

# 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, February 6, 1941.

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

Prayer by the Rev. Mr. Washburn of Hallowell.

Journal of the previous session read and approved.

From the Senate:

Communication from the Attorney General pursuant to Joint Order, H. P. 455, relating to amounts recovered from the former Controller, William A. Runnells (S. P. 299).

(The full text of this Communication will be found in the Legislative Record of Senate Proceedings for Wednesday, February 5, 1941)

Came from the Senate, ordered placed on file.

In the House, the communication was read and ordered placed on file in concurrence.

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

From the Senate:

Bill "An Act relating to State Aid for Academies" (S. P. 232) (L. D. 392)

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

In the House:

Mr. Murchie of Calais: Mr. Speaker, in reference to this Bill, Item 4 on the calendar this morning, "An Act relating to State Aid for Academies" (S. P. 232) (L. D. 392) I would like to just explain to the House that this is a Bill similar to one that is already now before the Appropriations Committee, the difference being that this asks for an increase in the amount of money that can be allocated to such purposes. With the idea that both Bills ought to be before the same Committee, I move you, sir, that this Bill be referred to the Committee on Appropriations and Financial Affairs.

The Speaker: The gentleman from Calais, Mr. Murchie, moves that this Bill be referred to the Committee on Appropriations and Financial Affairs in non-concurrence. The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. Payson: Mr. Speaker, I do not wish to waste the time of this

House on unimportant matters, and I am in accord with the motion of the gentleman from Calais, Mr. Murchie, because the Committee on Reference of Bills made a mistake. There are five of us on that Committee and we are entitled to make mistakes once in a while. But this does give me the opportunity to call your attention to the fact that a helter-skelter attempt to re-refer Bills from the suggested reference will create a lot of trouble.

If you want to send a Bill to a friendly committee or a committee you are on yourselves, you must expect that the committee's report is not going to be so valuable to you as if you let the Bill go to the committee suggested by the Committee on Reference of Bills.

Now the Committee on Reference of Bills follows a very definite policy in trying to assign these Bills, but we do make mistakes, and when we do we would be glad if you would take it up with us and see if the mistake should be corrected. Tuesday morning you had a sample of what would happen if you change these references just because you want to send the Bill to a committee you like or a committee you are on. I am taking this opportunity to make this explanation. We would be glad to correct mistakes we make, but we do feel we are entitled to respect where we have assigned a Bill to a committee proper. So I join in the motion of the gentleman from Calais, Mr. Murchie.

The SPEAKER: The question before the House is on the motion of the gentleman from Calais, Mr. Murchie, that this Bill be referred to the Committee on Appropriations and Financial Affairs. Is it the pleasure of the House that this Bill be referred to the Committee on Appropriations and Financial Affairs in non-concurrence?

The motion prevailed, and the Bill was referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

From the Senate:

Bill "An Act to enable the Plantation of Magalloway to Produce and Distribute Electricity within its Territorial Limits" (S. P. 271)

Came from the Senate, referred to the Committee on Public Utilities.

In the House, referred to the

Committee on Public Utilities in concurrence, and 500 copies ordered printed.

From the Senate:

Bill "An Act to enable the town of Upton to Produce and Distribute Electricity within its Territorial Limits" (S. P. 272)

Came from the Senate, referred to the Committee on Public Utilities.

In the House, referred to the Committee on Public Utilities in concurrence, and 500 copies ordered printed.

From the Senate:

Bill "An Act to enable the Plantation of Lincoln to Produce and Distribute Electricity within its Territorial Limits" (S. P. 273)

Came from the Senate, referred to the Committee on Public Utilities.

In the House, referred to the Committee on Public Utilities in concurrence, and 500 copies ordered printed.

#### Senate Resolve in First Reading

Resolve Regulating Fishing in Tributaries to Garland Pond (S. P. 64) (L. D. 72)

Resolve was read once and assigned for second reading the next legislative day.

The SPEAKER: The Clerk has in his possession an additional paper from the Senate which does not appear on the printed advance calendar.

From the Senate:

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet on Tuesday, February 11, 1941, at 10.30 o'clock in the forenoon. (S. P. 300)

Came from the Senate, 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.

#### Agriculture

Bill "An Act to Amend the Milk Control Law" (H. P. 1246) (Presented by Mr. Denny of Damariscotta) (750 copies ordered printed)

Bill "An Act to Assure Proper Branding of Potatoes" (H. P. 1250) (Presented by Mr. Otto of Dexter) (750 copies ordered printed)

Sent up for concurrence.

