

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, February 18, 1941.

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

Prayer by the Rev. Mr. Stiles of Augusta.

Journal of the previous session read and approved.

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

From the Senate:

Bill "An Act Repealing the Personnel Board Law" (S. P. 333)

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

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

From the Senate:

Bill "An Act relating to the Personnel Law" (H. P. 1445) (L. D. 759) which was referred to the Committee on Legal Affairs in the House on February 11th.

Came from the Senate, referred to the Committee on Judiciary in non-concurrence.

In the House, on motion by Mr. Payson of Portland, the House voted to recede from its former action whereby it referred this bill to the Committee on Legal Affairs and concurred with the Senate in the reference of the bill to the Committee on Judiciary.

Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Goldsmith of Orono, be excused from attendance because of serious illness at his home; also that Mr. LaFleur of Portland, be excused from attendance Wednesday, Thursday and Friday of this week on account of business for the Government.

On motion by Mr. Rodrigue of Waterville, it was

ORDERED, that there be printed 1000 additional copies of H. P. 1165, L. D. 461, An Act relating to Signs on Pumps Dispensing Internal Combustion Fuels.

Reports of Committees

Refer to Committee on Appropriations and Financial Affairs

Mr. Bragdon from the Committee on Claims on Resolve in favor of the Hotel Dieu Hospital of Van Buren (H. P. 1081) reported that same be referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted and the Resolve referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

Leave to Withdraw

Mr. Farwell from the Committee on Ways and Bridges on Resolve in favor of a Road from Lisbon Falls to Lewiston (H. P. 1226) (L. D. 466) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Winter from the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Naraguagus River (H. P. 813) (L. D. 326) reported same in a new draft (H. P. 1566) under same title and that it "Ought to pass."

Report was read and accepted and the new draft ordered printed under the Joint Rules.

Ought to Pass Report Tabled

Mr. Starrett from the Committee on Inland Fisheries and Game reported "Ought to pass" on Resolve Regulating Dipping of Smelts from the Tributaries of Croched Pond (H. P. 623) (L. D. 259)

(On motion by Mr. Downs of Rome, tabled pending acceptance of Committee Report)

First Reading of Printed Bills and Resolves

Bill "An Act providing for the Administration and Control of Baxter State Park" (H. P. 262) (L. D. 91)

Bill "An Act relating to the Taking of Eels" (H. P. 621) (L. D. 257)

Bill "An Act to amend the Charter of Higgins Classical Institute" (H. P. 1197) (L. D. 417)

Bill "An Act to provide for the Surrender by Silver Ridge Plantation of its Organization" (H. P. 1502) (L. D. 817)

Resolve authorizing the Forest Commissioner to Convey Certain Land to Maxime Albert of Sinclair (H. P. 261) (L. D. 90)

Resolve Granting Authority to the Forestry Department to Convey certain Land to J. C. Briggs of Caribou (H. P. 322) (L. D. 122)

Resolve Granting Authority to the Forestry Department to Convey certain Land to Stanley Hinch of Danforth (H. P. 447) (L. D. 186)

Resolve Regulating Fishing in Chase's Mill Stream (H. P. 471) (L. D. 207)

Resolve Regulating Fishing in Ross Pond (H. P. 627) (L. D. 263)

Resolve Regulating Fishing in certain Lincoln County Waters (H. P. 628) (L. D. 264)

Resolve Regulating Fishing in Hasting Pond (H. P. 629) (L. D. 265)

Resolve Regulating Fishing in Roaring Brook Pond (H. P. 805) (L. D. 318)

Resolve Regulating Fishing in Watchic Pond (H. P. 812) (L. D. 325)

Resolve Regulating Fishing in Dead River in Orland (H. P. 815) (L. D. 328)

Resolve Regulating Fishing in Rattlesnake Pond (H. P. 816) (L. D. 329)

Resolve Regulating Fishing in Granger Pond (H. P. 817) (L. D. 330)

Resolve Regulating Fishing in Barker Pond (H. P. 818) (L. D. 331)

Resolve Regulating Fishing in East and West Richardson Ponds, in Oxford County (H. P. 823) (L. D. 295)

Resolve Regulating Fishing in Certain Waters (H. P. 824) (L. D. 296)

Resolve Regulating Fishing in Alford's Lake and Lermond's Pond (H. P. 1508) (L. D. 840)

Bills were read once, Resolves read twice, and tomorrow assigned.

