

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Tuesday, February 7, 1933.

Senate called to order by the President.

Prayer by the Rev. Willis Moore of Gardiner.

Journal of Thursday, February 3d read and approved.

On motion by Mr. Viles of Kennebec the rules were suspended and that Senator presented out of order communication from the Governor submitting a communication from Ex-Governor Percival P. Baxter and accompanying papers.

The Secretary thereupon read the following communications:

"To the Honorable Senate and House of Representatives:

I am pleased to submit herewith a communication from Ex-Governor Percival P. Baxter, distinguished citizen of Maine, with accompanying Act and Deed.

I suggest that prompt action be taken upon the Submitted Act, expressing definitely and conclusively our gratitude and appreciation.

It is the desire of Ex-Governor Baxter that the validity and public purpose of this very magnanimous gift be properly legalized, authenticated and recorded in the Laws of Maine.

No gift could be more generous, unselfish and disinterested.

This great public domain is for the enjoyment of our people for all time.

I desire to express to Ex-Governor Baxter the appreciation and thanks of the people of Maine.

Respectfully submitted,

LOUIS J. BRANN,
Governor."

"Portland, Maine,
February 2, 1933.

To Honorable Louis J. Brann, Governor and the Senate and House of Representatives of the Eighty-Sixth Legislature of the State of Maine:

On March 3, 1931 I conveyed by Deed of Gift to the State of Maine an undivided three-eighths ($\frac{3}{8}$) interest in a tract of land located in Township three (3) Range nine (9) W. E. L. S. Piscataquis County (Mt. Katahdin) which, had the Township been divided according to the fractional interests then outstand-

ing, would have amounted to an area of six (6) square miles and this gift and conveyance was accepted, subject to the conditions therein imposed, by Act of the Legislature approved by the Governor on March 4, 1931 (Private and Special Laws of 1931, Chapter 23).

Subsequent to the conveyance and to the passage of the Act above mentioned a division of the Township was effected under which the former undivided interests were consolidated into separate and distinct ownerships, and this enabled me to complete and enlarge my Gift to the State. On October 7, 1931 I thereupon completed the former Gift and at the same time conveyed to the State an additional area slightly in excess of three (3) square miles which additional area when added to that first conveyed gave the State full title and ownership to an area of nine (9) square miles in said Township. This second conveyance was accepted by the State on October 7, 1931 by Hon. Neil L. Violette, Forest Commissioner, approval being given thereto by Governor William T. Gardiner and the Executive Council and by Hon. Clement F. Robinson, Attorney General, all of them acting under authority conferred upon them by Sections fifteen (15) and sixteen (16) of Chapter eleven (11) of the Revised Statutes of 1930.

In order that the total area of nine (9) square miles or to be more exact about 5,960 acres, conveyed to the State by the two (2) Deeds above referred to shall finally be accepted by the Senate and House of Representatives directly representing the People of the State and shall be approved by the Governor, I have prepared and submit herewith an Act of the Legislature which I request your Honorable bodies to enact into law and your Excellency to approve. The description of the area and the conditions of the Gift are the same as in the two original conveyances. The passage of this Act makes the acceptance of the two Gifts above mentioned somewhat more formal and complete and it is this that I seek to accomplish.

Respectfully,

PERCIVAL PROCTOR BAXTER."

On further motion by Mr. Viles of Kennebec, the communications were placed on file.

On motion by Mr. Viles of Kennebec, out of order and under suspension of the rules, that Senator presented bill, "An Act accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of Mount Katahdin."

Thereupon, on further motion by the same Senator the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

Papers from the House, disposed of in concurrence.

From the House:

Bill "An Act permitting the Louis Lipsitz Estate to sue the State for recovery of succession tax assessed and paid under law held by United States Supreme Court to be unconstitutional." (H. P. 842, L. D. 419).

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Weatherbee of Penobscot, tabled pending reference in concurrence.

From the House:

Bill "An Act relating to Ogunquit Beach District." (H. P. 856, L. D. 264).

In the House, referred to the Committee on Judiciary.

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

From the House:

Bill "An Act to amend eminent domain statute." (H. P. 1009, L. D. 425).

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Viles of Kennebec, tabled pending reference in concurrence.

From the House:

Bill "An Act providing for a new charter for the city of Portland." (H. P. 859, L. D. 402).

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

In the Senate, on motion by Mr. Jackson of Cumberland, tabled pending reference in concurrence.

