

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

Wednesday, February 22, 1933

Senate called to order by the President.

Prayer by the Rev. Cymbrid Hughes of Augusta.

Journal of yesterday read and approved.

From the House:

The Committee on Banks and Banking on Bill "An Act to provide a penalty for circulating false reports concerning banks, loan and building associations and insurance companies." (H. P. 1025, L. D. 473) reported that the same ought to pass.

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

In the Senate, on motion by Mr. Viles of Kennebec, tabled pending acceptance of the report.

House Bills in First Reading

Resolve in favor of the Somerset Farmer's Co-operative Telephone Company of Norridgewock (H. P. 440, L. D. 692).

Resolve in favor of Henry Moor of Township No. 28 (H. P. 1388, L. D. 693)

An Act relating to superintending school committees (H. P. 591, L. D. 237)

An Act relating to registration of voters (H. P. 848, L. D. 345)

An Act with reference to dividends (H. P. 855, L. D. 349)

An Act relating to commitment of female juvenile delinquents (H. P. 883, L. D. 424)

Resolve in favor of Charles L. Lindsey (H. P. 76, L. D. 691)

From the House.

The Committee on Towns on Bill "An Act relating to use of automobiles in Islesboro" (H. P. 19, L. D. 7) reported that the same ought to pass.

In the House report read and accepted, House Amendment "A" offered and rejected, the bill given its three several readings and passed to be engrossed.

In the Senate, report read and accepted in concurrence, and on motion by Mr. Weatherbee of Penobscot tabled pending first reading.

Papers from the House disposed of in concurrence.

Communication

STATE HIGHWAY DEPARTMENT

February 21, 1933.

Royden V. Brown,
Secretary of the Senate,
State House,
Augusta, Maine

Dear Sir:

In accordance with Order of the Senate under date of February 17, 1933, we hand you herewith a tabulation of bridges constructed since January 1, 1929, showing:

1. The cost of construction.
2. The type of construction.
3. Length of bridge.
4. The approximate height of bridge above water level.
5. The amounts contributed from sources outside of State funds.

Respectfully submitted,

STATE HIGHWAY COMMISSION
By Lucius D. Barrows,
Chief Engineer

On motion by Mr. Weeks of Somerset the communication was placed on file, and 500 copies of the tables were ordered printed.

Orders

On motion by Mr. Jackson of Cumberland, it was

Ordered, that the State Controller furnish to the Senate at the earliest possible date a list showing the number of automobiles privately owned to the operation of which the State contributes by paying the owner on a per mile basis for such operation, dividing said list into groups showing the department or institution in which the same is operated.

Reports of Committees

Mr. Viles from the Committee on Appropriations and Financial Affairs on "Resolve in favor of a memorial to the Maine Volunteer Signal Corps" (S. P. 18) reported that the same ought not to pass.

Mr. Angell from the Committee on Inland Fisheries and Game on Bill "An Act relating to protection of wild life" (S. P. 55, L. D. 38) reported that the same ought not to pass.

Mr. Schnurle from the same Committee on Bill "An Act relative to open season on cock pheasants in the county of York" (S. P. 179) reported that the same ought not to pass.

Which reports were read and accepted in concurrence.

Mr. Viles from the Committee on Appropriations and Financial Affairs on Bill "An Act decreasing the subsidy contributed by the State relative to education" (S. P. 134, L. D. 135) reported the same ought to pass.

Mr. Harmon from the Committee on Inland Fisheries and Game on Bill "An Act relative to falsely assuming to be a game warden" (S. P. 177, L. D. 667) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act relating to fur farms" (S. P. 176, L. D. 668) reported that the same ought to pass.

(On motion by Mr. Weymouth of Penobscot, tabled pending acceptance of the report)

The same Senator from the same Committee on Bill "An Act relative to the visiting and setting of traps" (S. P. 175, L. D. 665) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act relative to fishing for gain and hire prohibited; exceptions, penalty." (S. P. 173, L. D. 664) reported that the same ought to pass.

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

Mr. Angell from the Committee on Inland Fisheries and Game on "Resolve relating to ice fishing in Peters Pond" (S. P. 106) reported that the same ought to pass.

Mr. Smith from the same Committee on Bill "An Act relative to the pollution of waters of Chase's Pond" (S. P. 186) reported that the same ought to pass.

