

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

Thursday, March 19, 1931

Senate called to order by the President.

Prayer by the Rev. H. F. Milligan of Gardiner.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

From the House:

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

(In the Senate, passed to be engrossed on March 13)

In the House, the bill had its several readings, House Amendment "A" was read and adopted, and the bill passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, that body voted to reconsider its former action where-by the bill was passed to be engrossed, House Amendment "A" was read and adopted and the bill passed to be engrossed as amended by House Amendment "A" in concurrence.

House Bills in First Reading

An act relating to supervision of Indian Old Town schools. (H. P. 1293, L. D. 850)

An act regulating the transportation of poultry. (H. P. 777, L. D. 323)

An act to provide for the co-operation between the United States department of Agriculture, the Commissioners of Agriculture of the New England States, and the Maine Department of Agriculture in the collection and publication of statistics and for other purposes. (H. P. 1078, L. D. 654)

An act relating to the Penobscot tribe of Indians. (H. P. 701, L. D. 849)

(On motion by Mr. Weatherbee of Penobscot, tabled pending second reading)

An act relating to classification of registered guides. (H. P. 948, L. D. 427)

An act relating to hunting from railways. (H. P. 1057, L. D. 613)

An act relating to a biennial re-

vision of Fish and Game laws. (H. P. 1060, L. D. 616)

An act to provide for the appointment of a commission on revision of the inheritance and estate tax law. (H. P. 1088, L. D. 662)

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

An act exempting charitable organizations from excise tax. (H. P. 1294, L. D. 851)

An act to authorize the county of Penobscot, through its County Commissioners, to remodel and equip the county jail; and to authorize the said Penobscot County, through its said Commissioners, to borrow money and issue notes or other obligations of said Penobscot County in the premises. (S. P. 561, L. D. 885)

Mr. CROSBY of Penobscot: Mr. President, the purpose of this bill must be apparent to all the members, from its title. The season is fast moving along and it is imperative that the county commissioners proceed at once with this work. I move that the rules be suspended and the bill receive its second reading at this time.

Thereupon, the rules were suspended, the bill was given its second reading and on further motion by the same Senator the bill was passed to be engrossed.

Bills in First Reading

Resolve in favor of State Reformatory for Men. (S. P. 154, L. D. 886)

Resolve appropriating money to cover departmental deficiencies. (S. P. 559, L. D. 884)

An act providing that the Governor may suspend open season for hunting and fishing in time of drought. (S. P. 560, L. D. 887)

Committee Reports

Mr. Greenleaf from the Committee on Inland Fisheries and Game on bill An act to amend chapter 331 of the Public Laws of 1929, relating to annual fishing licenses and closed season on partridges. (S. P. 11); reported that the same ought not to pass.

The same Senator from the same Committee reported same on

bill An act relating to fox hunting in Waldo County. (S. P. 56)

The same Senator from the same Committee reported same on Resolve in favor of a fish screen being placed at the outlet of Eastern Grand Lake Stream, at Forest city Plantation, Washington county. (S. P. 10)

Mr. Boulter from the same Committee reported same on bill An act relating to trapping season in Waldo County. (S. P. 54)

Mr. McLean from the same Committee reported same on bill An act relating to open season on muskrats in Waldo county. (S. P. 57)

The same Senator from the same Committee reported same on bill An act relating to night hunting for skunks and raccoons in Waldo County. (S. P. 59)

The same Senator from the same Committee reported same on bill An act relative to the trapping season in Franklin County. (S. P. 68)

Mr. Boulter from the same Committee reported same on bill An act relative to closed season on deer. (S. P. 80, L. D. 92)

The same Senator from the same Committee reported same on Resolve in favor of the town of Plymouth to construct a fish screen. (S. P. 308)

Mr. Weeks from the Committee on Judiciary reported same on bill An act relating to powers of the town of Fort Fairfield. (S. P. 511)

Mr. Aldrich from the same Committee reported same on bill An act relating to penalty for refusal to report to State Auditor. (S. P. 394, L. D. 468)

Mr. Murchie from the same Committee reported same on bill An act relating to accounts annexed. (S. P. 410, L. D. 518)

The same Senator from the same Committee reported same on bill An act relating to what the ballots shall contain and how printed. (S. P. 385, L. D. 489)

Mr. Aldrich from the same Committee reported same on bill An act pertaining to drains and common sewers. (S. P. 412, L. D. 520)

Mr. Weeks from the same Committee reported same on bill An act relating to advertising signs on highways. (S. P. 319, L. D. 295)

The same Senator from the same

Committee reported same on bill An act relating to defects of writs. (S. P. 409, L. D. 517)

Mr. Murchie from the same Committee reported same on bill An act to require full publicity in connection with political advertising expenses. (S. P. 318, L. D. 294)

Mr. Aldrich from the same Committee reported same on bill An act relating to registration fees or payment for motor vehicles used for livery or hire. (S. P. 348, L. D. 350)

The same Senator from the same Committee reported same on bill An act limiting the right of mortgagee to take possession of real estate. (S. P. 411, L. D. 519)

The same Senator from the same Committee reported same on bill An act relative to sale of real estate for non-payment of sewer assessments. (S. P. 413, L. D. 521)

(On motion by Mr. Slocum of Cumberland, tabled pending acceptance.)