Bill with Committee Amendment

Bill "An Act relating to Sunday Moving Pictures" (H. P. 5) (L. D. 4)

Bill was read twice.

Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to H. P. 5, L. D. 4, "An Act Relating to Sunday Moving Pictures."

Amend the same by striking out all of the second paragraph thereof and inserting in lieu thereof the following:

'Sec. 39-H. Local option. Section 39-G shall not be effective in any city until a majority of the legal

voters, present and voting, at any regular election so vote. The question in appropriate terms may be submitted to the voters at any such election by the municipal officers thereof and shall by them be so submitted when thereto requested in writing by 100 legal voters therein at least 21 days before such regular election; nor shall it be effective in any town until an article in such town warrant so providing shall have been adopted at an annual town meeting. When a city or town has voted in favor of adopting the provisions of section 39-G, said provisions shall remain in effect therein until repealed in the same manner as above provided for their adoption. It shall be unlawful for any person, firm or corporation operating any theatrical or motion picture show on Sunday to require or permit any employee of said person, firm or corporation to work or to be on duty more than 6 days in any 1 week.'

Committee Amendment "A" was then adopted.

The SPEAKER: What time does the House assign for the third reading of this bill?

The Chair recognizes the gentleman from Bingham, Mr. Dutton.

Mr. DUTTON: Mr. Speaker, I move that this bill lie on the table.

The SPEAKER: the gentleman from Bingham, Mr. Dutton, moves that the bill, together with the amendment, lie on the table. Is this the pleasure of the House?

Thereupon, the bill, together with the amendment, was tabled pending assignment for third reading.

Passed to be Engrossed

Bill "An Act amending the Law relating to Purchases by the State Highway Commission and Limiting the Powers of the Council with relation to Highway Administration" (S. P. 82) (L. D. 71)

Bill "An Act relating to Absentee Ballots" (S. P. 118) (L. D. 153)

Bill "An Act relating to the Recording and Copying of Public Documents" (S. P. 152) (L. D. 221)

Bill "An Act to Authorize the Charging off of Uncollectable Accounts" (S. P. 153) (L. D. 222)

Bill "An Act relating to Registration Fees for Certain Motor Trucks" (H. P. 312) (L. D. 121)

Bill "An Act relating to the Construction of Branch Tracks by Rail-

road Corporations" (H. P. 680) (L. D. 235)

Bill "An Act to Define the Manner of Election of Directors of Houlton Water Company" (H. P. 681) (L. D. 236)

Bill "An Act Authorizing the Northern Water Company to Increase its Capital Stock" (H. P. 683) (L. D. 238)

Bill "An Act to Extend the Charter of the Patten Water and Power Company" (H. P. 1198) (L. D. 418)

Bill "An Act to amend the Charter of the Hallowell Water District" (H. P. 1505) (L. D. 765)

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

Orders of the Day

On motion by Mr. Hanold of Standish, the House voted to take from the table the fourth tabled and unassigned matter, Resolve Regulating Fishing in Cumberland and York Counties (H. P. 299) (L. D. 109) tabled by that gentleman on February 13th, pending second reading.

On further motion by Mr. Hanold, the House voted to reconsider its former action whereby it adopted House Amendment "A"; and on further motion by the same gentleman House Amendment "A" was indefinitely postponed.

Mr. Hanold then offered House Amendment "B" and moved its adoption.

House Amendment "B" 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". 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 15 trout.'

Thereupon House Amendment "B" was adopted, and the Resolve had its second reading and was passed to be engrossed as amended and sent up for concurrence.

On motion by Mr. Hanold of Standish, the House voted to take from the table the fifth tabled and unassigned matter, Resolve Regulating Fishing in Cumberland and York Counties (H. P. 303) (L. D. 113) tabled by that gentleman on February 13th, pending second reading.

On further motion by Mr. Hanold, the House voted to reconsider its former action whereby it adopted House Amendment "A"; and on further motion by the same gentleman House Amendment "A" was indefinitely postponed.

Mr. Hanold then offered House Amendment "B" and moved its adoption.

