

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Friday, March 24, 1933

The Senate called to order by the President.

Prayer by the Rev. A. T. McWhorter of Augusta.

Journal of yesterday read and approved.

Papers from the House disposed of in concurrence.

From the House:

Bill "An Act relating to roads in unincorporated places" (H. P. 1071, L. D. 455)

(In the Senate on March 14th passed to be engrossed in concurrence.)

In the House under suspension of the rules passage to be engrossed reconsidered, House Amendment "A" adopted and passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, the rules were suspended and the Senate voted to reconsider its action of March 14th whereby the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

From the House:

Bill "An Act to reduce salaries of members and certain officers of Legislature" (S. P. 574, L. D. 865)

(In the Senate on March 22d passed to be engrossed as amended by Senate Amendment "A" and and Senate Amendment "A" to Senate Amendment "A".)

In the House indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Towle of Kennebec, tabled pending consideration and especially assigned for Monday afternoon, March 27th.

Thereupon, on motion by Mr. Towle of Kennebec, the Senate voted to reconsider its action just taken whereby the bill was laid upon the table; and on further motion by the same Senator the Senate voted to insist and ask for a Committee of Conference and the Chair appointed as members on the part of the Senate: Senators: Towle of Kennebec, Page of Somerset, Winn of Androscoggin.

From the House:

Bill "An Act to reduce certain fees

of deputy sheriffs for the next two years." (H. P. 1399, L. D. 705)

(In the Senate on March 22nd passed to be engrossed in non-concurrence.)

In the House that body having voted to insist on its former action whereby the bill on March 14th was passed to be engrossed as amended by House Amendment "A" and asked for a Committee of Conference, the Speaker having appointed as House members of such a Committee:

Messrs. Flanders of Auburn
Laughlin of Portland
Rush of Millinocket.

In the Senate, on motion by Mr. Towle of Kennebec, the Senate voted to insist on its former action, whereby the bill was passed to be engrossed in non-concurrence, and join in the Committee of Conference, the Chair appointed as members on the part of the Senate:

Senators Towle of Kennebec
Page of Somerset
Winn of Androscoggin.

From the House:

The Committee on Labor on Bill "An Act relating to the forty-eight hour law" (H. P. 1060, L. D. 450) reported the same in a new draft (H. P. 1636, L. D. 979) under the same title and that it ought to pass.

In the House the report accepted, the bill read once and indefinitely postponed.

In the Senate, on motion by Mr. Holmes of Androscoggin, tabled pending acceptance of the report and Monday afternoon, March 27th, assigned.

Bills in First Reading

Resolve providing for an increase in state pension for Addie L. Combs of Montville (S. P. 112, L. D. 1011)

Resolve providing for a state pension for Hattie Boynton of Montville (S. P. 631, L. D. 1012)

Resolve providing for a state pension for Valdimir B. Jones of Waldo (S. P. 632, L. D. 1013)

Resolve providing for a state pension for Elida F. Whitcomb of Montville (S. P. 633) (L. D. 1015)

An Act to protect the propagation and cultivation of quahaugs. (S. P. 634, L. D. 1014)

Resolve in favor of Township No. 10. (S. P. 635, L. D. 1010)

Which bills and resolves, under suspension of the rules, were given

their second reading and passed to be engrossed.

Sent down for concurrence.

An Act to provide for alternative method of enforcement of tax liens. (S. P. 636, L. D. 1016)

Mr. Story of Aroostook offered the following amendment and moved its adoption:

"Senate Amendment 'A,' to L. D. 1016. Add to Section 1 after the following words: 'such officers shall file with the Town Treasurers a true copy of said certificate' and also at the time of recording as aforesaid, the said officer shall mail by registered letter to each record holder of a mortgage on said real estate, addressed to him at his place of last and usual abode, a true copy of said certificate."

Senate Amendment "A" was adopted.

Thereupon; on further motion by the same Senator the rules were suspended, the bill given its second reading and passed to be engrossed as amended by Senate Amendment "A".

Sent down for concurrence.

Reports of Committees

The Committee on Aeronautics and Radio Control on Bill "An Act relating to the licensing of aircraft" (S. P. 277) reported that the same ought to pass.

Which report was read and accepted and the bill laid on the table for printing under joint rules.

The majority of the Committee on Judiciary on Bill "An Act relating to expenditures in connection with the nomination of candidates for elective office" (S. P. 39, L. D. 13) reported the same in a new draft (S. P. 648) under the same title and that it ought to pass.

(Signed)

Holmes of Androscoggin
Weeks of Somerset
Holman of Franklin
Hill of South Portland
Eldridge of Eastport
Tompkins of Houlton
Farris of Augusta
Laughlin of Portland
Goudy of South Portland

The minority of the same Committee on the same subject reported the same ought not to pass.

