

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

Tuesday, February 19, 1935.

Senate called to order by the President.

Prayer by the Rev. L. D. Porter of Gardiner.

Journal of Friday, February 15, 1935, read and approved.

Papers from the House, disposed of in concurrence.

House Bills in First Reading

Bill An act relative to smelt fishing. (H. P. 193) (L. D. 618)

Resolve regulating fishing in Square Pond tributaries. (H. P. 196) (L. D. 621)

An act to extend charter of Hinckley Development Company. (H. P. 300) (L. D. 619)

Resolve relating to the taking of alewives from the Bagaduce River. (H. P. 332) (L. D. 102)

An act relating to credit for excise tax paid. (H. P. 468) (L. D. 132)

An act relating to public records. (H. P. 1372) (L. D. 620)

Orders

On motion by Mr. Blaisdell of Hancock, it was

ORDERED, that five hundred additional copies of Bill An act for use of temporary number plates, (S. P. 139) (L. D. 55) be printed.

On motion by Mr. Hussey of Kennebec, it was

ORDERED, that the use of the Senate Chamber be granted to the Committee on Appropriations and Financial Affairs for public hearing on Wednesday afternoon, February 20th.

First Reading of Printed Bills

Bill An act to validate the organization of Colby Light and Power Company, and the issuance of its stocks. (S. P. 239) (L. D. 637)

Bill An act to validate the organization of Caribou Water, Light and Power Company, and to enlarge its purposes. (S. P. 453) (L. D. 636)

Reports of Committees

Mr. Blaisdell from the Committee on Legal Affairs on Bill An act relating to deputy sheriffs of Lincoln County. (S. P. 219) (L. D. 300) reported that the same ought not

to pass, as legislation thereon is inexpedient.

Which report was read and accepted.

Sent down for concurrence.

Mr. Pillsbury from the Committee on Claims on Resolve in favor of Grace R. Lee, of Augusta. (S. P. 181) reported that the same ought to pass.

Mr. Bartlett from the Committee on Inland Fisheries and Game on Resolve relative to fishing in Wentworth and Baker Ponds. (S. P. 212) reported that the same ought to pass.

Mr. Blaisdell from the Committee on Legal Affairs on Bill An act relating to the annual sessions of the County Commissioners of Lincoln County. (S. P. 165) reported that the same ought to pass.

The same Senator from the same committee on Bill An act to prohibit the dumping or deposit of refuse in the waters of Damariscotta river. (S. P. 166) reported that the same ought to pass.

Mr. Haskell from the Committee on Claims on "Resolve in Favor of Como Monumental Works." (S. P. 45) reported the same in a new draft (S. P. 452) and under a new title, "Resolve Compensating Bidders on the Howard Memorial" and that it ought to pass.

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

Mr. Bartlett from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Certain Implements and Devices Prohibited in Fishing; Penalty." (S. P. 189) (L. D. 225) reported that the same ought to pass.

Which report was read and accepted, the bill read once and tomorrow assigned for second reading.

Passed to be Engrossed

"An Act to Amend the Charter of the Eliot & Kittery Mutual Fire Insurance Company." (H. P. 301) (L. D. 73)

"An Act Relating to the Powers and Duties of Superintendents." (H. P. 325) (L. D. 96)

"An Act Relating to the Exclusion of Pupils from School on Account of Filth or Disease." (H. P. 327) (L. D. 98)

"An Act to Change the Name of Maine Home for Friendless Boys to

Maine Home for Boys." (H. P. 450) (L. D. 126)

"An Act Relating to the Fryeburg Village Fire Corporation." (H. P. 340) (L. D. 101)

"An Act Relating to Evening Schools." (H. P. 360) (L. D. 111)

Orders of the Day

On motion by Mr. McDonald of Washington, the Senate voted to take from the table, An Act Relating to Examination of Employees by Physician of Employer (H. P. 585) (L. D. 164), tabled by that Senator on January 31st 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. McDonald of Washington, the Senate voted to take from the table, An Act Relating to Medical Attendance of Injured Employees (H. P. 586) (L. D. 165), tabled by that Senator on January 31st 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. McDonald of Washington, the Senate voted to take from the table, An Act Relating to Abortion (H. P. 590) (L. D. 169), tabled by that Senator on January 31st 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. Hussey of Kennebec, the Senate voted to take from the table, An Act to Provide for Licenses and Permits for Outdoor Advertising (S. P. 334), tabled by that Senator on February 12th pending reference to the Committee on Legal Affairs.

Mr. HUSSEY of Kennebec: I now move, Mr. President, that the Senate reconsider its action whereby this bill was referred to the Committee on Legal Affairs.

The PRESIDENT: The Chair will have to rule that a motion to reconsider is not in order for a vote at this time, but the Secretary will make note of the fact that there is a motion to reconsider. However, the motion to refer to the Committee on Legal Affairs must be taken care of before the motion to reconsider can be voted.

Mr. HUSSEY: Do I understand, Mr. President, that the question now before the Senate is whether this bill will be referred to the Committee on Legal Affairs?

The PRESIDENT: The Senator is correct.

Mr. HUSSEY: And the vote now to be taken is on the question of whether or not the bill shall be referred to the Committee on Legal Affairs?

The PRESIDENT: That is correct. The Chair will inform the Senator (Senator Hussey) that a motion was made by the Senator from Piscataquis, Senator Hathaway, that this bill be referred to the Committee on Legal Affairs and the bill was then immediately laid upon the table on motion by the Senator from Kennebec, Senator Hussey. The pending question, therefore, is on the motion of the Senator from Piscataquis, Senator Hathaway, that the matter be referred to the Committee on Legal Affairs.

