

# 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**

Wednesday, February 12, 1941.

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

Prayer by the Rev. Dr. Wood of Augusta.

Journal of the previous session read and approved.

From the Senate: The following Communication: (S. P. 429)

**STATE OF MAINE  
EXECUTIVE DEPARTMENT  
AUGUSTA**

February 10, 1941

To the Honorable Senate and House of Representatives:

I am transmitting to you herewith a summary statement of the financial standing of the State of Maine as of December 31, 1940.

This statement was prepared by the State Controller, reviewed by the State Commissioner of Finance, and checked by the State Auditor. Their letters of transmittal to me accompany this report.

In place of the estimated overdraft of \$438,513.34 shown for this fiscal year in the budget document recently submitted, the present report indicates an overdraft of \$703,613.00.

Of this increase of \$265,099.66 in estimated overdraft, \$200,000 is accounted for in the State Pauper Support Account. There was originally estimated in the Budget Report a \$300,000 overdraft in this account to provide necessary funds to take care of all bills that would be presented for payment up to the close of the fiscal year, June 30, 1941. Subsequent to making up the Budget Report, a great number of old bills, representing in some instances obligations incurred during the previous fiscal year, were presented to the Controller for payment.

This situation has resulted in the State Controller and Budget Officer recommending that the method of accounting as regards payment of State Pauper bills be changed from a cash basis, as provided in the Budget, to an accrual basis. This new method of accounting will reflect a correct picture of the actual yearly costs of the Department by making the appropriation for the

fiscal year provide for the bills incurred during the fiscal year.

The anticipated overdraft of \$29,000 in the Bureau of Accounts and Control does not represent any additional expenditure of State Funds as a whole, but corrects a practice whereby in past years the Highway Funds have been charged a greater proportion of the total costs of this Department than the actual services rendered could justify. Therefore, in order to correct this situation, a greater charge should be levied against the General Funds of the State, and a correspondingly lesser charge made against Highway Funds. By doing this, each branch of our Government will reflect its true cost.

Although the balance sheet as of December 31, 1940, shows cash on deposit of \$3,903,321.64, this amount, together with other receivables, is obligated to meet known outstanding obligations of the State, as of December 31, 1940.

Respectfully submitted,

(Signed) Sumner Sewall,  
Governor.

Came from the Senate, read and ordered placed on file.

In the House, the communication and accompanying papers were received and ordered placed on file in concurrence.

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

From the Senate:

Resolve providing for the Revision of the Statutes (S. P. 244)

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

In the House, on motion by Mr. Pratt of Turner, referred to the Committee on Judiciary in concurrence and 600 copies ordered printed.

From the Senate:

Bill "An Act relating to Clerk Hire in Somerset County" (S. P. 399)

Came from the Senate, referred to the Committee on Salaries and Fees.

In the House, on motion by Mr. Pratt of Turner, referred to the Committee on Salaries and Fees in concurrence and 600 copies ordered printed.

**Senate Bills in First Reading**

Bill "An Act Exempting Certain Musical Instruments from Attachment" (S. P. 95) (L. D. 97)

Bill "An Act to provide for the Surrender by town of Brookton of its Organization" (S. P. 126) (L. D. 151)

Bills were read twice and tomorrow assigned.

From the Senate:

Report of the Committee on Appropriations and Financial Affairs on Resolve in favor of Horace Polchies, Representative of the Penobscot Tribe of Indians (H. P. 250) reporting a new draft (H. P. 869) (L. D. 302) which was accepted in the House on January 30th and the Resolve indefinitely postponed.

Came from the Senate, with the Report accepted and the Resolve passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Fenlason of Anson, the House voted to recede from its former action whereby it indefinitely postponed this Resolve.

Mr. Fenlason then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 869, L. D. 302, Resolve in favor of Horace Polchies, Representative of the Penobscot Tribe of Indians.

Amend said Resolve by striking out from the third line thereof the figure "\$100.00" and inserting in place thereof the figure \$200.00.

Mr. McGlauffin of Portland: Mr. Speaker, I am still in favor of the Indian receiving at least two hundred dollars.

I note on Page 3 of this morning's Kennebec Journal that we pay at least sixteen different men in this State a sum exceeding one hundred dollars a week, and there are an innumerable number of men who get above seventy-five dollars a week, and yet this House is staggered when it comes to paying an Indian the sum of two hundred dollars.

The SPEAKER: The question before the House is on the motion of the gentleman from North Anson, Mr. Fenlason, that House Amendment "A" be adopted.

The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker,

made up as it is of men of many and diverse personal interests, the 90th Legislature of the State of Maine must depend for its place in the sun on the fidelity and sincerity of those whom it invites to interpret its responsibilities. By that I mean the makeup of the various committees of the Legislature, not only the Chairman but every member of said committees. The success of committee activity depends upon the amount of loyal consideration which the Chairman may have from other members of the committee.