(Signed) Fernald

On motion by Mr. Holmes of Androscoggin, the Majority Report of the Committee "Ought to Pass" was accepted and the bill was laid upon

the table for printing under the joint rules.

The Committee on Judiciary on Bill "An Act to define and limit the jurisdiction of Courts sitting in equity, and for other purposes" (S. P. 83, L. D. 99) reported as follows:

Report "A"—Ought to pass in a new draft (S. P. 649)

(Signed)

Holmes of Androscoggin
Farris of Augusta
Laughlin of Portland
Fernald of Winterport
Goudy of South Portland

Report "B"—Ought not to pass

(Signed)

Weeks of Somerset
Holman of Franklin
Hill of South Portland
Tompkins of Houlton
Eldridge of Eastport

On motion by Mr. Holmes of Androscoggin, tabled pending acceptance of either report and next Tuesday, March 28th, assigned.

The Committee on Aeronautics and Radio Control presented its final report.

The Committee on Claims presented its final report.

The Committee on Inland Fisheries and Game presented its final report.

The Committee on Insane Hospitals presented its final report.

The Committee on Mercantile Affairs and Insurance presented its final report.

The Committee on State School for Boys, State School for Girls and State Reformatories presented its final report.

The Committee on State Prison presented its final report.

The Committee on Towns presented its final report.

Which reports were read and accepted.

Sent down for concurrence.

Passed to be Engrossed

An Act relating to payment for treatment of patients at state sanatoriums. (H. P. 1589, L. D. 912)

Resolve in favor of Kineowatha Camps Inc. of Wilton, to reimburse it for removal of floating bog on Wilson Lake. (H. P. 1619, L. D. 961)

An Act relative to fishing licenses for residents and non-residents; fees therefore; revocation thereof. (H. P. 1624, L. D. 958)

An Act relating to support of state paupers. (H. P. 1631, L. D. 955)

Resolve in favor of the city of Eastport. (H. P. 1633, L. D. 977)

An Act relating to school unions. (H. P. 1634, L. D. 970)

Resolve in favor of the road leading from Greenville to Rockwood. (H. P. 1642, L. D. 978)

Orders of the Day

The President laid before the Senate, An Act Enabling Cities and Towns to Take Advantage of Reconstruction Finance Corporation Loans for Construction of Sewerage Works, (S. P. 213) (L. D. 280), tabled on March 22nd by Mr. Schnurle of Cumberland, pending motion to indefinitely postpone, and today assigned; and the Chair recognized that Senator.

Thereupon, on motion by the same Senator, the bill was retabled pending motion to indefinitely postpone, and especially assigned for Tuesday, March 28th.

The President laid before the Senate, Senate Report from the Committee on Judiciary, "Ought to Pass in a New Draft" on An Act Enabling Cities and Towns to Take Advantage of Reconstruction Finance Corporation Loans for Construction of Water Works, (S. P. 212) (L. D. 279), tabled on March 22nd by Mr. Holmes of Androscoggin, pending acceptance of the report, and today assigned; and the Chair recognized that Senator.

Thereupon, on motion by the same Senator, the report of the committee, "Ought to Pass in a New Draft" was accepted; and the bill was given its first reading; and on further motion by the same Senator the rules were suspended and the bill was given its second reading.

Mr. HOLMES of Androscoggin: Mr. President, I wish to offer Senate Amendment "A", and move its adoption.

The Secretary read Senate Amendment "A":

"Senate Amendment 'A' to Legislative Document 279 entitled 'An Act enabling cities and towns to take advantage of reconstruction finance corporation loans for construction of water works.'"

Amend Sec. 1 of said Act by inserting in the 1st line thereof after the word 'state' the words 'not now owning such' and by striking out in the 2nd and 3rd lines thereof the words 'or construct betterments and improvements to its water

works system as in this act provided' and inserting in place thereof the words 'and any water district may construct betterments and improvements to its water works system as in this Act provided.

Amend Sec. 2 of said Act by inserting in the 10th line after the word 'of' the word 'Maine' and by adding at the end of said section the following words 'or the trustees of any water district.'

Amend Sec. 9 of said Act by inserting in the 3rd line after the word 'municipality' the words 'or the water district' and by striking out in the 4th and 5th lines words 'an act entitled (cite act to provide for the exercise of the right of eminent domain) and insert in place thereof the word 'law.'

Amend Sec. 10 of said Act by striking out in the 1st line the word 'municipality' and inserting in place thereof the words 'water district,' and by striking out in the 11th line the word 'council' and inserting the words 'Board of Trustees.'

