on bill, An act relating to sealers of weights and measures. (S. P. 510) reported that legislation thereon is inexpedient.

Mr. Kitchen from the Committee on Claims on Resolve to reimburse the town of Orrington for pauper supplies furnished wife and children of Richard Leonardt. (S. P. 299) reported that the same ought not to pass.

The same Senator from the same committee reported same on Resolve to reimburse the town of Orrington for pauper supplies furnished the wife and children of Oscar Joseph Richard. (S. P. 300)

Mr. Weatherbee from the same Committee reported same on Resolve in favor of Leslie Meserve, of Dayton. (S. P. 167)

Mr. Littlefield from the same Committee reported same on Re-

solve in favor of H. L. Smith, of Manset. (S. P. 166)

Mr. Aldrich from the Committee on Judiciary reported same on bill, An act relating to rights of mortgagees. (S. P. 467, L. D. 631)

The same Senator from the same Committee reported same on bill, An act relating to intoxicating liquors. (S. P. 463, L. D. 627)

The same Senator from the same Committee reported same on bill, An act penalizing the use of motor vehicles in the commission of crime. (S. P. 465, L. D. 629)

Mr. Murchie from the same Committee reported same on bill, An act relative to Winthrop Municipal Court (S. P. 315, L. D. 291)

(On motion by Mr. Towle of Kennebec, tabled pending acceptance.)

Mr. Weeks from the same Committee reported same on bill, An act relating to forfeiture of vehicles used in committing larceny. (S. P. 469, L. D. 633)

The same Senator from the same Committee reported same on bill, An act relating to disclosure Commissioners and the relief of poor debtors. (S. P. 464, L. D. 628)

The same Senator from the same Committee reported same on bill, An act to change section numbering of chapter fifty-four of the Revised Statutes. (S. P. 512, L. D. 753)

The same Senator from the same Committee reported same on bill, An act relating to the organization of corporations under the general law. (S. P. 471, L. D. 635)

The same Senator from the same Committee reported same on bill, An act relating to the liability of insurance companies. (S. P. 494, L. D. 798)

Mr. Weymouth from the Committee on Taxation on bill, An act with reference to deduction to be made by distributors on gasoline tax. (S. P. 371, L. D. 390); reported that legislation thereon is inexpedient.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Leland from the Committee on Agriculture on bill, An act to provide for inspection of internal combustion, engine fuel, and lubricating oil. (S. P. 461, L. D. 625) reported the same in a new draft (S. P. 554) under the same title and that it ought to pass.

Mr. Weeks from the Committee

on Judiciary on bill, An act relative to temporary number plates on motor vehicles. (S. P. 90, L. D. 100) reported the same in a new draft (S. P. 555) under the same title and that it ought to pass.

Mr. Aldrich from the same Committee on bill, An act to amend the Workmen's Compensation Act. (S. P. 416, L. D. 512) reported the same in a new draft (S. P. 556) under the same title and that it ought to pass.

Mr. Crockett from the Committee on library on Resolve in favor of the State Library. (S. P. 396, L. D. 470) reported the same in a new draft (S. P. 557) under the same title and that it ought to pass.

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

Mr. Leland from the Committee on Pownal State School on bill, An act to authorize the Treasurer of State to receive a portion of the residue of the estate of Joseph C. Greene bequeathed to the Pownal State School. (S. P. 336) reported that the same ought to pass.

Which report was read and accepted and the bill laid upon the table for printing under the joint rules.

Mr. Boulter from the Committee on Inland Fisheries and Game on bill, An act relating to certain pollution of certain inland waters. (S. P. 435, L. D. 574) reported that the same ought to pass.

The same Senator from the same Committee reported same on bill, An act relating to Salmon Pond sanctuary. (S. P. 376, L. D. 480)

Mr. McLean from the same Committee reported same on bill, An act to establish Duck Sanctuaries in Knox County (S. P. 375, L. D. 479)

Mr. Greenleaf from the same Committee reported same on bill, An act classifying the bear as a game animal. (S. P. 81, L. D. 93)

The same Senator from the same Committee reported same on bill, An act to establish a game preserve in the towns of Readfield and Winthrop in Kennebec County. (S. P. 306) L. D. 287)

Mr. Aldrich from the Committee on Judiciary reported same on bill, An act relating to city committees. (S. P. 473, L. D. 715)

Which reports were severally

read and accepted, and the bills read once and tomorrow assigned for second reading.

Passed to be Engrossed

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

(On motion by Mr. Littlefield of York, tabled pending second reading.)

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

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

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

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

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

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

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

An Act having to do with increases in the capital stock of railroad corporations. (S. P. 117, L. D. 115)

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)

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

An Act authorizing the establishment of a Federal Fish Hatchery in Maine. (S. P. 354, L. D. 377)

An Act relating to procedure before Public Utilities Commission. (S. P. 441, L. D. 580)

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 "Distributor" as applied to distributors of gasoline. (S. P. 546, L. D. 847)

An Act relating to closing of accounts of Public Utilities. (S. P. 425, L. D. 531)

Orders of the Day

On motion by Mr. Weeks of Somerset, the Senate voted to take from the table, House Report from the Committee on Legal Affairs, "Ought not to pass," on H. P. 836, L. D. 318, An Act to permit the City of Auburn to pension present and former members of its Fire Department, tabled by that senator on March 13th pending consideration.

Mr. WEEKS of Somerset: Mr. President, I yield to the Senator from Androscoggin, Senator Greenleaf.

Mr. GREENLEAF of Androscoggin: Mr. President, I think there has been a misunderstanding on this bill which I believe has now been ironed out. Will you please advise the present status of the bill.

The PRESIDENT: The Committee on Legal Affairs, reported on this bill "Ought not to pass." In the House the report was accepted. In the Senate it was voted to recommit the bill to the Committee on Legal Affairs in non-concurrence. The House then voted to adhere to its action in accepting the "Ought not to pass" report. In the Senate the matter was then tabled pending consideration.

Mr. GREENLEAF: Mr. President, I think that the House is now ready to recede and concur with the Senate in the recommitment of this bill to the Committee on Legal Affairs and I therefore move that we insist on our former action and ask for a committee of conference.

The motion prevailed and the Chair appointed as members of such committee on the part of the Senate, the Senator from Androscoggin, Senator Greenleaf, the Senator from Kennebec, Senator Southard, and the Senator from Franklin, Senator Holman.

The PRESIDENT: The Chair will announce at this time as members on the part of the Senate of the committee of conference on "An Act to incorporate the Knox Water District," (L. D. 158); on which the Senate voted last Friday to join in the committee of conference: the Senator from Somerset, Senator Weeks, the Senator from York, Senator Boulter, and the Senator from Penobscot, Senator Weymouth.

Is there any further business to come before the Senate?

On motion by Mr. Southard of Kennebec,

Adjourned until tomorrow morning at ten o'clock.