The PRESIDENT: This report is signed by a member of the House and therefore should be a House report. It is filed on a Senate report blank and the Senate will return to the Clerk "Senate Paper 186."

Mr. Angell from the same Committee on Bill "An Act relating to the West Bath Game Preserve" (S. P. 190) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve providing for a survey of proposed game preserve in Hancock County" (S. P. 191) reported that the same ought to pass.

The same Senator from the same

Committee on "Resolve relating to fishing in Demyers Brook" (S. P. 192) reported that the same ought to pass.

Mr. Viles from the Committee on Appropriations and Financial Affairs on "Resolve in favor of Fort Knox" (S. P. 95) reported the same in a new draft (S. P. 433) under the same title and that it ought to pass.

Which reports were severally read and accepted and the bills and resolves laid on the table for printing under the joint rules.

Passed to be Engrossed

An Act relating to transportation of poultry. (S. P. 97, L. D. 134)

(On motion by Mr. Weeks of Somerset, tabled pending second reading.)

An Act to amend an act to incorporate the Guilford and Sangerville Water District. (S. P. 218, L. D. 702)

An Act to incorporate Sandy River Log Driving Company. (S. P. 219, L. D. 701)

An Act to authorize the Treasurer of State to make payment of the share of the State in the reconstruction of Cascade Bridge, in the town of Old Orchard. (S. P. 220, L. D. 399)

An Act relating to taking of land for park purposes by Parsonsfield-Kezar Falls Village Corporation. (S. P. 225, L. D. 690)

An Act relating to plant railroads and definition thereof. (S. P. 336, L. D. 689)

An Act regulating the taking of shellfish in the town of Harpswell. (S. P. 422, L. D. 698)

An Act relating to the Odd Fellows' Home of Maine. (H. P. 216, L. D. 636)

An Act relating to quarantine of indigent cases. (H. P. 226, L. D. 127)

An Act relating to the South Portland Municipal Court. (H. P. 843, L. D. 420)

An Act relating to appeals in non-support cases. (H. P. 884, L. D. 353)

An Act relating to bail in municipal courts. (H. P. 1008, L. D. 352)

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

An Act authorizing cremation of bodies of the dead. (H. P. 1064, L. D. 492)

Resolve relating to the taking of smelts from certain waters of Penobscot Bay, Blue Hill Bay and Union River. (H. P. 1379, L. D. 686)

An Act relating to the shipping and transporting of clams beyond the limit of the State during closed time. (S. P. 1380, L. D. 685)

Sent down for concurrence.

An Act to validate a loan negotiated by the City of Lewiston. (H. P. 1233, L. D. 641)

In the House, passed to be engrossed.

In the Senate, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

Orders of the Day

On motion by Mr. Weatherbee of Penobscot, the Senate voted to take from the table, An Act to grant a new charter to the city of Bangor (H. P. 860) (L. D. 302), tabled by that Senator on February 15th, pending motion by Mr. Jackson of Cumberland that it be referred to the Committee on Legal Affairs in non-concurrence.

Mr. WEATHERBEE of Penobscot: Mr. President and members of the Senate, this bill was introduced into the House by a representative from the city of Bangor with the request that its reference should be to the Judiciary Committee. The bill later came back to the House bearing the recommendation of the Committee on Reference that the bill be referred to the Committee on Legal Affairs, but I desire to call your attention to the fact that the Committee on Reference never acted upon this subject matter. The Clerk of the House made that notation upon the bill without its having been brought to the attention of the members of the Committee on Reference; but in behalf of the Clerk, I would say that it has been the custom, when a measure would come before the Committee on Reference on the last day of the week, the Secretary of the Senate and the Clerk of the House usually make that reference if they think there would be no objection to the suggestion.

Now, it has been the invariable custom of the Legislature of Maine to accord to the one who introduced a bill, the privilege of suggesting to what committee it be referred, provided it be a proper committee—one that usually deals with such subject matters.

There can be absolutely no question but what this committee, as

suggested by Mr. Piper, who introduced the bill, is a proper committee for consideration of this subject matter. With all due respect to the honorable members of the Committee on Legal Affairs, there can be no question in the minds of the members of the Senate, when they consider the Committee on Legal Affairs is made up of six laymen and only four lawyers, that there can be no objection to sending such an important matter to the best legal committee that we have in this legislature. Now, in the House, objection was made to the reference suggested by Mr. Piper who introduced the bill, and the House, after considering the subject matter, sustained the suggestion of the gentleman from Bangor.

