

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

Friday, March 15, 1935.

Senate called to order by the President.

Prayer by the Rev. A. W. Brown of Gardiner.

Journal of yesterday, read and approved.

Order

(Out of Order)

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

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 19, 1935, at eleven o'clock in the forenoon. (S. P. 628)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, read and passed in concurrence.

From the House:

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

In the Senate on March 1st passed to be engrossed in concurrence.

In the House, passage to be engrossed reconsidered, House Amendment "A" read and adopted, and the bill as amended by House Amendment "A" passed to be engrossed in non-concurrence.

In the Senate, House Amendment "A" was read; the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; House Amendment "A" was adopted in concurrence and the bill as so amended was passed to be engrossed, in concurrence.

From the House:

The Committee on Legal Affairs on Bill "An Act Relating to Use of Materials in Construction of Public Projects," (H. P. 598) (L. D. 174) reported that the same ought not to pass.

In the House, the bill substituted for the report, bill given its three several readings and passed to be engrossed.

In the Senate, on motion by Mr. Blaisdell of Hancock, the bill and report were laid upon the table pending acceptance of the report, in non-concurrence.

From the House:

The Committee on Interior Waters on Bill "An Act Relative to Regulating the High and Low Water Mark on Lake Moxie," (H. P. 1129) (L. D. 328) reported that the same ought not to pass.

In the House, the bill substituted for the report, and bill referred to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Thatcher of Penobscot the report of the Committee "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

From the House:

The Committee on Legal Affairs on Bill "An Act Relating to Elections in the City of Lewiston," (H. P. 1068) (L. D. 32) reported that the same ought not to pass.

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

In the Senate.

Mr. BLAISDELL of Hancock: Mr. President, I move the acceptance of the report of the Committee in non-concurrence.

Thereupon, on motion by Mr. Haskell of Androscoggin, the bill and the report were tabled pending acceptance of the report in non-concurrence.

From the House:

The Committee on Pensions on "Resolve Providing for Support of Mrs. James P. Young and Children of Blaine," (H. P. 459) reported that the same be referred to the Committee on Claims.

In the House, recommitted to the Committee on Pensions.

In the Senate on motion by Mr. Harmon of Hancock, the resolve and report were laid upon the table pending acceptance of the report, in non-concurrence.

From the House:

The Committee on Salaries and Fees on Bill "An Act Relative to the Salaries of State Officials and Employees," (H. P. 1353) (L. D. 507) reported that the same ought not to pass.

In the House recommitted to the Committee on Salaries and Fees.

In the Senate, on motion by Mr. Fernald of Waldo, the bill and the report were laid upon the table pending acceptance of the report in non-concurrence.

Papers from the House, disposed of in concurrence.

House Bills In First Reading

(Under suspension of the rules the following bills and resolves were given their second reading and passed to be engrossed, in concurrence.)

"Resolve in Favor of the Town of Canton." (H. P. 665) (L. D. 749)

"Resolve in Favor of C. Herbert Perry" (H. P. 1709) (L. D. 751)

"An Act to Extend the Charter of the Patten Water and Power Company" (H. P. 698) (L. D. 219)

"An Act to Extend the Charter of the Vanceboro Water Company" (H. P. 699) (L. D. 220)

"An Act to Provide for the Surrender by Town of Mount Chase of its Organization" (H. P. 851) (L. D. 295)

From the House:

The Committee on Temperance on Bill "An Act Relating to Local Option Provisions," (H. P. 1364) (L. D. 593) reported that the same ought to pass.

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

In the Senate, on motion by Mr. Burkett of Cumberland, the report and bill were laid upon the table, pending acceptance of the report in concurrence.

From the House:

The Majority of the Committee on Judiciary on Bill "An Act to Provide for the Nomination of Candidates for State and County Officers by Political Party Convention, Subject to Right of Appeal to Primary Elections," (H. P. 141) (L. D. 43) reported the same in a new draft (H. P. 1648) (L. D. 726) under a new title, "An Act to Enable Party Conventions to propose Candidates for Governor, U. S. Senator and Members of Congress to be Placed upon the Ballots at Direct Primary Elections," and that it ought to pass.

(Signed) Burkett of Cumberland
Hill of South Portland
Philbrick
of Cape Elizabeth
Vaughan
of South Berwick
Weatherbee of Lincoln
Gray of Presque Isle

The Minority of the same Com-

mittee on the same subject, reported that the same ought not to pass.

(Signed) Burns of Aroostook
Fernald of Waldo
Willey of Falmouth
Jacobson of Portland

In the House, the minority report "Ought not to Pass" accepted.

In the Senate, on motion by Mr. Burkett of Cumberland the bill and both reports were laid upon the table pending acceptance of either report and especially assigned for next Tuesday.

Orders

On motion by Mr. Thatcher of Penobscot, it was

Ordered, the House concurring, that the Committee on Interior Waters be directed to return forthwith to the Senate, (S. P. 285) (L. D. 316) Bill "An Act to Confer Additional Rights and Powers upon East Branch Improvement Company," (S. P. 632)

Sent down for concurrence.