Amend Sec. 11 of said Act by inserting after the word "municipality" in the 1st line the words "or water district" and by inserting in the 4th line after the word "municipality" the words "or water district" and by inserting in the 9th line after the word "municipality" the words "or water district" and by inserting in the 13th line after the word "municipality" the words "or water district", and by striking out in the 17th line the word "city" and inserting in place thereof the words "municipality or water district."

Amend Sec. 13 by adding at the end of said section the following words "Provided further that this act shall not be available to municipalities which own their own water works."

Mr. HOLMES of Androscoggin: Mr. President, as the matter, I think, is very important, I should take a few moments to explain it to the Senate because the mere listening to the reading of the amendment would throw no light upon it, and in fact, would be confusing even if a member followed the amendment along with the printed bill.

But the idea is this: whatever means can properly and legally be taken to obtain funds from the Reconstruction Finance Corporation to relieve unemployment, I believe it is the duty of the legis-

lature to take, and when it comes to procedure, there must be some system that fits into our general system of law in Maine.

The bill, as originally drafted and sent to the Judiciary Committee, like the other bill which is still on the table, the Sewerage bill as we call it, was, I think, drafted by some lawyer or lawyers probably westerners or southerners, where their,—to use a common expression that has grown up of late—where their governmental set-up in their states is different from ours. As for instance, it is generally, and I think invariably the rule in Maine when you get to the end of one town line you step across an imaginary line and are in another town; whereas in the south and west, they have an unorganized territory between the town limits, townships as they are called, and that unorganized territory pays a county and state tax, but no municipality tax. And some miles may be crossed before the next town is entered. That causes confusion, and that occurs in the Sewerage bill, but not in this one.

The Judiciary Committee consulted with the Chairman of the Public Utilities Committee, and either in the office of the Public Utilities Committee or with the assistance of some other lawyer,—I believe the Senator from Cumberland, Senator Schnurle, knows more about it than I,—a redraft was made, which is the new draft, but still it would not work as word for word in the new draft in my opinion and the opinion of some others without further changes.

We have in this State now left only sixteen cities and towns which own their own water works. In the others they have,—those that have water works—water works which are quasi public corporations. There are some municipalities, some towns yet without water works. Those towns might be able to take advantage of the Reconstruction Finance Corporation funds and ought to be given an opportunity to get them and to be able to get water works for their towns and put men to work. Those cities and towns which have water districts, which are now the great majority, could easily take advantage of it and connect up their new system which they would build by borrowing money, with their system already existing, but in the sixteen towns

and cities where the municipality itself owns the water works, it would be extremely hazardous to set up this new system and adopt it, both as a physical and as a fiscal and financial and governmental proposition, with the existing municipally owned water works.

For instance, in the city of Lewiston, which owns their water works, and in Portland they have a water district, the water bonds which were issued to build long ago, to build or expand the water works are part of the municipal indebtedness and they are figured in to find out whether or not the municipality has reached, or when it will reach its constitutional municipal indebtedness limit, and this bill as so drafted, and it is left with the amendments so drafted that to take advantage of the Reconstruction Finance Corporation money, the municipality where there is no water works, and the water district where there is water works owned by the water district, may decide how much to spend and where to build, to either construct new or extend what they have got, and then they issue bonds, revenue bonds they are called, for the purpose of borrowing this money and setting men to work to extend the water works. Those bonds become a mortgage on this newly constructed water works or extension of water works and the revenues have to be allocated to pledge to the service of these bonds and the amortization of the bonds in due time. Therefore, you can see where great confusion would arise if the bill becomes an act, and used to extend the water works the municipality owned bonds because you would have then two kinds of bonds and two kinds of rates, and disagreement and soreness among water users in that city or town. On one street they would be paying more than on another. But I can see no reason why with this amendment that confines the bill entirely to municipalities that own their water works and to municipalities which have no water works whatever, it can possibly be of great good and set men to work and be of public good. I therefore offer the amendment and I have moved its adoption.

Thereupon, Senate Amendment "A" was adopted, and the bill as amended was passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate, An Act Relating to the Size of Fish and Weight of Catch Limited, (H. P. 1567) (L. D. 900), tabled by Mr. Angell of York on March 23rd, pending passage to be engrossed, and today assigned; and the Chair recognized that Senator.

Thereupon, on motion by the same Senator, the bill as amended by House Amendment "A" and House Amendment "B" was passed to be engrossed in concurrence.