This is a very important matter and it will be hotly contested before the Committee. I desire that it should come before a committee that is absolutely disinterested, a committee the personnel of which is entirely disinterested in the question of a new charter for the city of Bangor. Upon the Committee on Legal Affairs we have one member, a representative from the city of Bangor, who is vitally interested and considerably biased and prejudiced against the adoption—

The PRESIDENT: The Chair will have to remind the Senator from Penobscot (Senator Weatherbee) that it is not proper to refer to members as being biased and prejudiced, and it is not entirely proper to refer to the action of the House.

Mr. WEATHERBEE: Yes, Mr. President. But there are two very interested personages upon that committee and it is much better, in the interest of justice, that the bill should go to an absolutely disinterested committee.

It has been suggested from some quarter that this is a party measure and that we should treat it as such. I disagree with any such contention as that. It is not a party measure and cannot be so made. It may be that it was introduced by a Democratic member of the House. It may be it had the support very largely, if not wholly, of the Democratic members of the House, but that certainly does not make it a party measure. I trust when we come to vote upon this proposition, that no one will be actuated by the false and untenable idea that it was a party measure. If we were to as-

sume it were, in fairness and justice we should accord to our opponents, the Democrats, the same privilege, and if such a rule as that were to obtain in this legislature we would be unable to do any legislating in this session because if a bill were introduced by a Republican and it was reported by a committee, it would be reported out by a Republican member of a Republican committee because a majority of each committee are members of the Republican Party. If it were passed in the House, it would have the support of a Republican House. If it were passed by the Senate, it would have the support of a Republican Senate, and the Governor might well say, "It is a Party measure" and he would veto the bill and we would have absolutely no legislation at this session. Now, let us not depart upon such a theory as that, so unfair and improper. Let us not be influenced in the reference of this bill by anything whatsoever except the true merits of the bill and the propriety of the reference. Let us not be moved by the influence of any person who may entreat us to make a different reference than the gentleman from Bangor suggested when he introduced the bill.

I have not asked any member of this body to be with me because I believe it should go to the Judiciary Committee because I thought and still think it would be unfair. It is not whether you have any respect for me or desire to accord me any privileges or not. The question is which is the proper committee for this bill to be referred to, and I trust when you come to vote, you will respect, as the House of Representatives did, the request of the gentleman who introduced the bill. He is entitled to the courtesies which have almost always been accorded to the introducer of a bill. He has requested it be referred to the best legal committee of this legislature, and there it should go.

I hope the motion of the Senator from Cumberland, Senator Jackson, will not prevail, and that we will refer this bill to the Committee on Judiciary in concurrence with the action of the House.

Mr. JACKSON of Cumberland: Mr. President, it would seem that there was no need for me to say a word in trying to pick to pieces the argument of the distinguished

Senator from Penobscot, Senator Weatherbee. To me at least his argument has been all in favor of referring this bill to the Committee on Legal Affairs.

I rise to offer this brief observation: that so long as I am a member of this Senate, so long as I have a vote, it never will be given in any manner or in the least degree to cast a reflection upon the integrity or fair dealing of any committee. I trust that my motion may prevail.

Mr. BLAISDELL of Hancock: Mr. President, as Chairman of the Committee on Legal Affairs I feel that I would be distinctly remiss in my duty if I did not take this occasion to defend the honesty and the integrity and the fair-mindedness of the Committee on Legal Affairs in this particular matter.

It has been suggested that this is a matter of grave concern and importance. I agree with the Senator from Penobscot (Senator Weatherbee) that it is a matter of importance. I will agree with him that the Committee so considers it a matter of importance, but I can not agree that the charter difficulties of the City of Bangor are any more important or any more difficult so far as the action or the intelligence of a committee is concerned than are the charters which are now before the Committee concerning South Portland, Portland, Bath, Ellsworth and practically every city in which amendments to charters are suggested.

This is my fourth session as a member of the Maine Legislature, my fourth pleasure of sitting on the Committee on Legal Affairs, and we have consistently worked and labored and studied in that Committee over charters. I say without fear of contradiction, more than any other committee in the Legislature. But I do not say that as an argument. The integrity of the Committee has been questioned. It should be given an opportunity to clear itself of rumors that may possibly exist throughout the State House that Bangor's city charter cannot get a square deal before the Committee on Legal Affairs. I cannot but resent that feeling, although not, perhaps, openly and publicly stated.