Mr. HUSSEY: Mr. President, before that vote is taken I would like to say a few words. I had the privilege of putting in this bill providing for licenses and permits for outdoor advertising and it was on my suggestion, and my suggestion alone, that the committee on reference of bills suggested reference to the Committee on Judiciary. Due to some unfortunate circumstance the reference was changed to the Committee on Legal Affairs and I wish to state that I think that my suggestion which I put upon the bill that it go to the Committee on Judiciary should be carried out. There are concerned in this bill several constitutional questions which I believe should be decided by the Judiciary Committee, without any reflection whatsoever upon the Committee on Legal Affairs, both committees being entirely capable of judging any question which may come before this Legislature. However, I believe that this matter pertains to question which should come under the jurisdiction of the Committee on Judiciary, and when the vote is taken I will ask that it be a rising vote.

The PRESIDENT: The question is on the motion of the Senator from Piscataquis, Senator Hathaway, that this matter be referred to the Committee on Legal Affairs, and the Senator from Kennebec Senator Hussey, asks for a division.

A division of the Senate was had

Ten having voted in the affirmative and eighteen in the negative the motion to refer to the Committee on Legal Affairs did not prevail.

Thereupon, on motion by Mr. Hussey of Kennebec, the bill was referred to the Committee on Judiciary.

On motion by Mr. Blaisdell of Hancock, the Senate voted to take from the table, Joint Order Relating to Index of Bills (H. P. 1413), tabled on February 15th by that Senator pending passage in concurrence; and on further motion by the same Senator the order was passed in concurrence.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, Resolve Regulating Fishing in Greeley Pond (S. P. 146) (L. D. 487), tabled by that Senator on February 14th pending first reading; and on further motion by the same Senator the bill was given its first reading and tomorrow assigned.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, An Act relating to State Planning and Development (H. P. 1331) (L. D. 539), tabled by that Senator on February 15th pending reference in concurrence; and on further motion by the same Senator the bill was referred to the Committee on Legal Affairs in concurrence.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, An Act Providing for Municipal Planning, etc. (H. P. 1332) (L. D. 540), tabled by that Senator on February 15th pending reference in concurrence; and on further motion by the same Senator the bill was referred to the Committee on Legal Affairs in concurrence.

On motion by Mr. Burkett of Cumberland, the Senate voted to take from the table, Communication from Governor Brann re Memorializing Congress to use Granite, etc. (S. P. 447), tabled by that Senator on February 12th pending adoption.

Mr. BURKETT of Cumberland: Mr. President, when this communication came into the Senate the other day it was accompanied by a memorial and I asked that it be laid upon the table not with any idea of objecting to its adoption but because I felt that under the rules and

procedure of the Senate the matter was not properly before us until it had been introduced by a member of this body. And at the present time, Mr. President, I raise the point of order that the matter is not properly before this body.

The PRESIDENT: The Senator from Cumberland, Senator Burkett, raises the point of order that this memorial is not properly before the Senate, not having been presented either by a member of the Senate or by a House communication. The Chair will have to rule that the Executive and Legislative Departments are entirely distinct and that no member of the Executive Department has any authority whatsoever, by communication or otherwise, to cause a bill to be presented in this Senate unless it is introduced through some member, and that therefore this matter is not properly before the Senate at this time.

From the House, out of order:

Bill "An Act Relating to the Pittsfield Municipal Court." (H. P. 1442)

In House, received by unanimous consent under suspension of the rules, given its several readings and passed to be engrossed without reference to a committee.

In the Senate:

Mr. FRIEND of Somerset: Mr. President, I would like to ask unanimous consent of the Senate that this bill be allowed to be introduced.

The PRESIDENT: Would the Senator care to have the bill read so that the members of the Senate may understand to what it refers?

Mr. FRIEND: Yes, Mr. President.

The Secretary read the bill.

The PRESIDENT: Does the Senator from Somerset, Senator Friend, desire to make any statement upon his motion?

Mr. FRIEND: Yes, Mr. President, I would like to explain briefly to the Senate that this bill has to do only with the town of Pittsfield and the way the situation is now only the Judge of the Municipal Court can handle criminal matters. As that Judge has recently died and no other judge can handle such matters in Pittsfield, as the case is now any criminal matters that may come up cannot be handled in any way. In fact, the latter part of last week a robbery case came up over there and the criminal admitted his guilt but it was only possible to hold him twenty-four hours and then they

had to let him go although they knew he was guilty, owing to the fact that only a municipal judge could hear the case. This bill amends the present law so that trial justices, in such an emergency, can come in and handle such criminal cases in Pittsfield. As I said before, this matter only affects the town of Pittsfield, and I ask unanimous consent of the Senate to allow this bill to be introduced.

Thereupon, unanimous consent was granted for the introduction of the bill; and on further motion by the same Senator, under suspension of the rules the bill was given its two several readings and passed to be engrossed without reference to a committee.

(Emergency Measure)

An Act Relating to the Pittsfield Municipal Court (H. P. 1442)

Which bill being an emergency measure, and having received the affirmative vote of 29 members of

the Senate, was passed to be enacted.

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

Ordered, that 500 additional copies of Bill "An Act Relating to Snow Removal on R. F. D. Routes," (S. P. 233) (L. D. 190) be printed.

On motion by Mr. Burkett of Cumberland, the Senate voted to reconsider its action taken earlier in today's session whereby, An Act Relating to Public Records (H. P. 444) (L. D. 122) was given its first reading; and on further motion by the same Senator the bill was laid upon the table pending first reading.

On motion by Miss Martin of Penobscot,

Adjourned, until tomorrow morning at ten o'clock.