House Amendment "B" 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."

Thereupon House Amendment "B" was adopted, and the Resolve had its second reading and was passed to be engrossed as amended and sent up for concurrence.

On motion by Mr. Denny of Damariscotta, the House voted to take from the table the ninth tabled and unassigned matter, House Report "Ought to pass" of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Damariscotta Lake (H. P. 240) (L. D. 79) tabled by that gentleman on February 14th, pending acceptance; and on further motion by Mr. Denny, the bill was recommitted to the Committee on Inland Fisheries and Game and sent up for concurrence.

On motion by Mr. Payson of Portland, the House voted to reconsider its action taken earlier in today's session whereby it referred Bill "An Act Repealing the Personnel Board Law" (S. P. 333) to the Committee on Judiciary in concurrence; and on further motion by the same gentleman, the bill was referred to the Committee on Judiciary in concurrence and 750 copies ordered printed.

On motion by Mr. Good of Monticello, the House voted to take from the table the eighth tabled and unassigned matter, House Report

"Ought not to pass" of the Committee on Legal Affairs on Bill "An Act to Amend the Charter of the City of Presque Isle" (H. P. 430) (L. D. 179) tabled by that gentleman on February 14th, pending acceptance; and on further motion by the same gentleman the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

On motion by Mr. Sylvia of Danforth, the House voted to take from the table the second tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Relating to the Collection of Poll Taxes" (H. P. 641) (L. D. 277) tabled by that gentleman on February 12th, pending acceptance.

Mr. SYLVIA: Mr. Speaker, I now move to have the bill substituted for the committee report, and with the most possible brevity I will tell you why.

As you know, we have a law requiring all applicants for operators' licenses and motor vehicle registration to pay a poll tax. This has brought in a great many poll tax dodgers. But there is another element of poll tax dodgers that this bill will take care of. Perhaps I might name one in particular.

I know of registered guides who have no cars to register and if they do they have been registering them in their wives' names and they are driven by their sons and daughters, and still they refuse to pay their poll tax.

I know that going through some of your minds is this thought: You have a remedy for these poll tax dodgers so-called and that is to put them in jail. But you just try, and see what a procedure it is. In order to put a poll tax dodger in jail for non-payment of poll tax the town has to pay his board in advance from the time the officer carries the poll tax dodger to jail, and, with his fee and travel, it is very expensive for the town and few towns have the money to do it. This bill takes care of that.

Also, we are educating their children in the schools, and you know it costs somewhere around forty or fifty dollars for a child going through the public schools. We are educating their children on this three dollar poll tax. Some of them have three, four or five children, and some of these children are

graduates from high school. This bill will take care of that situation.

Now you members who do pay your tax, if you wish to protect that class of people who are educating their children on a three-dollar poll tax, and let them go into the forests hunting and fishing and getting a living from the natural resources of our State, if you wish to protect them in not paying their poll tax it is up to you. I think it is a good bill.

If I am in order, Mr. Speaker, I would ask for a division of the House.

The SPEAKER: The gentleman from Danforth, Mr. Sylvia, moves that the bill be substituted for the "Ought not to pass" report. The Chair recognizes the gentleman from Oxbow Plantation, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, I hesitate to inject myself into a debate of this nature, and I dislike to disagree with the important committee in charge of conducting the hearing on this particular measure, but I feel it is a measure that ought to receive a passage, therefore I take my stand with the gentleman from Danforth, Mr. Sylvia.

If there is any department that feels this bill ought not to pass, I would appreciate knowing the reason. It certainly is not the Fish and Game Department.

I can see that the State is going to benefit as a whole; I can see no reason for discrimination, and, if it works in the Department of the Secretary of State I can see no reason why it cannot work in the Fish and Game Department.

Having been a town official for the past three or four years, I can speak with knowledge of the difficulty the tax collector has in collecting these taxes.

In any government, in order to function, it is necessary to have funds, and, in my opinion, these are necessary funds.

I think I am quite familiar with the type of people who poach, and I do not hesitate to say that the large portion of them are the gentlemen who try to evade the payment of their poll tax. I do not want to live under a government formed of people who will not help support it. If steps such as this must be taken to get that financial support, I heartily am in favor of it.

