

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

HOUSE

Thursday, January 16, 1941.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Mahy of Augusta.

Journal of the previous session read and approved.

From the Senate:

Resolve Regulating Fishing in Tributaries to Garland Pond (S. P. 64)

Came from the Senate, referred to the Committee on Inland Fisheries and Game.

In the House, on motion by Mr. Pratt of Turner, referred to the Committee on Inland Fisheries and Game in concurrence, and 500 copies ordered printed.

From the Senate:

Bill "An Act relating to a Retirement Pension for Frank P. Washburn of Perry" (S. P. 70)

Resolve in favor of Alfred Gero of Waterville (S. P. 71)

Came from the Senate, referred to the Committee on Pensions.

In the House, referred to the Committee on Pensions in concurrence.

From the Senate:

Bill "An Act relating to Taxes on Cottages and Camps" (S. P. 60) (L. D. 19)

Came from the Senate, referred to Committee on Taxation.

In the House, referred to the Committee on Taxation in concurrence.

From the Senate:

Final Report of the Committee on Administrative Code (S. P. 62)

Came from the Senate, accepted and ordered printed.

In the House, accepted in concurrence, and placed on file.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, January 21, 1941, at four o'clock in the afternoon (S. P. 87)

Came from the Senate, in that body read and passed.

In the House, read and passed in concurrence.

The following Bills and Resolves were received, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Claims

Resolve in favor of Zina N. Witham (H. P. 227) (Presented by Mr. Cross of Augusta)

(500 copies ordered printed)

Resolve in favor of Vernon A. Soule (H. P. 228) (Presented by same gentleman)

(500 copies ordered printed)

Resolve in favor of Watts Detective Agency, Inc. (H. P. 229) (Presented by same gentleman)

(500 copies ordered printed)

Resolve in favor of Kennebec Towage Company, a Corporation located at Bath, Maine (H. P. 230) (Presented by Miss Deering of Bath by request)

(500 copies ordered printed)

Resolve to reimburse the town of Millinocket for Support of Charles Roy and family (H. P. 231) (Presented by Mr. Preble of Millinocket)

(500 copies ordered printed)

Sent up for concurrence.

Resolve in favor of Milliken Memorial Hospital of Island Falls (H. P. 232) (Presented by Mr. Bowers of Sherman)

Resolve to reimburse the town of Fort Fairfield for Funeral Expense of Son of Herbert Schwartz (H. P. 233) (Presented by Mr. Dorsey of Fort Fairfield)

Resolve to reimburse the town of Fort Fairfield for Supplies furnished Harold Dube (H. P. 234) (Presented by same gentleman)

Resolve to reimburse the town of Fort Fairfield for Supplies furnished Harold Dube (H. P. 235) (Presented by same gentleman)

Resolve to reimburse the town of Fort Fairfield for Supplies furnished Isaac Dube (H. P. 236) (Presented by same gentleman)

Resolve to reimburse the town of Fort Fairfield for Medical and Hospital Aid to Leo Dube (H. P. 237) (Presented by same gentleman)

Resolve in favor of Joseph L. Perry of Rumford (H. P. 238) (Presented by Mr. Mercier of Rumford)

Sent up for concurrence.

Counties

Bill "An Act relating to Kennebec County Law Library" (H. P. 239) (Presented by Mr. Southard of Augusta)

(500 copies ordered printed)
Sent up for concurrence.

Appropriations and Financial Affairs

Resolve in favor of Horace Polchies, Representative of the Penobscot Tribe of Indians (H. P. 250) (Presented by Mr. Sylvia of Danforth)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to Katahdin Wild Life Sanctuary formerly called Katahdin Game Preserve, and Enlarging Same." (H. P. 245) (Presented by Mr. Preble of Millinocket)

(500 copies ordered printed)

Resolve regulating Fishing in Damariscotta Lake (H. P. 240) (Presented by Mr. Denny of Damariscotta)

(500 copies ordered printed)

Resolve appropriating money to build Fishway on Meduxnekeag River (H. P. 241) (Presented by Mr. Good of Monticello)

(500 copies ordered printed)

Resolve regulating Fishing in Peters Pond (H. P. 242) (Presented by Mrs. Grady of Whitefield)

(500 copies ordered printed)

Resolve regulating Fishing in Lincoln County (H. P. 243) (Presented by same member)

(500 copies ordered printed)

Resolve regulating Hunting and Trapping of Muskrats (H. P. 244) (Presented by Mr. Pierce of Bucksport)

(500 copies ordered printed)

Sent up for concurrence.