Bill "An Act to Determine Quality of Farm Products" (H. P. 1251) (Presented by Mr. Libby of Caribou) (1000 copies ordered printed)

Sent up for concurrence.

#### Claims

Resolve in favor of the town of Bridgewater (H. P. 1252) (Presented by Mr. Good of Monticello)

Resolve in favor of A. E. Bell Co., of Mars Hill (H. P. 1253) (Presented by same gentleman)

Sent up for concurrence.

#### Education Bill Tabled

Bill "An Act concerning the Teachers' Retirement System (H. P. 1247) (Presented by Mrs. Grady of Whitefield)

Mrs. GRADY: Mr. Speaker, I move the Bill "An Act concerning the Teachers' Retirement System" (H. P. 1247) be referred to the Committee on Pensions and seven hundred and fifty copies be printed and sent up for concurrence.

The SPEAKER: The member from Whitefield, Mrs. Grady, moves that Bill "An Act concerning the Teachers' Retirement System" (H. P. 1247) be referred to the Committee on Pensions and that 750 copies be printed and the Bill sent up for concurrence. Is this the pleasure of the House?

Mr. PAYSON of Portland: Mr. Speaker, I move that the Bill lie on the table.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the Bill lie on the table pending reference and that seven hundred and fifty copies be printed. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

#### Education (Continued)

Bill "An Act relating to Physical Education" (H. P. 1248) (Presented by Mrs. Grady of Whitefield) (500 copies ordered printed)

Bill "An Act relating to State School for Girls" (H. P. 1249) (Presented by Mr. Keller of Hallowell) (500 copies ordered printed) Sent up for concurrence.

**Federal Relations**

Bill "An Act Amending the Law relating to Unemployment Compensation to Permit Filing of Copies of Documents" (H. P. 1254) (Presented by Mr. Grua of Livermore Falls)

(750 copies ordered printed)

Bill "An Act Amending the Law relating to Unemployment Compensation to Further Define Employment" (H. P. 1255) (Presented by same gentleman)

(750 copies ordered printed)

Bill "An Act Amending the Law relating to Unemployment Compensation with Respect to Keeping Separate Accounts" (H. P. 1256) (Presented by same gentleman)

(750 copies ordered printed)

Bill "An Act Amending the Law relating to Unemployment Compensation with respect to Grants from the Social Security Board" (H. P. 1257) (Presented by same gentleman)

(750 copies ordered printed)

Bill "An Act Amending the Law relating to Unemployment Compensation by Repealing a Part of Section 5 (H. P. 1258) (Presented by same gentleman)

(750 copies ordered printed)

Bill "An Act Amending the Law relating to Unemployment Compensation to Reduce Benefits when Claimed Fraudulently" (H. P. 1259) (Presented by same gentleman)

(750 copies ordered printed)

Bill "An Act Amending the Unemployment Compensation Law so as to Reduce Waiting Period for Unemployment Benefits and to Preserve Benefits for persons in the Military Service" (H. P. 1260) (Presented by same gentleman)

(750 copies ordered printed)

Bill "An Act relating to Number of Employees under Unemployment Compensation Law" (H. P. 1261) (Presented by Mr. Preble of Millinocket)

(750 copies ordered printed)

Bill "An Act relating to Number of Employees under Unemployment Compensation Law" (H. P. 1262) (Presented by same gentleman)

(750 copies ordered printed)

Sent up for concurrence.

**Inland Fisheries and Game**

Bill "An Act relative to Training of Fox Hounds" (H. P. 1263) (Presented by Mr. Denny of Damariscotta)

(750 copies ordered printed) Sent up for concurrence.

Bill "An Act relative to Trapping by Indians" (H. P. 1264) (Presented by Mr. Sylvia of Danforth)

(500 copies ordered printed)

Bill "An Act relative to Shipping of Hares and Rabbits" (H. P. 1265) (Presented by Mr. Willey of Ellsworth by request)

(500 copies ordered printed) Sent up for concurrence.

**Judiciary**

Bill "An Act relating to Pauper Settlements" (H. P. 1266) (Presented by Mr. Dutton of Bingham)

(750 copies ordered printed)

Sent up for concurrence.