Mr. Campbell from the Committee on Sea and Shore Fisheries on bill An act relating to the use of beam trawlers, within certain areas. (S. P. 120, L. D. 176) reported that the same ought not to pass, as subject matter is covered by other legislation.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Crosby from the Committee on Labor on bill An act to establish rules and regulations governing compressed air works. (S. P. 320, L. D. 296) reported the same in a new draft (S. P. 562) under the same title and that it ought to pass.

Mr. Southard from the Committee on Legal Affairs on bill An act to provide uniform jurisdiction for Municipal Court. (S. P. 28, L. D. 5) reported the same in a new draft (S. P. 563) 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 relative to transportation of deer beyond the limits of the state. (S. P. 79, L. D. 91) reported that the same ought to pass.

Mr. Weeks from the Committee on Judiciary reported same on bill An act relating to trial terms in

York County. (S. P. 418, L. D. 525)
(On motion by Mr. Boulter of
York, tabled pending acceptance.)

Mr. Bishop from the Committee
on Public Utilities reported same on
bill An act relating to procedure of
Public Utilities Commission. (S. P.
426, L. D. 532)

Mr. Slocum from the Committee
on Sea and Shore Fisheries reported
same on bill An act to legalize terms
held by the Sea and Shore Fisheries
Commission since the expiration of
terms for which they were appoint-
ed, of one or more of them and to
make valid any findings that they
may render as a result of same. (S.
P. 427, L. D. 533)

Mr. Littlefield from the same
Committee reported same on bill
An act relating to time limit on no-
tice in re hearings on licenses for
wharves and fish weirs. (S. P. 428,
L. D. 534)

Which reports were severally read
and accepted the bills read once and
tomorrow assigned for second read-
ing.

Mr. Story from the Committee
on State Sanatoriums on Resolve
in favor of the Northern Maine
Sanatorium (S. P. 232) reported
that the same ought to pass.

Mrs. Carter from the same Com-
mittee reported same on Resolve in
favor of the Central Maine Sanato-
rium. (S. P. 233)

The same Senator from the same
Committee reported same on Re-
solve in favor of the Central Maine
Sanatorium. (S. P. 234)

Mr. Bishop from the same Com-
mittee on Resolve in favor of the
Central Maine Sanatorium for the
construction and equipment of a
school house. (S. P. 236)

Mr. Story from the same Com-
mittee on Resolve in favor of the
Northern Maine Sanatorium to pro-
vide adequate water supply. (S. P.
237)

Mrs. Carter from the same Com-
mittee on Resolve in favor of the
Central Maine Sanatorium for the
enlargement of the Nurses' home.
(S. P. 241)

Mr. Bishop from the same Com-
mittee reported same on Resolve in
favor of the Western Maine Sana-
torium for employees building. (S.
P. 272)

Which reports were severally read
and accepted, and the resolves laid

upon the table for printing under
joint rules.

Passed to be Engrossed

An act relating to State Aid for
Academies. (H. P. 83, L. D. 36)

An act relating to Fish Hatch-
eries and feeding stations. (H. P.
94, L. D. 65)

An act relating to Taxation of
shares of stock of Trust and Bank-
ing Companies. (H. P. 711, L. D.
233)

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

An act relating to legal holidays.
(H. P. 1104, L. D. 682)

An act relative to the salary of
the State Librarian. (H. P. 1278,
L. D. 831)

(On motion by Mr. Bishop of
Lincoln, tabled pending passage to
be engrossed, and especially as-
signed for tomorrow)

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, L. D. 859)

An act to provide for inspection
of internal combustion engine fuel,
and lubricating oil. (S. P. 554, L.
D. 856)

An act relative to temporary
number plates on motor vehicles.
(S. P. 555, L. D. 858)

(On motion by Mr. Littlefield of
York, tabled pending second read-
ing.)