Judiciary

Bill "An Act Recreating the Bureau of State Institutions" (H. P. 246) (Presented by Mr. Payson of Portland)

Bill "An Act Permitting Towns to Use Absentee Ballots" (H. P. 247) (Presented by Mr. Preble of Millinocket)

Bill "An Act providing for Orders for the Protection of the Rights of the Parties, while Appeal is pending from Equity Decrees" (H. P. 248) (Presented by Mr. Southard of Augusta)

(500 copies ordered printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Forbidding Parking Motor Vehicles near Hydrants" (H. P. 249) (Presented by Mr. Pierce of Bucksport)

(500 copies ordered printed)

Sent up for concurrence.

Pensions

Resolve in favor of Milton D. Conners of Hampden Highlands (H. P. 251) (Presented by Mr. Briggs of Hampden)

Resolve providing for an Increase in State Pension for Elber R. Jackson of Jefferson (H. P. 252) (Presented by Mrs. Grady of Whitefield)

Resolve in favor of Mary J. Lothrop of Wilton, Maine (H. P. 253) (Presented by Mr. Hall of Wilton)

Resolve in favor of George W. Rines of Newburg (H. P. 254) (Presented by Mr. Newcomb of Carmel)

Resolve in favor of Alice C. McLaughlin of Carmel (H. P. 255) (Presented by same gentleman)

Resolve in favor of Winn H. McIntire of Plymouth (H. P. 256) (Presented by same gentleman)

Resolve in favor of Blanche G. Cobb of Lisbon (H. P. 257) (Presented by Mr. Sichel of Lisbon)

Resolve providing for an Increase in State Pension of Perley Haskell of Augusta (H. P. 258) (Presented by Mr. Southard of Augusta)

Resolve providing for an Increase in State Pension for Nora E. Peters of Ellsworth (H. P. 259) (Presented by Mr. Willey of Ellsworth)

Sent up for concurrence.

Salaries and Fees

Bill "An Act relating to Clerk Hire by the Judge of the Municipal Court of Waterville" (H. P. 260) (Presented by Mr. Poulin of Waterville)

(500 copies ordered printed)

Sent up for concurrence.

State Lands and Forest Preservation

Bill "An Act providing for the Administration and Control of Baxter State Park" (H. P. 262) (Presented by Mr. Preble of Millinocket)

Resolve authorizing the Forest Commissioner to Convey certain Land to Maxine Albert of Sinclair (H. P. 261) (Presented by Mr. Babin of Frenchville)

(500 copies ordered printed)

Sent up for concurrence

Towns

Bill "An Act Authorizing the Town of Island Falls to Raise Money" (H. P. 263) (Presented by Mr. Bowers of Sherman)

(500 copies ordered printed)

Sent up for concurrence.

Ways and Bridges

Resolve relating to Benton Bridge (H. P. 161) (Presented by Mr. Littlefield of Albion)

(500 copies ordered printed)

Sent up for concurrence.

Resolve in favor of the town of Sherman (H. P. 162) (Presented by Mr. Bowers of Sherman)

Resolve in favor of the town of Benedicta (H. P. 163) (Presented by same gentleman)

Resolve in favor of the town of Crystal (H. P. 164) (Presented by same gentleman)

Resolve in favor of the town of Island Falls (H. P. 165) ((Presented by same gentleman)

Resolve in favor of Carroll Plantation (H. P. 166) (Presented by Mr. Boyd of Winn)

Resolve in favor of the city of Presque Isle (H. P. 167) (Presented by Mr. Brewer of Presque Isle)

Resolve in favor of the city of Presque Isle (H. P. 168) (Presented by same gentleman)

Resolve in favor of the town of Hermon (H. P. 169) (Presented by Mr. Briggs of Hampden)

Resolve in favor of the town of Hermon (H. P. 170) (Presented by same gentleman)

Resolve in favor of the town of Hermon (H. P. 171) (Presented by same gentleman)

Resolve in favor of the town of Hampden (H. P. 172) (Presented by same gentleman)

Resolve in favor of the town of Durham (H. P. 173) (Presented by Mr. Buckley of Leeds)

Resolve in favor of the town of Webster (H. P. 174) (Presented by same gentleman)

Resolve in favor of the town of Brooklin (H. P. 175) (Presented by Mr. Clapp of West Brooklin)

Resolve in favor of the town of Sedgwick (H. P. 176) (Presented by same gentleman)

Resolve in favor of the town of Hebron (H. P. 177) (Presented by Mr. Forhan of Canton)

Resolve in favor of the town of Peru (H. P. 178) (Presented by same gentleman)

Resolve in favor of the town of Sumner (H. P. 179) (Presented by same gentleman)