Bill "An Act relating to Corporations" (H. P. 1267) (Presented by Mr. Payson of Portland)

(500 copies ordered printed)

Bill "An Act relating to Foreign Corporations" (H. P. 1268) (Presented by same gentleman)

(500 copies ordered printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act relative to Enforcing the Collection of Real Estate Taxes by the Alternative Method" (H. P. 1269) (Presented by Mr. Fuller of China)

(750 copies ordered printed)

Bill "An Act relative to Licensing of Steam Engineers and Firemen" (H. P. 1270) (Presented by Mr. Payson of Portland)

(750 copies ordered printed)

Bill "An Act relating to Town Reports" (H. P. 1271) (Presented by Mr. Wyman of Norway)

(750 copies ordered printed)

Bill "An Act relating to Public Exhibitions" (H. P. 1272) (Presented by Mrs. Grady of Whitefield)

(750 copies ordered printed)

Sent up for concurrence.

**Mercantile Affairs**

Bill "An Act relating to Payment of the Special Tax for Investigation of Fires by the Insurance Commissioner" (H. P. 1273) (Presented by Mr. Crockett of North Haven)

(750 copies ordered printed)

Sent up for concurrence.

**Motor Vehicles**

Bill "An Act relating to Official Inspection Stations for Motor Vehicles" (H. P. 1274) (Presented by Mr. Downs of Rome)  
(750 copies ordered printed)  
Sent up for concurrence.

**Pensions**

Bill "An Act relating to Pensions of State Employees" (H. P. 1275) (Presented by Mr. Downs of Rome)  
(750 copies ordered printed)  
Sent up for concurrence.

Resolve providing for a State Pension for Estelle Creamer of Waldoboro (H. P. 1276) (Presented by Mrs. Grady of Whitefield)

Resolve in favor of Norman P. Richards of Rockland (H. P. 1277) (Presented by Mr. Jones of Rockland)

Resolve in favor of Earl J. Haskell of Rockland (H. P. 1278) (Presented by same gentleman)

Resolve providing for a State Pension for Joseph R. Rioux of Lisbon (H. P. 1279) (Presented by Mr. Sichel of Lisbon)

Sent up for concurrence.

**Public Health**

Bill "An Act relating to Sale of Soft Drinks and Ice Cream by Certain Vendors" (H. P. 1280) (Presented by Mr. Smith of Bangor)

(750 copies ordered printed)  
Sent up for concurrence.

**Public Utilities**

Bill "An Act relating to the Use of Highways by Motor Vehicles Transporting Property for Hire" (H. P. 1281) (Presented by Mr. Morrison of Winter Harbor)

(750 copies ordered printed)  
Sent up for concurrence.

Bill "An Act relating to the Operation of Busses" (H. P. 1282) (Presented by Mr. Morrison of Winter Harbor)

(500 copies ordered printed)

Bill "An Act Conferring Jurisdiction of the Public Utilities Commission over Vessels or Boats Propelled by Other Motive Power than Steam" (H. P. 1283) (Presented by Mr. Sleeper of Rockland)

(500 copies ordered printed)  
Sent up for concurrence.

**Salaries and Fees**

Bill "An Act relating to Salary of County Attorney in Aroostook County" (H. P. 1284) (Presented by Mr. Brewer of Presque Isle by request)

(500 copies ordered printed)  
Sent up for concurrence.

**Taxation**

Bill "An Act relating to the Inheritance Tax Law" (H. P. 1285) (Presented by Mr. Grua of Livermore Falls)

(750 copies ordered printed)  
Sent up for concurrence.

**Temperance**

Bill "An Act relating to the Sale of Malt Liquor to Minors" (H. P. 1286) (Presented by Mr. Sanderson of Greene)

(750 copies ordered printed)  
Sent up for concurrence.

**Towns**

Bill "An Act relating to Annual Audits in Cities, Towns, Plantations and Village Corporations" (H. P. 1287) (Presented by Mr. Fuller of China)

(750 copies ordered printed)  
Sent up for concurrence.

The SPEAKER: Is it now the pleasure of the House to take up out of order an additional paper from the Senate?

From the Senate:

ORDERED, the House concurring, that notwithstanding joint orders now in effect that all resolves and public acts, data for which shall be in the hands of the Revisor of Statutes on or before 4 P. M. February 6, 1941, shall be received in the same manner as if received before 4 P. M. February 6, 1941;

AND BE IT FURTHER ORDERED, that the said Revisor shall file a list of the titles of resolves and public acts, the data for which is in his hands at that time, with the Secretary of the Senate and Clerk of the House. (S. P. 326)

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

In the House, the order received passage in concurrence.

**Orders**

On motion by Mr. Hanold of Standish, it was

ORDERED, that there be paid to Mrs. Dorothy Robbins, widow of

the late Representative Oscar C. Robbins, the usual salary and mileage of her late husband, amounting to \$615.