Reports of Committees

Mr. Tompkins from the Committee on Education on Bill "An Act Relating to the Duties of Superintending School Committees," (S. P. 186) (L. D. 134) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Powers and Duties of Superintendents," (S. P. 184) (L. D. 136) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Expenditure of School Moneys by Towns," (S. P. 185) (L. D. 137) reported that the same ought not to pass.

Miss Martin from the Committee on Legal Affairs on Bill "An Act in Relation to County Commissioners Making Temporary Loans," (S. P. 205) (L. D. 185) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to Publishing of Unsigned Documents," (S. P. 224) (L. D. 197) reported that legislation thereon is inexpedient.

Mr. Blaisdell from the same Committee on Bill "An Act Amending the Charter of Fort Fairfield," (S. P. 217) reported that the same ought not to pass.

(On motion by Mr. Ashby of

Aroostook, the report and bill were laid upon the table pending acceptance of the report.)

Mr. Finansky from the same Committee on Bill "An Act Relating to Support of Paupers or Other Dependent Persons Falling into Distress." (S. P. 422) (L. D. 510) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to Administration by Non-Residents." (S. P. 220) reported that the same ought not to pass.

Mr. Friend from the Committee on Public Health on Bill "An Act Relating to Prevention of Marriage of Unfit Persons." (S. P. 429) (L. D. 518) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Carli from the Committee on Mercantile Affairs and Insurance on Bill "An Act to Enable Domestic Mutual Fire Insurance Companies to Obtain Aid from the Federal Intermediate Credit Bank." (S. P. 95) reported that the same ought to pass.

Miss Martin from the Committee on Legal Affairs on Bill "An Act Creating a State Park Commission." (S. P. 115) (L. D. 26) reported the same in a new draft (S. P. 629) under the same title, and that it ought to pass.

Mr. Hathaway from the Committee on Public Health on Bill "An Act Relating to Health." (S. P. 158) (L. D. 88) reported the same in a new draft (S. P. 631) under the same title, and that it ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Regulation of Eating and Lodging Places." (S. P. 124) (L. D. 37) reported the same in a new draft (S. P. 630) under the same title, and that it ought to pass.

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

Passed to be Enacted

"An Act Providing for the Establishment of a Judicial Council." (S. P. 149) (L. D. 81)

"An Act Relating to West Bath Game Preserve." (S. P. 278) (L. D. 685)

"An Act Relative to the Transporta-

tion of Fish taken from Inland Waters." (S. P. 464) (L. D. 637)

"An Act to Amend the Charter of Aroostook Trust Company." (S. P. 624)

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

"An Act to Provide for an Excise Tax on Certain Types of Oleo-margarine." (H. P. 1543) (L. D. 678)

Finally Passed

"Resolve Authorizing the Forest Commissioner to Convey Certain Lands to the Highway Commission." (S. P. 117) (L. D. 684)

"Resolve Relative to Opening Cold Brook and Tocthaker Brook." (S. P. 279) (L. D. 686)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in a Certain Lot of Land to Receiver of the State Trust Company." (S. P. 397) (L. D. 688)

"Resolve Relating to Fishing in Tributaries to Walker's Pond." (H. P. 787) (L. D. 390)

"Resolve to Open for Fishing Three Brooks in the Town of Prentiss." (H. P. 792) (L. D. 689)

Orders of the Day

Mr. POTTER of Penobscot: Mr. President, I move the Senate reconsider its action of yesterday whereby it accepted the "ought not to pass" report from the Committee on Legal Affairs on Bill, "An Act Authorizing Municipalities to Operate Electric Lighting Systems" (L. D. 546).

Thereupon, on motion by Mr. Blaisdell of Hancock, the bill was then laid upon the table pending re-consideration.

On motion by Mr. Burkett of Cumberland, the Senate voted to take from the table, House report of the Committee on Temperance, "ought to pass" on Bill, An Act Relating to Local Option Provisions, (H. P. 1364, L. D. 593) tabled by that Senator earlier in today's session pending acceptance of the report in concurrence, and on further motion by the same Senator the report of the committee was accepted in concurrence and the bill was given its first reading.

Thereupon, the same Senator presented Senate Amendment "A" and moved its adoption:

"Senate Amendment "A" to H. P.

1364, L. D. 593; An Act Relating to Local Option Provisions. Amend said act by adding after the words 'public laws' in the first and second lines of the enacting clause the words 'of 1933.'

The amendment was adopted.

Thereupon, the rules were suspended and the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

On motion by Mr. Harmon of Hancock, the Senate voted to take from the table, House Report from the Committee on Pensions on "Resolve providing for support of Mrs. James P. Young and Children of Blaine" (H. P. 469) reporting that the same be referred to the Committee on Claims; tabled by that Senator earlier in today's session pending acceptance of the report in non-concurrence.

