

# 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**

Tuesday, January 21, 1941.

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

Prayer by the Rev. Mr. Rice of Hallowell.

Journal of the previous session read and approved.

Bills and Resolves from the Senate requiring reference disposed of in concurrence.

From the Senate:

Report of the Committee on Appropriations and Financial Affairs on Bonds of the State Treasurer reporting that the same are found to be in proper order, and that they be accepted and ordered placed on file with the Secretary of State.

Came from the Senate, read and accepted.

In the House, the report was read and accepted in concurrence, and the bonds were ordered placed on file with the Secretary of State.

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 the town of Castle Hill (H. P. 289) (Presented by Mr. Anderson of Oxbow Pl.)

Resolve in favor of the town of Anson (H. P. 290) (Presented by Mr. Fenlason of Anson)

Resolve in favor of the town of Anson (H. P. 291) (Presented by same gentleman)  
Sent up for concurrence.

Resolve in favor of the town of Anson (H. P. 294) (Presented by Mr. Fenlason of Anson)  
(500 copies ordered printed)

Resolve in favor of the town of Anson (H. P. 293) (Presented by same gentleman)  
(500 copies ordered printed)

Resolve in favor of the town of Anson (H. P. 292) (Presented by same gentleman)  
(500 copies ordered printed)

Resolve in favor of the town of Charleston (H. P. 295) (Presented by Mr. Osgood of Bradford)  
(500 copies ordered printed)  
Sent up for concurrence.

**Counties**

Bill "An Act Increasing the Farm Bureau Budget" (H. P. 296) (Presented by Mr. Holman of Dixfield)  
(500 copies ordered printed)  
Sent up for concurrence.

**Education**

Bill "An Act relating to Tuition for Indian Scholars in Elementary Schools of Old Town" (H. P. 297) (Presented by Mr. Cousins of Old Town)  
(500 copies ordered printed)  
Sent up for concurrence.

**Federal Relations**

Resolve Abating Improperly Assessed Unemployment Compensation Taxes of A. J. Stevens (H. P. 298) (Presented by Miss Clough of Bangor)  
(500 copies ordered printed)  
Sent up for concurrence.

**Inland Fisheries and Game**

Bill "An Act relating to the taking of Smelts in York County" (H. P. 302) (Presented by Mr. Pearson of North Kennebunkport)  
(500 copies ordered printed)

Resolve Regulating Fishing in Cumberland and York Counties (H. P. 299) (Presented by Mr. Ayer of Cornish)  
(500 copies ordered printed)

Resolve Regulating Fishing in Swan Pond (H. P. 300) (Presented by Mr. Davis of Buxton)  
(500 copies ordered printed)

Resolve Regulating Fishing in Barks Pond (H. P. 301) (Presented by same gentleman)  
(500 copies ordered printed)

Resolve Regulating Fishing in Cumberland and York Counties (H. P. 303) (Presented by Mr. Pelletier of Sanford)  
(500 copies ordered printed)

Resolve relative to Open Season on Pheasants in Cumberland and York Counties (H. P. 304) (Presented by same gentleman)  
(500 copies ordered printed)

Resolve Regulating Fishing in Hargraves Mill Pond, Dog or Mud Pond and Round Pond (H. P. 305) (Presented by Mr. Roberts of Waterboro)  
(500 copies ordered printed)

Sent up for concurrence.

### Interior Waters

Bill "An Act relative to Pollution in Presumpscot River, Salmon Falls River, Mousam River and Saco River (H. P. 306) (Presented by Mr. Welch of No. Berwick)  
(500 copies ordered printed)  
Sent up for concurrence.

### Judiciary

Bill "An Act relating to the Forest Commissioner" (H. P. 307) (Presented by Mr. Bubar of Weston)  
(500 copies ordered printed)  
Sent up for concurrence.

### Bill Tabled

Bill "An Act relating to the Commissioner of Sea and Shore Fisheries" (H. P. 308) (Presented by same gentleman)  
(On motion by Mr. Sleeper of Rockland, tabled pending reference)

### Judiciary

(Continued)

Bill "An Act relating to the Commissioner of Inland Fisheries and Game" (H. P. 309) (Presented by Mr. Bubar of Weston)  
(500 copies ordered printed)

Bill "An Act to enable Candidates for Office to File their Names in State Primaries Without Petitions" (H. P. 310) (Presented by Mr. Gould of Gorham)  
(500 copies ordered printed)

Bill "An Act relating to Inland Fish and Game Wardens" (H. P. 311) (Presented by Mr. Hanold of Standish)  
(500 copies ordered printed)  
Sent up for concurrence.