On motion by Mr. McGlaulin of Portland, it was

ORDERED, that Mr. Savage of Skowhegan, be excused from attendance today on account of business; that Mr. Bolduc of Biddeford, be excused from attendance during the remainder of the week on account of sickness; and that Mr. McFadden of Pembroke, be excused from attendance because of his father's death.

On motion by Mr. Shesong of Portland, it was

ORDERED, that there be paid to Thomas Macdonald of Belfast, the sum of \$224, less such sums as may have been advanced to him on account of mileage and attendance, said sum to be charged to Legislative Expense.

Mr. Starrett of Warren presented the following Order and moved its passage:

WHEREAS, William T. Smith was unable to attend at the commencement of the session on account of illness;

NOW, THEREFORE, IT IS ORDERED that the foregoing reason is deemed sufficient by the House and Mr. Smith is entitled to his attendance and travel notwithstanding his absence.

The Order received passage.

On motion by Mr. Mills of Farmington, it was

ORDERED, that there be printed 500 additional copies of H. P. 643, L. D. 279, An Act Limiting the Hours of Labor.

#### **Reports of Committees Ought Not to Pass**

Mr. Farwell from the Committee on Ways and Bridges reported "Ought not to pass" on Resolve in favor of the town of Woodland (H. P. 206)

Same gentleman from same Committee reported same on Resolve in favor of the town of Orland (H. P. 277)

Same gentleman from same Committee reported same on Resolve in favor of the town of Island Falls (H. P. 165)

Reports were read and accepted and sent up for concurrence.

#### **Refer to Committee on Mercantile Affairs and Insurance**

Mr. Goldsmith from the Committee on Banks and Banking on Bill "An Act Amending the Regulation of Automobile Finance Business" (H. P. 407) (L. D. 161) reported that same be referred to the Committee on Mercantile Affairs and Insurance.

Report was read and accepted and the Bill was referred to the Committee on Mercantile Affairs and Insurance and sent up for concurrence

#### **Refer to Committee on Legal Affairs**

Mr. MacLeod from the Committee on Banks and Banking on Bill "An Act relating to Investment of Farm Land Loans Funds" (H. P. 408) (L. D. 162) reported that same be referred to the Committee on Legal Affairs.

Report was read and accepted and the Bill was referred to the Committee on Legal Affairs and sent up for concurrence.

#### **Refer to Committee on Education**

Mr. Newcomb from the Committee on Pensions on Resolve in favor of a Pension for Lena Butler Richards (H. P. 660) reported that same be referred to the Committee on Education.

Same gentleman from same Committee reported same on Resolve in favor of Blanche G. Cobb of Lisbon (H. P. 257)

Same gentleman from same Committee reported same on Resolve in favor of Ella M. Jude of Ellsworth (H. P. 672)

Reports were read and accepted and the Resolves were referred to the Committee on Education and sent up for concurrence.

#### **Ought to Pass**

Mr. Robie from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act relating to Clerk Hire by the Judge of the Municipal Court of Waterville" (H. P. 260) (L. D. 89)

Mr. Fuller from the Committee on Towns reported same on Bill "An Act Authorizing the town of Island Falls to Raise Money" (H. P. 263) (L. D. 92)

Mr. Roberts from same Committee reported same on Bill "An Act to provide for the Surrender by Unity Plantation of its Organization" (H. P. 357) (L. D. 143)

Reports were read and accepted.

### Report of House Committee on Elections

Mr. Southard from the Committee on Elections which was instructed by House Order passed January 15th to investigate the Constitutional qualifications for membership in the House of Representatives of Thomas Macdonald of Belfast, reported the following Resolution submitted therewith and that it ought to be adopted:

#### STATE OF MAINE

90th Legislature

#### HOUSE RESOLUTION

WHEREAS Mr. Thomas Macdonald of Belfast, has submitted his resignation as a member of the House of Representatives and that resignation was accepted by the House on February 4, 1941;

NOW THEREFORE BE IT RESOLVED that a vacancy now exists in the representation of the city of Belfast in the House of Representatives in the 90th Legislature.

AND BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded by the Clerk of the House to His Excellency, the Governor, to the Secretary of State and to the City Clerk of the city of Belfast

Report was read and accepted and the Resolution read and adopted.