Mr. HARMON of Hancock: Mr. President, this is a matter of a pension for Mrs. James P. Young. She is the widow of James P. Young who was shot in Blaine by a paroled convict. The paroled convict was Edmund Coke, and according to the evidence brought before the committee while Edmund Coke was convicted of larceny in 1931 and sentenced to state prison for two years, in August 1933 he was paroled. On October 9th, 1933, before the parole had expired or while he was under parole, he entered the store of James P. Young in Blaine for the purpose of robbing the store. Mr. Young, in defense of his property, resisted, and Coke shot him. This case is very well known through the state.

A resolve was introduced providing a pension of \$125.00 a month for the widow of James P. Young. This, of course, would amount, if granted, to a little better than \$1500 a year. It was a question to decide, it seemed to your committee, as to whether the State Parole Board was lax in its duty in paroling this convict. This convict, according to the testimony introduced, had formerly been sentenced to state prison in the state of Pennsylvania for from eight to sixteen years and from that state was paroled, and this Edmund Coke had a very bad reputation. It would seem to your committee that this should properly have come before the Claims

Committee because it would seem that if Mrs. Young had a claim against the state, that the parole board exceeded its authority or was lax in its duty in paroling this convict, that this case should properly have come before the Claims Committee in the form of a claim, and for that reason the Pension Committee decided that the bill should be recommitted to the Claims Committee.

This is put in in the form of a pension of \$125.00 a month, which on the face of it would normally come before your Pensions Committee, but as it is a case where it would seem that it would be a claim against the state, it seems as though this should properly come before the Claims Committee in the form of a claim.

I will say further that the monies set up at this time which your Committee has to administer, under the present set-up for 1935 and 1936, for pensions of all kinds coming under the military aid or military connections, amount to one hundred and ten thousand dollars. Of that hundred and ten thousand dollars under the general law approximately sixty-eight thousand dollars is required. I have taken these figures from the pension office and they are correct within a few hundred dollars. The so-called special pensions amount to twenty-nine thousand dollars, making a total of ninety-seven thousand. The set-up for 1933 and 1934 was one hundred thousand but for 1935 and 1936 there was an additional amount of ten thousand dollars, making a total of one hundred and ten thousand dollars.

As you all know, there has been an abnormal number of pension claims come before your Pensions Committee at this session and to administer those your Committee has found it necessary to tie itself down to practically the original idea in setting up this special fund and has granted pensions so far only to sons and daughters of Civil War veterans. There have been presented to your Pensions Committee this year two hundred and sixty pension resolves; leaving an amount of approximately thirteen thousand dollars under the set-up as all we had to use. It was impossible to grant even a small proportion of those pension resolves and your Committee has therefore found it necessary, as I have said,

to tie itself down to pension resolves for needy and worthy sons and daughters of Civil War veterans. The amount granted up to this time exceeds twelve thousand dollars and we still have some further cases which must be considered.

I will say that we have had one exception to this which was the case of an old lady who was a hundred years old and your Committee made an exception in that case and granted the pension.

The amount which has been granted together with the other cases which we have coming up before us will take approximately the entire amount of the thirteen thousand dollars which is still left and your Committee does not feel that from that balance of the fund it can take another fifteen hundred dollars a year to add to the amount which has already been granted, if this pension were allowed. And so your Committee feels that this claim of Mrs. Young is a claim against the State and should properly come before the Claims Committee.

I move, Mr. President, that the report of the Committee, recommending committal of this resolve to the Claims Committee, be accepted in non-concurrence.

Thereupon, on motion by Mr. Friend of Somerset, the resolve and the report were laid upon the table pending acceptance of the report, in non-concurrence.

On motion by Mr. Burkett of Cumberland, the Senate voted to take from the table, Divided House Report from the Committee on Judiciary on bill, "An Act to Provide for the Nomination of Candi-

dates for State and County Officers Subject to Right of Appeal to Primary Election (H. P. 141) (L. D. 43), Majority Report "Ought to Pass in New Draft" under the new title of "An Act to Enable Party Conventions to Propose Candidates for Governor, United States Senator and Members of Congress to be Placed upon the Ballots at Direct Primary Elections" (H. P. 1648) (L. D. 726); Minority Report "Ought Not to Pass"; tabled by that Senator earlier in today's session pending acceptance of either report and next Tuesday assigned.

Mr. BURKETT of Cumberland: Mr. President, because some of the members of the Senate are planning to be away next Tuesday, the day on which I asked to have these reports assigned, because of the inspection of State Institutions, at their request I now move that these reports be retabled and especially assigned for next Thursday.

Thereupon, the bill and the reports were retabled and next Thursday, March 21st, assigned.

On motion by Mr. Worcester of Washington, the Senate voted to take from the table An Act Relating to Dogs Hunting Moose, Caribou, Deer or Elk or Worrying Domestic Animals, (H. P. 776, L. D. 275) tabled by that Senator on March 13th pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. McDonald of Washington

Adjourned, until Tuesday morning, March 19, at eleven o'clock.