Now all I am going to say is this: You are listening to a situation where an honest and sincere committee made a report which they believe to be sufficient, and I hope we are going along with that committee on a one hundred dollar basis.

The SPEAKER: The question before the House is on the adoption of House Amendment "A".

Mr. SHESONG: Mr. Speaker, I call for a division.

The SPEAKER: The gentleman from Portland, Mr. Shesong, asks that when the vote is taken, it be taken by a division.

As many as are in favor of the adoption of House Amendment "A" will rise and stand in their places until counted and the monitors have made and returned the count.

A division was had.

Eighty-three having voted in the affirmative and 52 in the negative, the motion prevailed and House Amendment "A" was adopted and the resolve as amended was assigned for second reading on the next legislative day.

**Orders**

On motion by Mr. Lambert of Lewiston, it was

ORDERED, that Rev. Father Drouin, Pastor of the St. Peter and St. Paul Parish in Lewiston, be invited to officiate as Chaplain of the House one day next week.

Mr. Harvey of Sangerville, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Commissioner of Health and Welfare be directed to furnish to the Legislature the names and residences of all persons receiving pensions from the State, arranged by towns and counties.

AND BE IT FURTHER OR-

DERED, that 1000 copies of such information be printed (H. P. 1503)

The Order received passage and was sent up for concurrence.

On motion by Mr. Baker of Scarborough, it was

ORDERED, that there be printed 500 additional copies of the following Bills:

S. P. 415 (L. D. 646) An Act relating to Clams.

S. P. 414 (L. D. 644) An Act Revising the Regulation of the Clamming Industry.

Mr. Harvey of Sangerville, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Commissioner of Health and Welfare be requested to furnish to the Legislature the following information:

1. The names and residences of all persons receiving old age assistance together with their monthly allotments, arranged by towns and counties.

2. The names and residences of all persons whose applications for old age assistance have been investigated and approved, together with the amount of monthly allotments approved, arranged by towns and counties.

3. The names and residences of all applicants who have filed applications for old age assistance and whose applications have not been allowed, approved or denied, arranged by towns and counties.

AND BE IT FURTHER ORDERED, that 1000 copies of such information be printed. (H. P. 1504)

Mr. SHESONG of Portland: Mr. Speaker, I move that the order lie on the table. The reason I make that motion is, as I recall it, two years ago the question arose as to the cost of printing such information. This will give an opportunity to discover how much will be involved in the printing and whether or not we can get that information from the office of the Clerk, as we did last session. Therefore I move that the order lie on the table.

The SPEAKER: The gentleman from Portland, Mr. Shesong, moves that the order lie on the table pending passage. Is this the pleasure of the House?

The motion prevailed, and the order was so tabled.

### Reports of Committees Leave to Withdraw

Mr. Arzonico from the Committee on Appropriations and Financial Affairs on Resolve in Favor of the Town of Orono (H. P. 117) reported leave to withdraw.

### Ought Not to Pass

Mr. Brown from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Regulating Fishing in Scituate Pond (H. P. 421) (L. D. 170)

Reports were read and accepted and sent up for concurrence.

### Report Tabled

Mr. Mills from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Collection of Poll Taxes." (H. P. 641) (L. D. 277)

(On motion by Mr. Sylvia of Danforth, tabled pending acceptance of Committee Report)

Mr. Briggs from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Civil Actions for Death" (H. P. 639) (L. D. 275)

Mr. Dorsey from the Committee on Taxation reported same on Bill "An Act relative to Re-Valuation Surveys" (H. P. 478) (L. D. 212)

Reports were read and accepted and sent up for concurrence.

### Ought to Pass in New Draft Report Tabled

Mr. Williams from the Committee on Judiciary on Bill "An Act relating to Hunting While under the Influence of Liquor or Drugs" (H. P. 474) (L. D. 210) reported same in a new draft (H. P. 1500) under the title of "An Act relating to Hunting while Intoxicated or under the Influence of Drugs" and that it "Ought to pass"

(On motion by Mr. Mercier of Rumford, tabled pending acceptance of Committee Report and the new draft ordered printed under the Joint Rules)

Mr. LaFleur from the Committee on Military Affairs on Bill "An Act Establishing the Maine State Guard" (H. P. 432) (L. D. 194) reported same in a new draft (H. P. 1501) under same title and that it "Ought to pass"

Mr. Dwinall from the Committee on Towns on Bill "An Act to provide for the Surrender by Silver

Ridge Plantation of its Organization" (H. P. 449) (L. D. 193) reported same in a new draft (H. P. 1502) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

#### Ought to Pass

Mr. Grua from the Committee on Judiciary reported "Ought to pass" on Bill "An Act to Ratify and Make Valid the Incorporation of Riverside Lodge No. 12, Knights of Pythias" (H. P. 642) (L. D. 278)

Mr. Williams from same Committee reported same on Bill "An Act relating to Absent Voting" (H. P. 338) (L. D. 134)

Mr. McGillicuddy from the Committee on Salaries and Fees reported same on Bill "An Act relating to Deputy Clerk of Courts in Penobscot County" (H. P. 684) (L. D. 239)

Reports were read and accepted.