Resolve in favor of the town of Pittston (H. P. 180) (Presented by Mr. Fuller of China)

Resolve in favor of the town of Pittston (H. P. 181) (Presented by same gentleman)

Resolve in favor of the town of Pittston (H. P. 182) (Presented by same gentleman)

Resolve in favor of the town of Windsor (H. P. 183) (Presented by same gentleman)

Resolve in favor of the town of China (H. P. 184) (Presented by same gentleman)

Resolve in favor of the town of China (H. P. 185) (Presented by same gentleman)

Resolve in favor of the town of Randolph (H. P. 186) (Presented by same gentleman)

Resolve in favor of Unity Plantation (H. P. 187) (Presented by Mr. Littlefield of Albion)

Resolve in favor of the town of Clinton (H. P. 188) (Presented by same gentleman)

Resolve in favor of the town of Benton (H. P. 189) (Presented by same gentleman)

Resolve in favor of the town of Benton (H. P. 190) (Presented by same gentleman)

Resolve in favor of the town of Etna (H. P. 191) (Presented by Mr. Newcomb of Carmel)

Resolve in favor of the town of Dixmont (H. P. 192) (Presented by same gentleman)

Resolve in favor of the town of Levant (H. P. 193) (Presented by same gentleman)

Resolve in favor of the town of Carmel (H. P. 194) (Presented by same gentleman)

Resolve in favor of the town of Bucksport (H. P. 195) (Presented by Mr. Pierce of Bucksport)

Resolve in favor of the town of Verona (H. P. 196) (Presented by same gentleman)

Resolve in favor of the town of Kittery (H. P. 197) (Presented by Mr. Seeger of Kittery)

Resolve in favor of the town of Holden (H. P. 198) (Presented by Mr. Williams of Clifton)

Resolve in favor of the town of Clifton (H. P. 199) (Presented by same gentleman)

Resolve in favor of the town of Bradley (H. P. 200) (Presented by same gentleman)

Resolve in favor of the town of Eddington (H. P. 201) (Presented by same gentleman)

Resolve in favor of the town of Greenfield (H. P. 202) (Presented by same gentleman)

Resolve in favor of the city of Belfast (H. P. 203) (Presented by Mr. Worth of Stockton Springs by request)

Resolve in favor of the town of Winterport (H. P. 204) (Presented by same gentleman)

Resolve in favor of the town of Oxford (H. P. 205) (Presented by Mr. Wyman of Norway)

Resolve in favor of the town of Woodland (H. P. 206) (Presented by Mr. Bragdon of Perham)

Resolve in favor of the city of Old Town (H. P. 207) (Presented by Mr. Cousins of Old Town)

Resolve in favor of the town of New Gloucester (H. P. 208) (Presented by Mr. Doughty of Gray)

Resolve in favor of the town of Gray (H. P. 209) (Presented by same gentleman)

Resolve in favor of the town of Raymond (H. P. 210) (Presented by same gentleman)

Resolve in favor of the town of Addison (H. P. 211) (Presented by Mr. Lackee of Addison)

Resolve in favor of the town of Steuben (H. P. 212) (Presented by same gentleman)

Resolve in favor of the town of Harrington (H. P. 213) (Presented by same gentleman)

Resolve in favor of the town of Columbia (H. P. 214) (Presented by same gentleman)

Resolve in favor of the town of Cherryfield (H. P. 216) (Presented by same gentleman)

Resolve in favor of the town of Lisbon (H. P. 215) (Presented by Mr. Sichel of Lisbon)

Resolve in favor of the town of Cape Elizabeth (H. P. 217) (Presented by Mr. Baker of Scarborough)

Resolve in favor of the town of Scarborough (H. P. 218) (Presented by same gentleman)

Resolve in favor of the town of Chelsea (H. P. 219) (Presented by Mr. Weston of Farmingdale)

Resolve in favor of the town of Farmingdale (H. P. 220) (Presented by same gentleman)

Resolve in favor of the town of Chelsea (H. P. 221) (Presented by same gentleman)

Resolve in favor of the town of Chelsea (H. P. 222) (Presented by same gentleman)

Resolve in favor of the town of Milbridge (H. P. 223) (Presented by Mr. Lackee of Addison)

Resolve in favor of Township No. 10 (H. P. 224) (Presented by same gentleman)

Resolve in favor of the city of Calais (H. P. 225) (Presented by Mr. Murchie of Calais)

Resolve in favor of the city of Calais (H. P. 226) (Presented by same gentleman)

Sent up for concurrence.

Additional paper from the Senate, out of order.