I trust that the motion which is before the Senate, that this bill be referred to the Committee on Legal Affairs, will be sustained in vindication of the Committee.

Mr. PAGE of Somerset: Mr. President, being one of the six laymen on the Committee on Legal Affairs and appreciating the fact that that Committee may be handicapped thereby, I hope that the motion made by the Senator from Cumberland, Senator Jackson, will not prevail.

Mr. WEATHERBEE: Mr. President, I may express some surprise that the distinguished Senator from Hancock (Senator Blaisdell) would feel that he should come to the rescue of his Committee, as he says it has been charged with unfairness and its integrity questioned.

I have not questioned the honesty or the integrity of any member of that Committee whatsoever. There is no occasion for such a defense on account of anything that I may have said. I have stated that two members of the Committee were vitally interested in this subject matter, one for and one against, and that is why I desire that it should go to a wholly disinterested committee.

The Committee on Legal Affairs has no claim to this bill. Had there been another proposed charter for the City of Bangor introduced here and had it been referred to the Legal Affairs Committee, then very properly a subsequent bill should follow the first bill, but they have absolutely no claim to this bill. It is right and proper that it should go to a committee that is equally well versed in legal matters as is the Committee on Legal Affairs.

The question here is, are you going to do violence to that time-honored custom of allowing the presenter of a bill to have it go to an appropriate committee? Are you going to do that also in face of the fact that the House has sustained the request of the gentleman who introduced the bill? Are you going to do it still further after the question of party policies has been introduced into this matter? I think it would be a grave mistake to do it and I want you gentlemen to understand that the three Senators from Penobscot County, who are somewhat familiar with matters in their own county, believe it would be to the best interests of all and be more satisfactory to the citizens of Bangor were this bill to go to the Committee on Judiciary.

Mr. JACKSON of Sagadahoc: Mr. President, may I ask a ques-

tion of the Senator from Penobscot, Senator Weatherbee, through the Chair?

The PRESIDENT: The Senator from Sagadahoc, Senator Jackson, may ask a question through the Chair of the Senator from Penobscot, Senator Weatherbee, who may answer if he desires.

Mr. JACKSON: I would like to ask the Senator from Penobscot (Senator Weatherbee) if he contends that had this bill passed through its regular course and been brought to the attention of the committee on reference of bills and that recommendation had been made by that committee instead of by the Clerk of the House, that it would have been referred to the Committee on Judiciary?

Mr. WEATHERBEE: Mr. President, I will say that I think it would have been referred to the Committee on Judiciary. I haven't any doubt of it.

The PRESIDENT: The Senator (Senator Jackson) is answered.

The question before the Senate is on the motion of the Senator from Cumberland, Senator Jackson, that this bill, which in the House was referred to the Committee on Judiciary, be referred to the Committee on Legal Affairs in non-concurrence.

Mr. JACKSON of Cumberland: Mr. President, I ask for a division.

A division of the Senate was had. Sixteen having voted in the affirmative and twelve opposed, the motion of the Senator from Cumberland, Senator Jackson, prevailed and the bill was referred to the Committee on Legal Affairs in non-concurrence.

Sent down for concurrence.

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Littlefield of York, the Senate voted to take from the table, An Act relating to bail in municipal courts (H. P. 1008, L. D. 352), tabled by that Senator earlier in today's session pending second reading; and on further motion by the same Senator the bill was given its second reading and passed to be engrossed in concurrence.

The PRESIDENT: Is there anything further that can be taken

from the table and sent along its course? If not, may the Chair call attention to the fact once more that we are making reasonably good progress and that that progress will continue only if the chairmen of the committees will see to it that reports are promptly filed after the hearings are held. All hearings, except matters coming in at this late date, have been assigned to be concluded next week and the Chair would like to urge that the members of the committees, and particularly the chairmen, see to it that reports are promptly filed.

On motion by Mr. Weeks of Somerset, the Senate voted to take from the table, An Act relating to transportation of poultry (S. P. 97, L. D. 134), tabled by that Senator earlier in today's session pending second reading; and on further motion by the same Senator the bill was referred to the Committee on Agriculture in non-concurrence.

Sent down for concurrence.

On motion by Mr. Schnurle of Cumberland,

Adjourned, until tomorrow morning at ten o'clock.