Mr. MILLS of Farmington: Mr. Speaker, one of the gentlemen at

least who has spoken this morning is a self-confessed tax collector, and the other one is a town official more or less interested in the passage of this measure. We are all interested in seeing that the tax collector gets his money and is able to collect his taxes, but this thing has got to come to a stop somewhere.

Several sessions ago we passed a law requiring the production of a poll tax receipt in order to get your automobile registered; then the last session, I believe it was, we passed a law saying you must show your poll tax receipt in order to get your operator's license. Now at this session they are asking you to show a poll tax receipt in order to go hunting.

I understand that this measure was before the House two years ago and was defeated at that time. The line has got to be drawn somewhere. We are all in favor of helping the tax collector to do his job, and I think we have helped them a good deal in the past by these two measures I have spoken of. But I think as a governmental proposition it is about as logical to say that a man should be required to show a receipt from the grocer that he has paid his grocery bill in order to go hunting.

After considerable deliberation, the committee felt that enough assistance had been given to the tax collectors already and that we should not require the tax collectors to be writing receipts in triplicate this year when next year they might be required to write them in quadruplicate, so that every time you turned around you would have to show a poll tax receipt before you could perform some necessary function in life.

Mr. BROWN of Brunswick: Mr. Speaker, I think we are all interested in this question, and I know the tax collector of the town of Brunswick has been on my back every time I go down there, to see if some method cannot be devised to get these poll tax dodgers. I have something I would like to read to you which I think will clarify this situation.

"We know that this State has a law that makes the payment of a poll tax compulsory.

"We know that the collection of this tax has been the bane of the tax collector's existence.

"We know that the cooperation given the tax collectors by our Motor Vehicle Department has rounded up a lot of these poll tax dodgers.

"All of us look on the type of fellow who, although perfectly able to pay, evades this tax, as a detestable person not worthy of citizens' ip.

"If this compulsory tax is unreasonable, unfair, or unconstitutional, it should be definitely stricken from the statutes and exempt all of us.

"However, if this tax is right, fair and constitutional,—and the great majority of us think it is—then we should collect it from everyone liable, and we should not be too affectionate and sympathetic about it.

"This bill is not maliciously aimed at the hunters and fishermen of this State. The decent sportsmen pay their tax. It merely offers us another opportunity to reach out and grab a few more of those "pole cats"—pardon me, gentlemen,—poll tax dodgers who do not wish to pay, do not intend to pay and won't pay, and it is a nice way to get them.

"In all our towns, in this House every day, every hour, we hear: "Where is the money coming from?" This bill throws an opportunity right into our laps. The amount is small, I admit, but is it real honest-to-goodness business to let it slip by?"

Mr. PATTERSON of Freeport: Mr. Speaker, I am not a tax collector and not a town official, but I looked over the tax collector's books a few days ago and I found there were fifty-eight poll tax payers brought in on account of their automobile license; they couldn't get them any other way. They were people that had probably never paid before. It is almost impossible to discover all of these. Any taxpayer who pays a real estate tax or any other tax hates to see those birds walk by without paying their taxes. I believe that the majority of the members of this House believe these people should pay their taxes, and the only way to get at a certain class of people is to take this proposition as it is.

The SPEAKER: The question before the House is on the motion of the gentleman from Danforth, Mr. Sylvia, that the bill be substi-

tuted for the "Ought Not to Pass" report. The gentleman asks for a division. As many as are in favor of substituting the bill for the "Ought not to pass" report of the committee will rise and stand in their places until counted and the monitors will make and return the count.

A division was had.

Eighty-eight having voted in the affirmative and 38 in the negative, the motion prevailed and the bill was substituted for the "Ought not to pass" report of the committee and was sent up for concurrence.

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

The Chair recognizes the gentleman from Lewiston, Mr. Lambert.

Mr. Lambert was granted unanimous consent to address the House.

Mr. LAMBERT: Mr. Speaker and Members of the House: I want to take this opportunity to thank you one and all for your kindness in your action of last Thursday whereby I was granted a leave of absence to run my political campaign. I am very grateful to you all for the help and cooperation you gave me, and I thank you very much. (Applause)

On motion by Mr. Seeger of Kittery,

Adjourned until ten o'clock tomorrow morning.