From the Senate: The following Order:

ORDERED, the House concurring, that a Joint Select Committee consisting of seven members on the part of the Senate to be appointed by the President of the Senate, and sixteen members on the part of the House to be appointed by the Speaker of the House, be appointed to consider the apportionments and assignments of Councillor Districts, Senatorial Districts, and Districts for Representatives to the Legislature, as well as such matters as relate to the apportionment and assignment of Congressional Districts, and report to this Legislature by bill or otherwise (S. P. 88)

Came from the Senate, read and passed and with the following members appointed on its part:

Messrs. Dow of Oxford
 Sanborn of Cumberland
 Dow of Franklin
 Friend of Somerset
 Emery of Hancock
 Snow of Piscataquis
 Chase of Washington

In the House, read and passed in concurrence, and the Speaker appointed the following members on the part of the House:

Messrs. Jacobs of Auburn
 Dorsey of Fort Fairfield
 Leavitt of Portland
 Mills of Farmington
 MacLeod of Bar Harbor
 Fuller of China
 Sleeper of Rockland
 Race of Boothbay
 Williams of Bethel
 Goldsmith of Orono
 Rollins of Greenville
 McIntire of Phippsburg
 Dutton of Bingham
 Davis of Montville
 Small of E. Machias
 Davis of Buxton

On motion by Mr. Belanger of Winslow, it was

ORDERED, that Rev. Mr. Morrison of Winslow, be invited to act as Chaplain of the House on Wednesday, January 22nd.

Mr. PAYSON of Portland: Mr. Speaker, I present an Order and move its passage, and, prior to the reading of the Order, I would like to make an explanation of the reasons for its introduction.

When the members of the majority party conferred on me the honor of being their floor leader, which I sought from them, they also conferred upon me certain duties and responsibilities. Those duties and responsibilities include taking the initiative when necessary to see that the machinery and mechanical workings of this House are properly handled. Sometimes those duties may be personally most distasteful, as this duty is to me this morning.

The Constitution of this State requires that a man who shall be a Representative here shall be a citizen of the United States for five years. Reports have come to me from many sources, and they have come to a great many members of this House—and they seem to be well enough founded so that they should be considered—that there is a gentleman sitting in the House who does not meet those constitutional qualifications. I use the word "gentleman" advisedly, because I have met him and I know he is a man of fine and forthright character. That is why my duty is unpleasant. But I call your attention to the situation in which this House may find itself unless this question is determined.

Suppose later in this session, when there is a heated debate on a close question, the gentleman is then challenged as to his qualifications, what will the people of the State of Maine say of our handling of the affairs in this House if we allow that situation to go along without answering that question? What will the lawyers and judges of the State say as to the validity of measures we have passed with the gentleman acting as a member of the House?

I do not wish to prejudice this question. The Order calls for reference to a proper committee to give it full and careful consideration. So it is with considerable regret that

I introduce this Order and move its passage.

The SPEAKER: The gentleman from Portland, Mr. Payson, presents an Order and moves its passage. The Clerk will read the Order.

ORDERED, that the House Committee on Elections be, and hereby is, instructed to investigate the Constitutional qualifications of Mr. MacDonald of Belfast, and report thereon by Resolution or otherwise. Thereupon, the Order received passage.

Orders of the Day

On motion by Mr. Welch of Chapman, the House voted to reconsider its action of yesterday whereby Bill "An Act relating to Automobile Travel by State Inspectors of Seed Potatoes" (S. P. 55) (L. D. 10) was referred to the Committee on Agriculture in concurrence.

Mr. WELCH: Mr. Speaker, I now move that this Bill be referred to the Committee on Salaries and Fees. I think that is where the Bill belongs. That is where the original Bill which they are now trying to amend came from, and the Committee on Salaries and Fees reported the original Bill, and if it now needs repairing, I think we should send it back to them. The only reason I see for sending this Bill to the Committee on Agriculture is that the Department, I believe, does pay these inspectors. Two years ago we had Bills in here relating to salaries of county officials and judges of municipal courts, and those Bills all went to the Committee on Salaries and Fees regardless of who was paying the salaries. I hope this Bill is referred to that Committee.

The SPEAKER: The gentleman from Chapman, Mr. Welch, moves that this Bill now be referred to the Committee on Salaries and Fees in non-concurrence. Is this the pleasure of the House?

Thereupon, the Bill was referred to the Committee on Salaries and Fees in non-concurrence, and was sent up for concurrence.

On motion by Mr. Jones of Rockland,

The House adjourned until Tuesday, January 21st, 1941, at four o'clock in the afternoon.