From the House:

Bill "An Act for the regulation of the practice of hairdressing and cosmetic therapy." (H. P. 1013, L. D. 421).

In the House, referred to the Committee on Public Health.

In the Senate, on motion by Mr. Weeks of Somerset, tabled pending reference in concurrence.

From the House:

Bill "An Act relative to business and recreation prohibited on the Lord's day." (H. P. 864, L. D. 286).

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

In the Senate, referred to the Committee on Legal Affairs in concurrence.

Thereupon, on motion by Mr. Angell of York, the Senate voted to reconsider its action just taken; and on further motion by the same Senator the bill was laid upon the table pending reference.

From the House:

Bill "An Act relative to Sunday hunting." (H. P. 865, L. D. 287).

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

In the Senate, referred to the Committee on Legal Affairs in concurrence.

Thereupon, on motion by Mr. Angell of York, the Senate voted to reconsider its action just taken; and on further motion by the same Senator the bill was laid upon the table pending reference.

From the House:

Resolve providing for a state pension for Will Howard of Union. (H. P. 1018).

In the House, out of order and under suspension of the rules and by unanimous consent, received and referred to the Committee on Pensions.

In the Senate:

The PRESIDENT: The Chair will state that this is an item of private and special legislation and according to the joint order previously passed will be referred to the next legislature unless unanimous consent is given by this body in concurrence.

Mr. WEEKS of Somerset: Mr. President, I wish to register my objection to receiving this special legislation at this time. An order was presented, it was passed, it was published in the papers and if we continue to receive special legislation throughout this session we will be here for the rest of the year or more. I do not wish to oppose the

reception of any legislation which would obviously be of great benefit to the people of the State of Maine, but I cannot see why a special pension resolve or a special road resolve could not have been placed in the hands of this Legislature previous to the closing of the doors. I hope that my objection will be sustained by the Senate.

The **PRESIDENT**: The Chair will rule that under the order adopted, the objection of any member is sufficient to automatically cause the reference of private and special legislation at this time, or public legislation after this date, to the 87th Legislature. This resolve is therefore so referred in non-concurrence.

From the House:

Resolve providing for a state pension for Emma Anderson of Augusta. (H. P. 1019).

In the House, out of order and under suspension of the rules and by unanimous consent received and referred to the Committee on Pensions.

In the Senate:

Mr. **WEEKS** of Somerset: Mr. President, I wish to register my objection to the reception of this proposed legislation for the same reasons as stated in the previous matter.

The **PRESIDENT**: On this resolve, as on the other, unanimous consent being refused the resolve is automatically referred to the 87th Legislature in non-concurrence.

Mr. **BLAISDELL** of Hancock: Mr. President, I rise to ask a question of the Senator from Somerset, Senator Weeks; if he would register a similar objection to important legislation which might affect the financial standing of a given county, where error has been discovered within the past week.

The **PRESIDENT**: The Senator from Hancock, Senator Blaisdell, addresses through the Chair a question to the Senator from Somerset, Senator Weeks, which the Senator from Somerset (Senator Weeks) may answer if he so desires.

Mr. **BLAISDELL**: Mr. President, I might say, of course, that the Senator from Somerset, Senator Weeks, at this time has not the information which I have involving the particular instance and I question whether or not he could give an intelligent answer at this time. My question is, whether or not the

Senator from Somerset (Senator Weeks) feels that his reason would apply to important legislation affecting a county, where the error has been discovered within the past week.

The **PRESIDENT**: The Senator from Somerset, Senator Weeks, may answer if he wishes but the Chair will remark in passing that if his hearing does not deceive him the Senator from Somerset, Senator Weeks, has answered the question before it was asked.

Mr. **WEEKS**: Mr. President, I stand upon what I have already stated.

The following bills, resolves, petitions, etc. were received and on recommendation by the committee on reference of bills were referred to the following committees:

Aeronautics and Radio Control

Mr. Page of Somerset: An Act relating to the licensing of aircraft. (S. P. 277).

Sent down for concurrence.

Education

Mr. McDonald of Washington: An Act relative to state aid to academies. (S. P. 278).

Sent down for concurrence.

Inland Fisheries and Game

Mr. Holmes of Androscoggin: Petition signed by A. L. Kavanagh and 29 others in favor of "An Act relating to protection of wild life." (S. P. 279).

Mr. Harmon of Hancock: Remonstrance regarding Sunday hunting signed by S. B. Condon of Penobscot and 50 others. (S. P. 280).