### Motor Vehicles

Bill "An Act relating to Registration Fees for Certain Motor Trucks" (H. P. 312) (Presented by Mr. Farwell of Unity)  
(500 copies ordered printed)  
Sent up for concurrence.

### Pensions

Resolve providing for a Pension for Hattie Dudley Brackett of Stacyville (H. P. 313) (Presented by Mr. Estabrook of Stacyville)

Resolve providing for a State Pension for Charles E. Walsh of Jefferson (H. P. 314) (Presented by Mrs. Grady of Whitefield)

Resolve in favor of Esther L. Davis of West Gardiner (H. P. 315) (Presented by Mr. Keller of Hallowell)

Resolve providing for an Increase in State Pension for Sarah A. Fer-

guson (H. P. 316) (Presented by same gentleman)

Resolve providing for an Increase in State Pension for Sadie H. Nason of Hallowell (H. P. 317) (Presented by same gentleman)

Resolve providing for a State Pension for Eugene Whitney of Winthrop (H. P. 318) (Presented by Mr. McNamara of Winthrop)

Resolve providing for a State Pension for Della T. Dunn of Monmouth (H. P. 319) (Presented by same gentleman)

Resolve providing for a State Pension for Mattie W. Howard of Litchfield (H. P. 320) (Presented by same gentleman)

Resolve providing for an increase in State Pension for Edith May Towne of Litchfield (H. P. 321) (Presented by same gentleman)  
Sent up for concurrence.

### State Lands and Forest Preservation

Resolve granting authority to the Forestry Department to convey certain land to J. C. Briggs of Caribou (H. P. 322) (Presented by Mr. Libby of Caribou)  
(500 copies ordered printed)  
Sent up for concurrence.

### Taxation

Bill "An Act Levying a Tax on Soft Drinks" (H. P. 323) (Presented by Mr. Good of Monticello)  
(1000 copies ordered printed)  
Sent up for concurrence.

Bill "An Act Forbidding Sale of Liquor to Certain Persons" (H. P. 324) (Presented by Mr. Bubar of Weston)

(On motion by Mr. Bubar, 1000 copies ordered printed)  
Sent up for concurrence.

### Ways and Bridges

Resolve in favor of a Bridge Across the Allagash River (H. P. 325) (Presented by Mr. Brown of Eagle Lake)

(500 copies ordered printed)

Sent up for concurrence.

Resolve in favor of the town of Masardis (H. P. 264) (Presented by Mr. Anderson of Oxbow Plantation)

Resolve in favor of the town of South Berwick (H. P. 265) (Presented by Mr. Ayer of Cornish)

Resolve in favor of the town of Eagle Lake (H. P. 266) (Presented by Mr. Brown of Eagle Lake)

Resolve in favor of the town of Falmouth (H. P. 267) (Presented by Mr. Dow of Falmouth)

Resolve in favor of the town of

Canton (H. P. 268) (Presented by Mr. Forhan of Canton)

Resolve in favor of the town of Hartford (H. P. 269) (Presented by same gentleman)

Resolve in favor of the town of Canton (H. P. 270) (Presented by same gentleman)

Resolve in favor of the town of Detroit (H. P. 271) (Presented by Mr. Goodrich of Palmyra)

Resolve in favor of the town of Gorham (H. P. 272) (Presented by Mr. Gould of Gorham)

Resolve in favor of the town of Caribou (H. P. 273) (Presented by Mr. Libby of Caribou)

Resolve in favor of the town of Andover (H. P. 274) (Presented by Mr. Martin of Rumford)

Resolve in favor of the town of Rumford (H. P. 275) (Presented by same gentleman)

Resolve in favor of the town of Roxbury (H. P. 276) (Presented by same gentleman)

Resolve in favor of the town of Orland (H. P. 277) (Presented by Mr. Pierce of Bucksport by request)

Resolve in favor of the town of Castine (H. P. 278) (Presented by same gentleman)

Resolve in favor of the town of Acton (H. P. 279) (Presented by Mr. Roberts of Waterboro)

Resolve in favor of the town of Alfred (H. P. 280) (Presented by same gentleman)

Resolve in favor of the town of Waterboro (H. P. 281) (Presented by same gentleman)

Resolve in favor of Big Squaw Mt. Township (H. P. 282) (Presented by Mr. Rollins of Greenville)

Resolve in favor of the town of Blanchard (H. P. 283) (Presented by same gentleman)

Resolve in favor of the town of Wellington (H. P. 284) (Presented by same gentleman)

Resolve in favor of the town of Easton (H. P. 285) (Presented by Mr. Welch of Chapman)

Resolve in favor of the town of Mapleton (H. P. 286) (Presented by same gentleman)

Resolve in favor of the town of Wade (H. P. 287) (Presented by same gentleman)

Resolve in favor of the town of Norway (H. P. 288) (Presented by Mr. Wyman of Norway)

Sent up for concurrence.

## Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Worth of Stockton Springs, be excused from attendance for two days on account of illness; also that Mr. Downs of Rome, be excused from attendance because he has the measles; and that Mr. Robie of Auburn, be excused from attendance today because of illness.

## Orders of the Day

Mr. FARWELL of Unity: Mr. Speaker, I move that the House reconsider its action whereby on Thursday, January 16th, it referred to the Committee on Ways and Bridges House Paper 203, Resolve in Favor of the City of Belfast, presented by the gentleman from Stockton Springs, Mr. Worth.

In explanation of this I would say that Mr. Worth is confined to his home at the present time and is unable to attend this session.

The SPEAKER: The gentleman from Unity, Mr. Farwell, moves that the House reconsider its action taken on Thursday, January 16th, whereby Resolve in Favor of the City of Belfast, H. P. 203, was referred to the Committee on Ways and Bridges. Is this the pleasure of the House?

The motion prevailed; and on further motion by the same gentleman, the Resolve was tabled pending reference to a committee.

Mr. Macdonald of Belfast, was granted unanimous consent to address the House.

Mr. MACDONALD: Mr. Speaker and Members of the Ninetieth Legislature: I have asked for and have been graciously granted an opportunity to put before you my understanding of the question on my eligibility to keep my seat in this House. I will make this statement as briefly as possible, but should I appear to digress a little off the main issue I ask your forbearance as I think it all ties together.

I lived for over thirty years in South Africa. During the years 1931 and 1932 I met there the lady who is now my wife and who is an American citizen. We got engaged, and, as I had no special ties to keep me there—I have only one daughter there and she is married and settled down with her family—it was de-

cided that I should sell my rather extensive interests there and come over to this country to settle down. This I did, and I applied for my immigration quota which was granted. This corroborates my intention to become an American citizen at the earliest possible date.

I arrived in this country early in 1933, was married the following day, and two days later came to Belfast to take up permanent residence. Within two weeks after getting there I applied for my citizenship papers. I realize now that I should have put those papers through the Clerk of Courts as he was more conversant with the regulations and procedure to be adopted. Actually, I put the matter through another legal channel, with the result that I was put through in the longest possible way. I do not blame this official, as I understand that the regulations of the Immigration Department have been so amended and altered in recent years that anyone who is not intimately concerned with them has a hard job to get at the facts.

The law reads that an alien marrying an American citizen is not required to take out first papers. He may immediately apply for his final papers and these papers are granted within three years. I submit that if this procedure had been adopted as it should have been there would be no question of this issue arising today. I submit that I can reasonably contend, and I do so contend, that my residential qualifications under the law are sufficient to make my eligibility for office to retain this seat unquestioned. I complied with the law all the way through; I did all that it was my duty to do to become a citizen at the earliest possible date and it

was not my fault that these papers were not put through in time.

I might say in conclusion that I did not volunteer to become a member of this House; I was asked to by a number of prominent Republicans in Belfast. All during the election period this question was never raised, either in the primaries or in the primary election. It was only after the September election that the rumor got around, but no official intimation was made to me. I did apply to the Attorney General for a ruling, but he seemed loath to give it, and, as precipitated action on my part might have involved the City of Belfast in the expense of a new election, I accepted the advice of my friends and sat back. I have acted throughout in good faith, and the vast majority of the citizens of Belfast, both Republican and Democrat, do not wish to see any alteration in the present status quo. (Applause)

The SPEAKER: Are there any further matters to come before the House under Orders of the Day?

On motion of Mr. Payson of Portland, the House voted to reconsider its action taken earlier in today's session whereby H. P. 310, Bill "An Act to enable Candidates for Office to File their Names in State Primaries Without Petitions" was referred to the Committee on Judiciary and 500 copies ordered printed; and on further motion by the same gentleman, the Bill was referred to the Committee on Judiciary and 1,000 copies ordered printed, and sent up for concurrence.

On motion by Mr. Dutton of Bingham,

Adjourned until ten o'clock tomorrow morning.