The President laid before the Senate, House Report from the Committee on Judiciary, Majority Report, "Ought to Pass"; Minority Report, "Ought to Pass in a New Draft" on An Act to Repeal the Act Incorporating Number 14 Plantation in Washington County, (H. P. 1614) (L. D. 968) tabled on March 23rd by Mr. McDonald of Washington pending acceptance of the Minority Report, and today assigned; and the Chair recognized that Senator.

Thereupon, on motion by the same Senator, the bill was retabled pending acceptance of the minority report, and especially assigned for Monday, March 27th.

The President laid before the Senate, An Act Exempting from Registration Certain Vehicles Owned by Non-Residents, (H. P. 1635) (L. D. 971), tabled on March 23rd by Mr. Page of Somerset, pending adoption of Senate Amendment "A", and today assigned; and the Chair recognized that Senator.

Thereupon, on motion by the same Senator, the bill was retabled pending adoption of Senate Amendment "A", and especially assigned for Monday, March 27th.

The President laid before the Senate, New Draft—An Act Providing for the Regulation of the Use of the Highways by Motor Vehicles Transporting Property for Hire in the State of Maine and for the Supervision and Control of Such Motor Vehicles, (S. P. 629) (L. D. 1000), tabled on March 23rd by Mr. Kitchen of Aroostook, pending passage to be engrossed, and today assigned; and the Chair recognized that Senator.

Mr. KITCHEN of Aroostook: Mr. President, my purpose in asking to have this bill retabled yesterday was the hope that some compromise might be reached whereby the dif-

ferences on this bill could be ironed out. I have yet been unable to get in touch with, nor had an opportunity to do that, and I would ask the courtesy of the Senate that I may retable this bill until Tuesday morning at which time I hope the differences and objections may be removed.

The motion to retable and especially assign for next Tuesday morning, March 28th, prevailed.

The President laid before the Senate, New Draft—An Act Relating to Elections in the City of Biddeford, (H. P. 1638) (L. D. 972), tabled on March 23rd by Mr. Littlefield of York, pending adoption of Senate Amendment "A"; and today assigned, and the Chair recognized that Senator.

Thereupon, on motion by the same Senator, Senate Amendment "A" was adopted, and the bill as so amended was passed to be engrossed, in non-concurrence.

Sent down for concurrence.

The PRESIDENT: It seems desirable that the Senate remain in session as there are some papers in the House for enactment.

Thereupon, on motion by Mr. Page of Somerset

Recessed, until eleven-twenty, A. M.

AFTER RECESS

The Senate was called to order by the President.

(Emergency Measure)

Bill "An Act relating to safeguarding people from danger from rabies or hydrophobia." (S. P. 645)

Which bill being an emergency measure and having received the affirmative vote of 24 members of the Senate was passed to be enacted in concurrence.

(Emergency Measure)

Bill "An Act to authorize the State, the several counties and the several governmental units within the State to participate in and to enter into agreements for reorganization, management or continuation of banks or trust companies organized under the laws of this State or of the United States." (S. P. 646, L. D. 1035)

Mr. LITTLEFIELD of York: Mr. President, I did not vote for the simple reason that I do not think

that the State of Maine should go into the banking business.

The **PRESIDENT**: Does the Senator desire to have his vote recorded as against the measure?

Mr. **LITTLEFIELD**: I do, Mr. President.

Which bill being an emergency measure and having received the affirmative vote of 23 members of the Senate was passed to be enacted in concurrence.

From the House, out of order: the following order:

Whereas, the Legislature has enacted as an emergency measure a bill designed to suspend the operation of the highway mill tax law and to provide for a new distribution of the highway fund designed to do the greatest good with the funds expected to be available and

Whereas, the bill so enacted is inconsistent, in the opinion of the Justices of the Supreme Judicial Court, with the Constitution of the State and

Whereas, objection under the closing orders has been made to the introduction of a new bill to which the Legislature is committed

Ordered, the Senate concurring, that notwithstanding the provisions of the closing order adopted at the convening of the Legislature, the separate bodies receive a new bill

for the purpose of carrying the legislative intention into effect.

In the House, read and passed.

In the Senate, read and passed in concurrence.

The **PRESIDENT**: The Chair is pleased to announce that the Senate at this time has acted on every matter which is before it except those matters especially assigned for next week. If the members of the Senate will submit to the delay it might be well to wait long enough to receive the highway bill which is to be introduced under the order just passed and give it its passage to be engrossed today.

If there is no objection the Senate will recess for ten minutes.

AFTER RECESS

The Senate was called to order by the President.

The **PRESIDENT**: It appearing to be impossible for the new highway bill to be passed to be engrossed today arrangements will be made for its engrossing over the week-end if it is passed to be engrossed in the House.

On motion by Mr. McLoon of Knox,

Adjourned, until Monday afternoon, March 27th, at four o'clock.