Sent down for concurrence.

Judiciary

Mr. Towle of Kennebec: An Act relative to the use of state owned motor vehicles. (S. P. 281).

(500 copies ordered printed.)

Mr. Weatherbee of Penobscot: An Act relating to trial terms of the superior court within and for the county of Penobscot. (S. P. 282).

The same Senator: An Act providing for sentences and the imposition thereof. (S. P. 283).

Mr. Kitchen of Aroostook: An Act relating to disclosure proceedings. (S. P. 284).

The same Senator: An Act to create a lien on potatoes for storage charges. (S. P. 285).

Mr. Weeks of Somerset: Resolve

proposing amendment to the Constitution to authorize the use of voting machines in elections. (S. P. 286).

Mr. Holmes of Androscoggin: An Act relating to disclosure proceedings. (S. P. 287).

(500 copies of last three bills and resolve ordered printed).

Mr. Jackson of Cumberland: An Act providing for mechanics' lien. (S. P. 288).

(On motion by Mr. Jackson of Cumberland, 1500 copies ordered printed).

Sent down for concurrence.

Legal Affairs

Mr. Pillsbury of Kennebec: An Act relating to bids for supplies to institutions. (S. P. 289).

Mr. Page of Somerset: An Act relating to special elections of legislators. (S. P. 290).

(500 copies of last bill ordered printed).

Sent down for concurrence.

Salaries and Fees

Mr. Pillsbury of Kennebec: An Act relating to County Commissioners. (S. P. 292).

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

Ways and Bridges

Mrs. Gay of Lincoln: An Act relating to roadside improvement. (S. P. 293).

Sent down for concurrence.

Orders

On motion by Mr. Viles of Kennebec, it was

Ordered, the House concurring, that in order that the records of the gift and conveyance to the State of Mt. Katahdin by Percival Proctor Baxter shall be complete, the communication dated February 7, 1933, addressed by said Baxter to the Honorable Louis J. Brann, Governor, and to the Senate and House of Representatives be printed in the Laws of Maine, 1933. (S. P. 294)

Sent down for concurrence.

On motion by Mr. Blaisdell of Hancock, it was

Ordered, the House concurring, that the State Auditor be instructed to supply each member of this Legislature with a copy of the official list of the names of all professors, instructors and employees of the University of Maine, together with

the salary which each are now receiving. (S. P. 295)

Sent down for concurrence.

Bills in First Reading

An Act to extend Charter of Hinckley Development Company. (S. P. 47) New Draft (S. P. 271, L. D. 394)

An Act to amend the charter of Somerset Academy. (S. P. 49, L. D. 393)

Committee Report

Mr. Viles from the Committee on Appropriations and Financial Affairs on "Resolve appropriating money for the expenses of the electoral college" (S. P. 53); reported that the same ought to pass.

Which report was read and accepted and the resolve laid on the table for printing under joint rules.

Passed to Be Engrossed

An Act relating to costs recoverable in the law court. (S. P. 60, L. D. 57)

An Act to extend the charter to the Sandy River & Rangeley Lakes Railroad Company. (H. P. 78, L. D. 107)

The PRESIDENT: Before we proceed further with the business of the day the Senate will take a short recess so that we may forward to the House papers relating to the gift from Ex-Governor Baxter. The Senate will recess until the sound of the gavel.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Senate recessed before we reached "bills on their passage to be enacted" in order to expedite the enactment this morning of legislation with reference to the gift of Ex-Governor Baxter. Those papers will not come back from the House today and the legislation will not be enacted until tomorrow. We are now proceeding under Orders of the Day.

Orders of the Day

On motion by Mr. Weatherbee of Penobscot, the Senate voted to take from the table, An Act permitting the Louis Lipsitz Estate to sue the State for recovery of succession tax assessed and paid under law held

by United States Supreme Court to be unconstitutional (H. P. 842, L. D. 419), tabled by that Senator earlier in today's session pending reference in concurrence.

Mr. WEATHERBEE of Penobscot: Now, Mr. President, several days ago there were presented eight or ten resolves to reimburse estates which had paid the same kind of tax as referred to in this bill, which resolves aggregated about seventy thousand dollars. They were referred to the next Legislature. I believe that all these matters should be treated similarly and I move that this bill be referred to the next Legislature.

Mr. HOLMES of Androscoggin: Mr. President, I would like to ask a question of the Chair. I wish to inquire if this is the bill that bears my name?

