

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

and the bill passed to be engrossed.  
In the Senate:

Mr. HARRIMAN of Kennebec: I move acceptance of report B in concurrence..

Mr. CRAFTS of Piscataquis: I move the matter be tabled and especially assigned for Tuesday next. The motion to table prevailed.

#### House Bills in First Reading

An Act to define and regulate the sale of oleomargarine (H. D. 392).

Resolve, in favor of George E. Sparrow of Pittston, for reimbursement for damage done his fowl by foxes (H. D. 517).

Resolve in favor of Frank Tozier for reimbursement for money expended while working as constable in smallpox quarantine (H. D. 526).  
(Under suspension of the rules the foregoing bill and resolves were also given their second reading and passed to be engrossed.)

An Act to create the office of Deputy Treasurer of Cumberland County (H. D. 117).

Came from the House, passed to be engrossed as amended by House Amendment "A."

On motion by Mr. Oakes of Cumberland, the Senate adopted House Amendment A and on further motion by the same senator under suspension of the rules the bill was given its second reading and passed to be engrossed.

Resolve, authorizing James H. Kerr, of Rumford, in the County of Oxford, to bring suit at law against the State of Maine (H. D. 438).

Came from the House, passed to be engrossed as amended by House Amendment "A."

On motion by Mr. Carter of Androscoggin, tabled pending second reading.

An Act relating to the fees of jurors (H. D. 535).

Came from the House, report accepted, bill subsequently indefinitely postponed.

On motion by Mr. Oakes of Cumberland, tabled pending consideration.

An Act to provide for the organization, operation and supervision of credit unions and to define their powers (H. D. 363).

Came from the House, report accepted, bill subsequently recommitted to the Committee on Judiciary.

In the Senate, recommitted in concurrence.

An Act making the Clerk of Courts of Waldo County Recorder of the Belfast Municipal Court (H. D. 391).

An Act relating to notice in divorce actions (H. D. 338).

An Act relating to State highways (H. D. 359).

An Act to incorporate the City of Belfast School District (H. D. 512).

An Act relating to pensions for the Blind (H. D. 518).

An Act to provide for compensation of Justices of the Supreme Judicial Court (H. D. 499).

An Act to increase the salary of the Register of Deeds of Oxford County (H. D. 516).

An Act relative to the salary of the Judge of the Municipal Court of Brunswick (H. D. 514).

An Act to increase the salary of the sheriff of Piscataquis County (H. D. 513).

An Act to increase the salary of the County Treasurer for Oxford County (H. D. 524).

An Act relating to clerk hire in the office of Register of Deeds for Oxford County (H. P. 677).

An Act to increase the salary of County Attorney for Oxford County (H. D. 522).

An Act relative to clerk hire in the office of Clerk of Courts, Penobscot County (H. D. 521).

An Act to increase the salary of Clerk of Courts for Oxford County

An Act relating to the breaking of roads in winter (H. D. 38).

(On motion by Mr. Bragdon of Aroostook, tabled pending second reading.)

An Act relating to the construction of a raised road across the Bar between Deer Isle and Little Deer Isle, in the county of Hancock (H. D. 48).

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

The following communication was received:

**"ANSWERS TO QUESTIONS PRO-  
POUNDED TO THE JUSTICES OF  
THE SUPREME JUDICIAL  
COURT BY THE SENATE.**

To the Honorable Senate of the State of Maine:

The undersigned Justices of the Supreme Judicial Court having con-

sidered the questions on which their opinion was requested by the Senate order passed March 24th, 1927, relating to the verification of petitions under the initiative and referendum provisions of the Constitution of Maine respectfully submit their opinion in the following answers.

Question 1. If on hearing, the Legislature finds as a fact that one person wrote several names on a petition does that invalidate the verification of the petition and should the other names on that petition be counted?

Answer: A petition regular in form and duly verified and certified in accordance with the provisions of section 20 of Part 3 of Article IV of the Constitution as amended by the thirty-first amendment may be regarded as prima facie evidence of its validity and of the authenticity of the signatures. The provision of the Constitution, however, requires such petitions to be signed with the 'original signature of the petitioner.' If it appears from the petition, or by proof alinunde, that certain of the signatures thereon are not original, such signatures should not be counted; but we are of the opinion that the fact that some of the signatures are not original should not be held ipso facto to invalidate the verification as to the others, and the remainder of the names, no other reason to the contrary appearing, should be counted.

Question 2. If on hearing, the Legislature finds as a fact that one person wrote several names on a petition but did so in good faith, believing that he had a right to do so, does that invalidate the verification of the petition and should the other names on the petition be counted?

Answer: The answer to question number one also applies to question number two. The authority to sign such petitions can not be delegated, even if done in good faith.

Question 3. If a person verifies a petition that he did not circulate and did not see each petitioner sign but does so honestly believing that each name appearing on the petition is the true signature of the person whose name appears, is that a proper verification and should the names on the petition be counted?

Answer: A petitioner verifying as to the authenticity of the signatures appearing on a petition should have personal knowledge thereof. He can

not verify upon hearsay alone however honest his belief. The Constitution does not, however, require that the signatures be subscribed in his presence. He may verify upon his identification of the handwriting, or even have sufficient warrant for verification, although the signing was not done within his actual vision, if it was done under such circumstances that no reasonable person would doubt its authenticity. What constitutes personal knowledge sufficient to warrant verification is a matter within the sound judgment of the body, which much act upon the petition, which tribunal may also determine for itself the nature of the evidence it will receive upon this question and its weight.

Although it may appear that as to certain names the verification was based upon hearsay alone, that should not be held to invalidate the verification as to the remainder of the names which, no other objection appearing, may be counted.

Respectfully submitted,

(Signed)

SCOTT WILSON  
WARREN C. PHILBROOK  
CHARLES J. DUNN  
LUERE B. DEASY  
GUY H. STURGIS  
CHARLES P. BARNES  
NORMAN L. BASSETT  
W. R. PATTANGALL."

March 29th, 1927.

The communication was read and placed on file.

The following resolve was received and on recommendation by the committee on reference of bills were referred to the following committee:

#### **Appropriations and Financial Affairs**

By Mr. Miner of Washington, Resolve in favor of Walter E. Wade, for services as Clerk of the Committee on State Sanatoriums. (S. P. 558)

Mr. DRAKE of Sagadahoc: Mr. President, I would like the unanimous consent of the Senate to introduce a bill out of order and in explanation of the same I will say I have been handed this afternoon a bill to amend the charter of the Union Mutual Life Insurance Company. They do just life and accident insurance. They would like to have their charter amended so that they