

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 28, 1935.

Senate called to order by the President.

Prayer by the Rev. A. H. Bickmore of Augusta.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

House Bills in First Reading

"An Act to Provide for the Surrender by the Town of Kingman of its Organization." (H. P. 596) (L. D. 160)

Orders

On motion by Mr. Burkett of Cumberland, it was

Ordered, that the use of the Senate Chamber be granted to the Committee on Judiciary for a public hearing, March 5th, 1935, at 2:00 P. M.

On motion by Mr. Pillsbury of Kennebec, it was

Ordered, that the Rev. L. L. Campbell of Fairfield be invited to officiate as Chaplain on the morning of Tuesday, March 5th, 1935.

On motion by Mr. Bissett of Cumberland, it was

Ordered, that the use of the Senate Chamber be granted to the Committee on Temperance for a public hearing, March 12th, 1935, at 2:00 o'clock P. M.

Reports of Committees

Mr. Fernald of York from the Committee on Salaries and Fees, on Bill "An Act Relating to the Salary of the Attorney General," (S. P. 89) (L. D. 16) reported that the same ought not to pass.

Mr. Thatcher from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of Marion Cobb Fuller of Augusta," (S. P. 335) reported that the same be referred to the Committee on Pensions.

Which report was read and accepted.

Sent down for concurrence.

Mr. Fernald of Waldo from the Committee on Salaries and Fees, on Bill "An Act Relating to the Salary of Members During Special Session of the Legislature," (S. P. 100) reported that the same ought to pass.

Mr. Cowan from the same Committee on Bill "An Act to Fix the Fees for members of the Board of Examiners of Pediatrists," (S. P. 101) reported that the same ought to pass.

Mr. Fernald of Waldo from the same Committee on Bill "An Act Relating to the Salary of Register of Deeds in Waldo County," (S. P. 200) reported that the same ought to pass.

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

Mr. Fernald of Waldo from the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Clerks of Courts for Waldo County," (S. P. 230) (L. D. 193) reported that the same ought to pass.

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

The majority of the Committee on Judiciary on Bill "An Act Relating to Clerks of the Judicial Courts," (S. P. 356) (L. D. 352) reported that the same ought not to pass.

(Signed)

Messrs. Burns of Aroostook
Burkett of Cumberland
Jacobson of Portland
Gray of Presque Isle
Weatherbee of Lincoln
Willey of Falmouth

The minority of the Committee on the same subject matter reported that the same ought to pass.

(Signed)

Messrs. Fernald of Waldo
Philbrick of Cape Elizabeth
Hill of South Portland
Vaughan of South Berwick

Mr. BURKETT of Cumberland: Mr. President, this bill is substantially similar to the one debated yesterday at length and defeated, and there seems to be no necessity of going over the matter again this morning. I move acceptance of the majority report.

Mr. FERNALD of Waldo: Mr. President, there are a few differences that I would like to point out briefly, and I do think that it would be better that any discussion on this bill be had today, when we consider the fact that the merits of the other bill, which was similar, were taken up yesterday. This bill was presented later in the session

than the previous bill which we debated yesterday and this bill was introduced by the Senator from Kennebec, Senator Hussey, and it incorporates all the suggestions that were offered by the various clerks of courts as to any improvements over the previous bill.

The previous bill provided that the clerks of courts should be appointed by the justices of the Supreme Court and serve at their pleasure. Some of the clerks and some of the people who were opposed to that bill felt that if there were certain limitations put around that bill it would be preferable and as a result, you will note there are four members of the committee who signed the bill.

Now, this bill, No. 352, provides that the appointment shall be made by a majority of the justices of the Supreme Judicial Court, which is more specific than the other bill. It is just the same as the other bill, but it limits it to a term of four years, which really does not change the term of the office from what it is now.

In regard to vacancies, it provides how vacancies shall be filled. It changes the provision for filling vacancies as they are filled today. I believe vacancies today are filled by the Chief Justice of the Supreme Court.

Also, the last section provides that it shall not affect any clerk of courts now holding office.

I should say in the main that the difference between the two bills is this: The other bill made the term of office indefinite. This bill gives the same term of office that the clerks of court hold now.

I bring this matter up before the Senate today because I know that in the minds of most of you that were here the merits and demerits of the proposition yesterday were brought very clearly to your mind, and it would expedite matters and shorten the debate if the matter is brought up at this time, and Mr. President, when we vote on this matter I should like to have a rising vote.

The PRESIDENT: The Senator from Cumberland, Senator Burkett moves that the majority report of the committee, "ought not to pass" be accepted, and the Senator from Waldo, Senator Fernald has asked for a division.

A division of the Senate was had. Nineteen having voted in the af-

firmative and seven opposed, the majority report "ought not to pass" was accepted.

Passed to Be Engrossed

"Resolve Relative to Fishing in Greenlaw Brook." (H. P. 570) (L. D. 651)

Bill "An Act Relating to the Sale of Intoxicating Liquors." (H. P. 688) (L. D. 232)

Bill "An Act Relating to Enforcement of Tax Liens." (H. P. 693) (L. D. 224)

Bill "An Act Relating to the Ogunquit Beach District." (H. P. 1130) (L. D. 329)

Bill "An Act Relating to Exceptions of Estates from Taxation." (H. P. 1161) (L. D. 376)

Bill "An Act Relating to State Highway Police." (H. P. 1219) (L. D. 447)

"Resolve in Favor of Roscoe L. York, of Medway." (H. P. 1440) (L. D. 647)

Bill "An Act Relating to Temporary Loans by County Commissioners." (S. P. 458) (L. D. 657)

Sent down for concurrence.