The PRESIDENT: This is House Paper 842 presented by A. W. Bushy of Waterville.

Mr. HOLMES: I thank the Chair.

The PRESIDENT: Is it the pleasure of the Senate that the motion of the Senator from Penobscot, Senator Weatherbee, that this bill be referred to the 87th Legislature in non-concurrence shall prevail?

The motion prevailed and the bill was referred to the 87th Legislature in non-concurrence.

Sent down for concurrence.

On motion by Mr. Jackson of Sagadahoc, the Senate voted to take from the table, Resolve granting teacher's pension to Miss Nancy Rankin of Hiram (H. P. 834), tabled by that Senator on February 2nd pending reference in concurrence; and on further motion by the same Senator the bill was referred to the Committee on Education in concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act relating to County Commissioners (S. P. 292), tabled by that Senator earlier in today's session pending reference; and on further motion by the same Senator the bill was referred to the Committee on Salaries and Fees.

Sent down for concurrence.

On motion by Mr. Viles of Kennebec, the Senate voted to take from the table, An Act to amend the eminent domain statute (H. P.

1009, L. D. 425), tabled by that Senator earlier in today's session pending reference in concurrence; and on further motion by the same Senator the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Viles of Kennebec, the Senate voted to take from the table, An Act to extend the Charter of Kennebec Reservoir Company (S. P. 149), tabled by that Senator January 31st pending reference and printing; and on further motion by the same Senator the bill was referred to the Committee on Interior Waters and 500 copies ordered printed.

Sent down for concurrence.

On motion by Mr. Angell of York, the Senate voted to take from the table, An Act relative to Sunday hunting (H. P. 865, L. D. 287), tabled by that Senator earlier in today's session pending reference.

Mr. ANGELL of York: Mr. President, I yield to the Senator from Hancock, Senator Blaisdell.

Thereupon, on motion by Mr. Blaisdell of Hancock, the bill was referred to the Committee on Inland Fisheries and Game in non-concurrence.

On motion by Mr. Weeks of Somerset, the Senate voted to take from the table, Memorial to the Congress of the United States, urging passage of a Bill "To prevent loss of revenue, to provide employment for American labor, and to maintain the industries and agriculture of the United States against the effects of depreciation in foreign currencies" (H. P. 644), tabled by that Senator on February 1st pending reference to Committee on Federal Relations in non-concurrence.

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

Mr. HOLMES of Androscoggin: Mr. President, I will ask consent to withdraw my motion to refer this memorial to the Committee on Federal Relations and I will then yield to the Senator from Somerset, Senator Weeks.

Unanimous consent to withdraw the motion was given.

Thereupon, on motion by Mr. Weeks of Somerset, the memorial was adopted in concurrence.

Mr. WEEKS of Somerset: Mr. President, I move that the Senate

reconsider its action taken on the last legislative day whereby it referred to the Committee on Judiciary, Resolve proposing an amendment to the Constitution changing the date of the biennial elections (S. P. 264). In explanation of my motion I wish to state that a bill identical with this one has been referred to the Committee on Judiciary, a hearing has been held thereon and the report of the committee is now awaiting the action of the House tomorrow. I will therefore yield to the Senator who introduced the resolve, the Senator from Waldo, Senator Cooper, with the expressed wish that I hope he may see fit to withdraw this resolve.

The motion to reconsider prevailed.

Thereupon, on motion by Mr. Cooper of Waldo, that Senator was given unanimous consent to withdraw the resolve.

Sent down for concurrence.

The PRESIDENT: Is there any further business to come before the Senate? If not, before the Secretary reads the notices, the Chair wishes to say once again that the

Revisor of Statutes has advised the officers of the Senate and House that unless there is a further influx of requests for drafting legislation he is able to have everything now in his hands drafted and in the hands of the Secretary of the Senate or the Clerk of the House by four o'clock this afternoon which, under our joint order adopted the first day of the session, is the closing date for public legislation. Again unless the members of the Legislature rule otherwise, the presiding officers and Secretary of the Senate and Clerk of the House are prepared to consider that any bill in the hands of the Revisor of Statutes at four o'clock is in the hands of the Secretary of the Senate or the Clerk of the House. May the Chair urge once again that if the members of the Senate have any legislation which they wish to introduce they either prepare and present it themselves or get it into the hands of the Revisor of Statutes before four o'clock this afternoon, when his office will close.

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