An act to amend the Workmen's
Compensation Act. (S. P. 556, L.
D. 855)

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

Resolve in favor of the State Li-
brary. (S. P. 557, L. D. 857)

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

Passed to be Enacted

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

An act relating to pools at State
Fish Hatcheries and feeding sta-
tions. (H. P. 93, L. D. 64)

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

An act relative to the trapping of

fur-bearing animals. (H. P. 106, L. D. 75)

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

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

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

An act relating to the taking of smelts in the tributaries of Three Mile Pond. (H. P. 183, L. D. 133)

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

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

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

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

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

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

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

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

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

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

An act regulating fishing in Lee-man Brook, or Ladd Brook, so called, in Abbot. (H. P. 551, L. D. 185)

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

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

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

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

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

An act authorizing the Standish

Fish Hatchery and Fur Farm, Inc., to control Horse Pond stream and Mink Brook. (H. P. 612, L. D. 212)

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 Farming licenses. (H. P. 697, L. D. 226)

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

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

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)

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

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

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

An act relating to payment of damages done by dogs or wild animals. (H. P. 1171, L. D. 740)

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

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

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

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

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

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

An act to give Municipal Courts jurisdiction of certain offenses. (S. P. 33, L. D. 9)

An act to prevent the polluting of the waters of the West basin

of China lake. (S. P. 96, L. D. 116)

An act relating to Deer on Mount Desert Island, and in certain other localities. (S. P. 108, L. D. 791)

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

An act relating to fishing in Long lake, Kennebec County. (S. P. 185, L. D. 795)

An act to regulate fishing in Moose Horn lake, formerly known as Shaw pond, in Somerset County. (S. P. 188, L. D. 792)

An act to amend and extend the charter of Kennebec Reservoir Company. (S. P. 192, L. D. 796)

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

An act to incorporate the Maine Heating Corporation. (S. P. 209, L. D. 774)

An act relating to dental hygienists and appropriation and contributions for dental hygienist service, by towns, individuals and organizations. (S. P. 218, L. D. 153)

An act relating to reservation of motor vehicle plates and numbers. (S. P. 361, L. D. 383)

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 the investment of Municipal Trust Funds. (S. P. 437, L. D. 576)

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

An act to amend chapter 135 of the Private and Special Laws of 1930, relating to the erection and construction of a Court House at Ellsworth, Maine. (S. P. 548)

Finally Passed

Resolve in favor of the town of Stetson. (S. P. 4, L. D. 790)

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)

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

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

Resolve in favor of Christine Libby to compensate for damage

done by dogs. (H. P. 519, L. D. 823)

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

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

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

Orders of the Day

The President laid before the Senate, 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 Mr. Weatherbee of Penobscot on March 18th pending acceptance of the majority report "Ought not to pass," and today assigned.

Mr. WEATHERBEE of Penobscot: Mr. President, the pending question is a motion to accept the majority report "Ought not to pass." We have had several conferences over this matter and come near an adjustment of the troubles between the two towns, about the financial end at least, and I am going to ask the Senator from York, Senator Littlefield, if he will not withdraw his motion, that I may present an amendment to the bill, and the pending question may be more properly upon the acceptance of the minority report.

Mr. LITTLEFIELD of York: Mr. President, I ask unanimous consent of the Senate to withdraw my motion to accept the majority report of the committee.

Unanimous consent was then given that Senator to withdraw the motion.

Mr. WEATHERBEE: Mr. President, I move now that we accept the minority report "ought to pass" and I do not think it is necessary for me to address myself to the Senate upon this question because I believe each member of the Senate understands all the elements of the controversy and has made up his mind whether the town of Marlboro should be annexed to Lamoine. I would like to perfect an amendment that has come over from the House if it is in order.

The PRESIDENT: The Chair will state the report may be accepted and the amendment read which was passed in the House.

Thereupon, the minority report of the committee, "ought to pass" was accepted.

The PRESIDENT: The Chair will state that this brings before the Senate the question of the adoption of House Amendment "A."

Mr. WEATHERBEE: Mr. President, I move that House Amendment "A" be indefinitely postponed. I am offering a new amendment covering the same subject matter which is clear and concise. The amendment adopted by the House is too complicated to be workable. This amendment is agreeable to all parties concerned to be accepted in lieu of the other.

The motion to indefinitely postpone House Amendment "A" in non-concurrence prevailed.

Thereupon, Mr. Weatherbee presented Senate Amendment "A" and moved its adoption:

"Senate Amendment A, to bill 'An Act to Re-establish the Town Line Between the Towns of Hancock and Lamoine', L. D. 42. Amend by striking out all of the emergency preamble in said bill and further amend by striking out all of section seven in said bill, and by substituting in place of said section seven, the following:

"Sec. 7. Such sum as represents the valuation of the portion of the town of Hancock hereby set off to the town of Lamoine as shown by the assessors' books of the town of Hancock for the year 1930 is hereby deducted from the valuation of the town of Hancock, upon which state and county taxes are assessed, and added to the valuation of said town of Lamoine. The said town o. Lamoine shall pay to the said town of Hancock the sum of one hundred dollars each year for twelve years beginning June 1, 1932, which shall be in full discharge of all liability of that portion of Hancock which is hereby annexed to Lamoine for any and all existing debts of said Hancock."

