

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Thursday, February 14, 1935.

Senate called to order by the President.

Prayer by the Rev. W. P. Bradford of Hallowell.

Journal of yesterday, read and approved.

Report of Committee

(Out of Order)

Mr. Thatcher, out of order and under suspension of the rules, from the Committee on Appropriations and Financial Affairs, to which was referred certain Bonds of the State Treasurer, namely:

National Surety Corporation bond for	\$50,000
National Surety Corporation bond for	\$50,000
Century Indemnity Company of Hartford bond for	\$25,000
Maryland Casualty Company of Baltimore, Md., bond for	\$25,000

reported that the Committee had had the same under consideration and asks leave to report that the same be accepted and placed on file with the Secretary of State.

Which report was read and accepted and the bonds placed on file in the office of the Secretary of State.

From the House:

Bill "An Act Relating to the Practice of Chiropractic." (S. P. 394) (L. D. 417)

(In the Senate on February 7th referred to the Committee on Judiciary.)

In the House, referred to the Committee on Public Health in non-concurrence.

In the Senate, on motion by Mr. Ashby of Aroostook, that body voted to recede and concur with the House in the reference of the bill to the Committee on Public Health.

Papers from the House, disposed of in concurrence.

From the House:

Bill "An Act Relating to Practice of Optometry." (H. P. 1262) (L. D. 466)

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

In the Senate:

Mr. BURKETT of Cumberland: Mr. President, there is a bill similar to this one which is already in the

possession of the Judiciary Committee and for that reason I move that this one be referred to the Judiciary Committee in non-concurrence.

The motion to refer in non-concurrence prevailed.

Sent down for concurrence.

From the House:

Remonstrance of Ralph C. Chapman and 20 others of Lewiston against the enactment of the so-called Donovan law, permitting Sunday hunting within the State of Maine. (H. P. 1390)

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

In the Senate:

Miss MARTIN of Penobscot: Mr. President, I understand that this remonstrance refers to a bill which is not in the possession of the Legal Affairs Committee and for that reason I do not think it should be referred to that committee. I move that the bill be referred to the Committee on Inland Fisheries and Game in non-concurrence.

The motion to refer in non-concurrence prevailed.

Sent down for concurrence.

House Bills in First Reading

Resolve Regulating Fishing in Mousam Lake Tributaries. (H. P. 197) (L. D. 441)

Resolve Regulating Smelt Fishing in Swan Lake. (H. P. 299) (L. D. 443)

An Act to Regulate the Taking of Clams in the Town of Winter Harbor. (H. P. 217) (L. D. 442)

Orders

Mr. Fernald of Waldo presented the following order:

Ordered, that the Attorney General be requested to give his opinion to the Senate as to the meaning of the word "Session" as used in Chapt. 125, Sec. 2 of the Revised Statutes.

Mr. FERNALD of Waldo: Mr. President, the other day the Senate received certain information from the Controller in regard to the expenses of the Executive Council. A casual examination of that information would seem to show that in the minds of the councillors there is some misapprehension as to what constitutes a session. I find that in one case a session is worth fifteen dollars and in another case a session is worth five dollars. In still another case a session is worth

twenty dollars. I also find several instances where it was necessary to have two sessions on the same day at fifteen dollars each. I feel that since there is also some misunderstanding on behalf of the public as to those expenses that perhaps the matter should be clarified.

I received in the mail this morning, from a prominent Penobscot County attorney, a letter, part of which I will read: "I don't think that you have had time to note all of the details connected with this report which you so kindly sent me, but I did notice particularly that in Lord's account, in January, 1933, he makes a charge against the state for three days' service at twenty dollars per day, a total of sixty dollars. To that he adds eighteen dollars and sixty-nine cents mileage. Then, to show that he isn't on a diet of any kind, there is a charge of hotel and meals of thirty-two fifty. He certainly must have eaten something those three days in order to get a charge of that amount. Then he has his telephone charges of five dollars and seventy-five cents and a garage account of three dollars and a quarter, or a total of one hundred and twenty dollars and nineteen cents."

That is the characteristic attitude of the public in regard to this matter and I feel that it might be well if the Attorney General would clarify it, not only for the benefit of the Council but for the benefit of the Controller who has to pass on these accounts. I move at this time that the order have passage.

Thereupon, the order received passage.