#### First Reading of Printed Bills

Bill "An Act relating to Inland Fish and Game Wardens" (H. P. 311) (L. D. 120)

Bill "An Act relating to the Old Folks Home at Bath" (H. P. 336) (L. D. 132)

Bill "An Act relating to Liens on Watches, Clocks, Jewelry and Radio Equipment" (H. P. 337) (L. D. 133)

Bill "An Act relating to the Protestant Episcopal Church in Maine" (H. P. 428) (L. D. 177)

Bills were read twice and assigned for third reading the next legislative day.

#### Passed to be Engrossed

Bill "An Act relating to the Reorganization of Corporations under the National Bankruptcy Act" (S. P. 66) (L. D. 40)

Bill "An Act relative to Joint Control by Sureties" (S. P. 92) (L. D. 96)

Resolve Regulating Fishing in Pierce Pond in Somerset County (H. P. 43) (L. D. 26)

Resolve Regulating Fishing in Grass Pond in the county of Somerset (H. P. 44) (L. D. 27)

Resolve Regulating Fishing in Kilgore Pond in Bowtown and Pierce Pond Townships (H. P. 45) (L. D. 28)

Resolve Regulating Fishing in Puffer's Pond in the town of Dexter (H. P. 98) (L. D. 54)

Resolve Regulating Fishing in Peters Pond (H. P. 242) (L. D. 81)

Resolve Regulating Fishing in Lincoln County (H. P. 243) (L. D. 82)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

#### Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the fourth tabled and unassigned matter "House Amendment "A" to H. P. 1227, Joint Order Relative to Committee to Study Activities of Health and Welfare Department," tabled on February 5th, pending reproduction of House Amendment "A" under the Rules. The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I ask leave to withdraw House Amendment "A" to this measure.

The SPEAKER: The gentleman from Farmington, Mr. Mills withdraws House Amendment "A". The question before the House is on the passage of the Order. The Chair recognizes the gentleman from Strong, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I move the indefinite postponement of the Order, and, in support of that motion, may I say that we all recognize the recommendations that have been made by His Excellency, the Governor, both in his Inaugural Address and in his Budget Address



which was presented to this body subsequently.

I think we are all in substantial agreement with the assertion made during the course of that address in which he emphasized the necessity of this body setting up such an organization or group as might be qualified to make a thorough investigation of this entire Department of Health and Welfare, a department which, by the way, is now expending more annually than this State was expending for all its normal functions just a few years ago.

We recognize the people of the State are entitled to a searching investigation and to an impartial report. None of us disagree with the intent back of this particular order. We agree with the gentleman from Warren, Mr. Starrett, that these facts may be essential and that the people of Maine are entitled to know them. However, the 89th Maine Legislature passed the necessary legislation which will in due time create a joint standing committee which will in due time carry out the specific purposes for which the Starrett Committee is proposed. We recognize that this particular session is nearly half over, we hope. We realize that no comprehensive report could be brought out by any committee making a study of a department as vast as that particular one is and present it to this session in order for us to give it proper consideration.

Therefore, we maintain this means the setting up of a duplicate committee and unnecessary expense for the State, especially in view of the fact that the information cannot possibly be brought before this body in such condition and form as to enable us to act intelligently. This is something, and I believe the Governor would agree, that only the most detailed and careful analysis will make possible its proper presentation not alone to us but to the people of Maine. Therefore, because we believe it is unnecessary, that it can serve no useful purpose, while agreeing that the objectives are right, we still insist that

a motion to indefinitely postpone is in accordance with the facts of the situation as it exists.

The SPEAKER: The question before the House is on the motion of the gentleman from Strong, Mr. Richardson, that the Order be indefinitely postponed. Is the House ready for the question?

As many as are in favor of the indefinite postponement of the Order will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the Order was indefinitely postponed.

On motion by Mr. Payson of Portland, the House voted to take from the table the first tabled and unassigned matter "Joint Order Relative to Commissioner of Health and Welfare compiling list of persons receiving aid who are residents of other states and other countries," (S. P. 140), which came from the Senate read and passed, and tabled by that gentleman January 29th, pending passage in concurrence; and on further motion by the same gentleman, the Order received passage in concurrence.

On motion by Mr. Downs of Rome, the House voted to take from the table the third tabled and unassigned matter, "Communication from the Department of Audit transmitting list of all municipalities audited by that department together with fees and expenses charged each," tabled on February 5th by that gentleman, pending consideration; and on further motion by the same gentleman, the communication was accepted and placed on file and 750 copies ordered printed.

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

The Chair will announce that it is probable that there will be a Friday morning session next week.

On motion by Mr. Jones of Rockland,

Adjourned until Tuesday, February 11, 1941, at 10:30 o'clock in the forenoon.