The SPEAKER: The Chair has been informed that the Honorable Congressman Charles Dewey from the State of Illinois, is present in the hall of the House, and invites him to occupy a seat beside the Speaker for the remainder of the session. The Sergeant-at-Arms will conduct him.

Thereupon, the Honorable Congressman Charles Dewey was conducted to the Speaker's rostrum, amid the applause of the House, the members rising.

#### First Reading of Printed Bills and Resolves

Bill "An Act Authorizing Penobscot County Water Company to Obtain and Maintain a Supply of Water for its Corporate Purposes" (H. P. 1332) (L. D. 596)

Bill "An Act relating to Katahdin Wild Life Sanctuary, formerly called Katahdin Game Preserve and Enlarging Same" (H. P. 245) (L. D. 84)

Bill "An Act to Extend the Charter of the Central Arostook Railway Company" (H. P. 352) (L. D. 139)

Bills were read twice and tomorrow assigned.

Resolve Regulating Fishing in Cumberland and York Counties (H. P. 299) (L. D. 109)

Resolve was given its first reading.

Mr. Hanold of Standish, offered

House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 299, L. D. 109 Resolve Regulating Fishing in Cumberland and York Counties.

Amend said Resolve by striking out from the third line thereof the words "not more than" and further amend said Resolve by striking out from the fourth line thereof the words "any or"

Thereupon, House Amendment "A" was adopted and the Resolve as amended was tomorrow assigned for second reading.

#### First Reading of Printed Bills and Resolves (Continued)

Resolve Regulating Fishing in Swan Pond (H. P. 300) (L. D. 110)

Resolve Regulating Fishing in Barkers Pond (H. P. 301) (L. D. 111)

Resolves were read once and tomorrow assigned.

Resolve Regulating Fishing in Cumberland and York Counties (H. P. 303) (L. D. 113)

Resolve was given its first reading. Mr. Hanold of Standish, offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 303, L. D. 113, Resolve Regulating Fishing in Cumberland and York Counties.

Amend said Resolve by striking out from the third line thereof the words "not less than." Further amend said Resolve by inserting after the word counties and before the period at the end thereof the following: "not now having a daily bag limit already established of less than fifteen trout"

Thereupon, House Amendment "A" was adopted and the Resolve as amended was tomorrow assigned for second reading.

#### First Reading of Printed Bills and Resolves (Continued)

Resolve Regulating Fishing in Har-Graves Mill Pond, Dog or Mud Pond and Round Pond (H. P. 305) (L. D. 115)

Resolve Opening Lower Chain Lake in Washington County to Fishing for Pickerel (H. P. 331) (L. D. 127)

Resolve Regulating Fishing in Moose Pond (H. P. 423) (L. D. 172)

Resolve Opening Adams Pond to Fishing (H. P. 335) (L. D. 131)

Resolve Regulating Fishing in Sand Pond (H. P. 422) (L. D. 171)

Resolve Regulating Fishing in Moose Pond (H. P. 424) (L. D. 173)

Resolve Regulating Fishing in Moose Pond, Little (H. P. 425) (L. D. 174)

Resolve Regulating Fishing in Manns Mill Pond, Little Poverty Pond and Shy Beaver Pond (H. P. 426) (L. D. 175)

Resolves read once and tomorrow assigned.

#### Passed to Be Engrossed

Bill "An Act relating to the Port of Portland Authority" (S. P. 102) (L. D. 146)

Bill "An Act relating to Clerk Hire by the Judge of the Municipal Court of Waterville" (H. P. 260) (L. D. 89)

Bill "An Act Authorizing the Town of Island Falls to Raise Money" (H. P. 263) (L. D. 92)

Bill "An Act to Provide for the Surrender by Unity Plantation of its Organization" (H. P. 357) (L. D. 143)

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

#### Amended Bill

Bill "An Act relating to Petitions for Discontinuance of Highways" (S. P. 117) (L. D. 155)

Was reported by the Committee on Bills in the Third Reading, read the third time and passed to be engrossed as amended in concurrence.

#### Passed to be Enacted (Emergency Measure)

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

The SPEAKER: This being an emergency measure, under the Constitution, it requires the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and thirty-four having voted in the affirmative and none in the negative, 134 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to be Enacted

An Act relating to Penalty for Leaving Scene of Accident (S. P. 69) (L. D. 42)

An Act relating to Duties of Overseers of the Poor (H. P. 18) (L. D. 13)

An Act relating to Municipal Ordinances (H. P. 19) (L. D. 14)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

The SPEAKER: If there are no matters to come before the House under Orders of the Day, the Clerk will read the notices.

On motion by Mr. Jordan of Saco,

Adjourned until ten o'clock tomorrow morning.