Bills in First Reading

An Act to Confirm the Organization of University of Maine Foundation and to Define its Powers. (S. P. 155) (L. D. 486)

Resolve Regulating Fishing in Greeley Pond. (S. P. 146) (L. D. 487)

(On motion by Mr. Schnurle of Cumberland, tabled pending first reading.)

Report of Committee

Mr. Burkett from the Committee on Sea and Shore Fisheries on Bill "An Act Regulating the Taking of Alewives in Damariscotta River." (S. P. 168) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Passed to Be Engrossed

An Act to Provide a Town Council and Manager Form of Government for the Town of Ashland, in the County of Aroostook (H. P. 1196) (L. D. 378)

Passed to Be Enacted

An Act to Extend the Charter Granted to the Sandy River and Rangeley Lakes Railroad Company. (H. P. 63) (L. D. 152)

An Act Authorizing the Adjutant-General to Grant a Permit to the New England Telephone and Telegraph Company at Camp Keyes. (S. P. 92) (L. D. 182)

Orders of the Day

Mr. SCHNURLE of Cumberland: Mr. President and members of the Senate, I regret the fact that I am to be the first one to break our rule on the closing date of bills but I have an explanation to offer. Last fall the Fish and Game Department planted in the waters of Sebago Lake a large number of what are known as "breeder fish," fish up to three and a half pounds—trout, I am speaking of. It was thought at that time by many of us that when the ice fishing started this winter up on Sebago Lake it would immediately begin to deplete the supply of those fish because they are hatchery fish and stay in shallow waters in the vicinity where they are planted, and that is exactly what is happening. They are catching hundreds and I don't know but perhaps thousands of those beautiful trout that have not had time to adjust themselves to their new environment, and it seems a shame that that is happening. Unfortunately the Commissioner of Inland Fisheries and Game does not have authority to take care of this situation. Had a bill which I introduced at the last session been passed he would have had this authority but he does not have the authority and I would like to ask unanimous consent to introduce an emergency resolve that will take care of this situation.

Thereupon, unanimous consent was granted to the Senator from Cumberland, Senator Schnurle, to introduce "Resolve relating to fishing in Sebago Lake."

Mr. SCHNURLE: Mr. President, I have just been informed that there has been left out of that bill a section which should be in there

which should read that this bill should take immediate effect and I would like to lay the bill upon the table long enough to draw the amendment.

Thereupon, on motion by Mr. Schnurle of Cumberland, the rules were suspended and the resolve was laid upon the table pending first reading without reference to a committee.

Mr. FERNALD of Waldo: Mr. President, if it would be in order at this time I would like to ask unanimous consent of the Senate to introduce a pension resolve tomorrow morning, and I would like to explain my request very briefly. At the regular time for the introduction of such matters I introduced a special pension resolve for Fred E. Stevens of Frankfort, a Civil War veteran and the father of a son who died in the World War. Since the introduction of the resolve Mr. Stevens has died, but his widow is still living and is still in a needy condition. At the time of the hearing on the matter before the Pension Committee I suggested that the bill be reported out in new draft in behalf of the widow but I believe that it is the feeling of the Pension Committee that that cannot be done. Therefore, I am asking at this time the unanimous consent of the Senate to introduce tomorrow morning a pension resolve in behalf of the widow of the man who has died since the resolve was introduced. If the man had lived, under the first

resolve part of the proceeds would have gone to the widow.

Unanimous consent was thereupon granted to the Senator from Waldo, Senator Fernald, to introduce the resolve tomorrow morning.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, "Resolve relating to fishing in Sebago Lake," tabled by that Senator earlier in today's session pending first reading under suspension of the rules; and on further motion by the same Senator, under suspension of the rules, the bill was given its first reading.

Thereupon, that Senator offered Senate Amendment "A" and moved its adoption: "Senate Amendment 'A' to Resolve relative to fishing in Sebago Lake. Amend said resolve by adding to the end thereof the words: 'In view of the emergency recited in the preamble, this resolve shall take effect when approved.'"

The amendment was adopted and on further motion by the same Senator, under suspension of the rules, the resolve was given its second reading and passed to be engrossed as amended by Senate Amendment "A."

Sent down for concurrence.

On motion by Mr. Potter of Penobscot,

Adjourned, until tomorrow morning at ten o'clock.