Senate Amendment "A" was adopted, and the bill was given its first reading.

Mr. MURCHIE of Washington: Mr. President, again in the absence of the Senator from Somerset, Senator Page, I would like to move that the second tabled matter be left on the table in his name. I am assured that Senator Page will be here tomorrow and will take the matter up.

The motion to suspend the rules and allow "An Act to amend the charter of the Fish River Power and Storage Company," (L. D. 304) to remain on the table, and especially assign for tomorrow prevailed.

The President laid before the Senate, House Report from the Committee on Banks and Banking, "Ought not to pass" on An Act to place holding companies of banks and trust companies and investment affiliates under the supervision of the Bank Commissioner, (L. D. 544), tabled by Mr. Slocum of Cumberland on March 18th pending acceptance of the report; and on motion by that Senator the bill was retabled and tomorrow assigned.

The President laid before the Senate, House Report from the Committee on Banks and Banking, "Ought not to pass" on An Act relating to loans on trust and banking companies' capital stock, (L. D. 658), tabled by Mr. Slocum of Cumberland on March 18th pending acceptance of the report; and on motion by that Senator the bill was retabled and tomorrow assigned.

The President laid before the Senate, An Act to amend Section one hundred eighteen of Chapter twenty-nine of the Revised Statutes, (L. D. 834), tabled by Mr. Spear of Cumberland on March 18th pending passage to be engrossed.

Mr. SPEAR of Cumberland: Mr. President, one of the senators who is very much interested in this bill with myself seem to be in disagreement on this bill as to what to do if it should be passed, and for the purpose of getting more information, I move it be retabled and especially assigned for tomorrow morning.

The motion to retable and assign prevailed.

The President laid before the Senate, House Report from the Committee on Claims, "Ought not to pass" on Resolve in favor of Mrs. Viola Gay, (H. P. 481), tabled by Mr. Kitchen of Aroostook on March 18th pending acceptance of the report; and on motion by that Senator the report of the committee was accepted.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act relative to temporary number plates on motor vehicles, (L. D. 858), tabled by that Senator earlier in today's session pending second reading; and on further motion by the same Senator, the bill received its second reading and was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Weatherbee of Penobscot, the Senate voted to take from the table, Senate Report from the Committee on Salaries and Fees, "Ought Not to Pass" on An act to change the salary of the Clerk of Courts for Penobscot County, (S. P. 104), tabled by that Senator on March 18th pending acceptance of the report.

Mr. WEATHERBEE of Penobscot: Mr. President, the Committee on Salaries and Fees reported this bill "ought not to pass" after having learned that the entire delegation from Penobscot County was opposed to what they then believed was an increase in salary. It later developed that if the measure had passage it would not, in fact, be an increase in salary but would be giving to the clerk of court \$300, being a sum he lost in fees due to the change in the law court. Yesterday afternoon the delegation from Penobscot County had a meeting and changed its vote upon this proposition. It is now desired, and I move you the matter be recommitted to the Committee on Salaries and Fees.

The motion prevailed.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, Joint Order Relative to investigating methods employed in the State Assessors' Department, (L. D. 107), tabled by that Senator on March 18th pending consideration.

Mr. SPEAR of Cumberland: Mr. President, the position that the lower branch has taken on this order reminds me of Aunt Sara Libby who used to live over in Unity. She was very deaf and a little obstinate. She was going to the store one morning and one of the neighbors saw her and the neighbor said, "Good morning,

Aunt Sarah. This is a fine day." Aunt Sarah replied, "No, I won't either."

I move, Mr. President, we insist and ask for a committee of conference.

The motion prevailed.

Thereupon, the President appointed as members of this committee on the part of the Senate, the Senator from Cumberland, Senator Spear, the Senator from Penobscot, Senator Weatherbee, and the Senator from Franklin, Senator Holman.

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

Ordered that a message be sent to the House proposing a joint convention to be held forthwith in the Hall of the House of Representatives for the purpose of listening to an address by Ralph T. O'Neill, National Commander of the American Legion.

The Secretary delivered the message.

Subsequently a message was received from the House of Representatives by Mr. Chapman, its clerk, announcing that that branch concurred in the proposition of the Senate for a Joint Convention for the purpose of listening to an address by Ralph T. O'Neill, National Commander of the American Legion.

The PRESIDENT: The Chair is advised that the special guest of this morning's joint convention will not be ready to address this convention until 11.30. The Senate will therefore recess until 11.20.

After Recess

The Senate was called to order by the President.

Thereupon, the Senate retired to the Hall of the House of Representatives, where a joint convention was formed.

(For proceedings in the Joint Convention see House Report)

In The Senate

Upon return of the Senators to the Senate Chamber the Senate was called to order by the President.

On motion of Mr. Slocum of Cumberland adjourned until tomorrow morning at 10 o'clock.