Passed to Be Enacted

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

Bill "An Act Relating to the Taking of Clams in Cranberry Isles." (H. P. 73) (L. D. 23)

Bill "An Act Relative to Smelt Fishing." (H. P. 193) (L. D. 618)

(On motion by Mr. Fernald of Waldo, tabled pending passage to be enacted.)

Bill "An Act to Extend Charter of Hinckley Development Company." (H. P. 300) (L. D. 619)

Bill "An Act Relating to Number of Lines Permitted in Ice Fishing." (H. P. 329) (L. D. 100)

Bill "An Act Relating to the Taking of Cusk." (H. P. 330) (L. D. 630)

Bill "An Act to Extend the Rights, Powers and Privileges of the Sabatatus Water and Sewer District." (H. P. 341) (L. D. 110)

Bill "An Act Amending the Duty of Innkeepers." (H. P. 449) (L. D. 125)

Bill "An Act Relative to the Granting of Licenses for Certain Businesses and Purposes by the City of Bangor." (H. P. 451) (L. D. 127)

Bill "An Act Relating to Credit for Excise Tax Paid." (H. P. 468) (L. D. 132)

Bill "An Act Relating to the Society of Friends." (H. P. 831) (L. D. 239)

Bill "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)

Bill "An Act Relating to Superintendents of Schools." (H. P. 1370) (L. D. 631)

Bill "An Act Creating Polling District for Rockwood, an Unorganized Place in the County of Somerset." (H. P. 1398) (L. D. 625)

Finally Passed

"Resolve Relative to Regulating Fishing in Olamon Stream." (H. P. 194) (L. D. 634)

"Resolve Regulating Fishing in Attean Pond, Big Wood Pond, Little Wood Pond, so-called Mud Pond." (H. P. 195) (L. D. 635)

"Resolve Regulating Fishing in Square Pond Tributaries." (H. P. 196) (L. D. 621)

"Resolve in Favor of Georgie Bridges, of Verona." (H. P. 1304) (L. D. 626)

"Resolve in Favor of Herbert J. Hopkins of Orland." (H. P. 1395) (L. D. 627)

"Resolve in Favor of Grace F. Silsby, of Holyoke, Mass." (H. P. 1396) (L. D. 628)

"Resolve in Favor of Everette Harriman, of Orland." (H. P. 1397) (L. D. 629)

(Emergency Measure)

"Resolve Relating to the Taking of Alewives from the Bagaduce River." (H. P. 332) (L. D. 102)

Which resolve being an emergency measure, and having received the affirmative vote of 26 members and none opposed, was finally passed.

Orders of the Day

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, Senate Report from the Committee on Judiciary "Ought not to Pass" on bill, "An Act relating to the Office of Sheriff" (S. P. 156) (L. D. 87), tabled by that Senator on February 12th pending acceptance of the report.

Mr. FERNALD of Waldo: Mr. President, I move that this bill be recommitted to the Committee on Judiciary for the reason that there is another bill pertaining to the same matter before the Committee

and I feel that is the best way to dispose of the matter.

Thereupon, the bill was recommitted to the Committee on Judiciary.

On motion by Mr. Hathaway of Piscataquis, the Senate voted to take from the table, Senate Order relative to the use of the Senate Chamber by the Committee on Mercantile Affairs and Insurance, tabled by that Senator on February 21st pending passage; and that Senator yielded to the Senator from Kennebec, Senator Hussey.

Mr. HUSSEY of Kennebec: Mr. President, this order relative to the use of the Senate Chamber by the Committee on Mercantile Affairs and Insurance is unnecessary for the reason that other arrangements have been made which do not necessitate its passage. And I therefore move that the order be indefinitely postponed.

Thereupon, the order was indefinitely postponed.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, House Report from the Committee on Legal Affairs "Ought to Pass" on bill, An Act relating to the use of Steam Boilers (H. P. 66) (L. D. 822), tabled by that Senator on February 22nd pending acceptance in concurrence; and on further motion by the same Senator the report was accepted in concurrence and the bill was given its first reading and tomorrow assigned.

On motion by Mr. Burkett of Cumberland, the Senate voted to take from the table, New Draft of bill, An Act relating to public records (H. P. 444) (L. D. 122), tabled by that Senator on February 19th pending first reading.

Mr. BURKETT of Cumberland: Mr. President, this very brief bill, a new draft of one that was before the Committee on Legal Affairs, purports to provide for the taking of photographic copies of public records. I think the theory behind the bill is right. I imagine and hope that some day we will be able to set up a system, as other states have done, so that public records, for instance, as in Probate Courts and Registries of Deeds, may be taken by photograph, as I understand they are in some other states. But until a system is worked out to take care of the matter, until

some provision is made for the taking of such records and the filing and recording and indexing of them, it does not seem to me that it would be proper to pass this bill in this form. I therefore move that it be indefinitely postponed in non-concurrence.

The motion to indefinitely postpone in non-concurrence prevailed.
Sent down for concurrence.

Order

(Out of Order)

On motion by Mr. Hussey of

Kennebec, the rules were suspended and that Senator presented out of order the following order:

Ordered, that five hundred additional copies of bill, An Act to provide for licenses and permits for outdoor advertising (S. P. 334) (L. D. 643), be printed.

Thereupon, the order received passage.

On motion by Mr. Burns of Aroostook,

Adjourned, until tomorrow morning at ten o'clock.