

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 27, 1941.

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

Prayer by the Reverend Mr. Mahy of Augusta.

Journal of the previous session read and approved.

Senate Reports**Ought Not to Pass**

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of Herbert Smith (S. P. 109)

Report of the Committee on Salaries and Fees reporting same on Bill "An Act to Increase the Salary of the Judge of the Norway Municipal Court" (S. P. 166) (L. D. 304)

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Senate Bill and Resolves in First Reading

Resolve Regulating Fishing in Tributaries to Twitchell Pond in Greenwood (S. P. 237) (L. D. 397)

Resolve Regulating Fishing in Saco and Mousam Rivers (S. P. 238) (L. D. 396)

Resolve Regulating Fishing in Waldo County (S. P. 239) (L. D. 394)

Bill "An Act to Validate the Incorporation of Redington Memorial Hospital Association and to Extend its Powers" (S. P. 194) (L. D. 952)

Bill was read twice, Resolves read once, and tomorrow assigned.

Non-Concurrent Matter

From the Senate:

Joint Order relative to Cumulative Index (S. P. 465) which was on February 21st amended as follows, and subsequently indefinitely postponed in non-concurrence:

"Amend said Order by striking out the following words after the word "concurring" in the first line thereof: "that the Clerk of the House prepare" and inserting in place thereof the following words: "that there be prepared under the direction of the Clerk of the House"

And further amend said Order by adding at the end thereof the following sentence:

"The Clerk of the House is hereby authorized, with the approval of the Committee on Appropriations and Financial Affairs, to employ all the necessary clerical assistance to prepare such weekly cumulative index."

Came from the Senate, that body voting to insist on its former action whereby the Order was passed without amendment and asking for a Committee of Conference and with the following Conferees appointed on its part:

Miss LAUGHLIN of Cumberland
Messrs. CHAMBERLAIN of Penobscot

HARVEY of York

In the House, on motion by Mr. Payson of Portland, the House voted to insist and join with the Senate in a Committee of Conference.

The Speaker then appointed as members of the Conference Committee on the part of the House:

Messrs. PAYSON of Portland
PRATT of Turner
FARWELL of Unity.

The following Resolve, which was transmitted from the Revisor of Statutes under Joint Order, was received, and upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Ways and Bridges

Resolve in favor of the Rockwood-Jackman Road, so-called, in Somerset County (H. P. 1628) (Presented by Mr. Dutton of Bingham)

Sent up for concurrence.

Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Stevens of Jonesport, be excused from attendance because of illness; also that Mr. Bubar of Weston, be excused from attendance until next Tuesday as he has been called away on business.

House Reports of Committees**Leave to Withdraw**

Mr. Bowers from the Committee on Banks and Banking on Bill "An Act to Establish a Banking Board, and Define its Powers and Duties" (H. P. 1571) (L. D. 913) reported leave to withdraw.

Mr. Race from the Committee on

Claims reported same on Resolve in favor of Mrs. Francis D. Walton of Richmond (H. P. 1075)

Same gentleman from same Committee reported same on Resolve in favor of A. E. Bell Co. of Mars Hill (H. P. 1253)

Mr. Shesong from the Committee on Legal Affairs reported same on Bill "An Act to Incorporate Agassiz Village" (H. P. 832) (L. D. 346)

Mr. Crockett from the Committee on Mercantile Affairs and Insurance reported same on Bill "An Act to amend the Law relative to Moving Pictures" (H. P. 1186) (L. D. 481)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Crockett from the Committee on Mercantile Affairs and Insurance reported "Ought not to pass" on Bill "An Act Amending the Regulation of Automobile Finance Business" (H. P. 407) (L. D. 161)

Mr. Hinckley from the Committee on Judiciary reported same on Bill "An Act relating to Higgins Classical Institute" (H. P. 1158) (L. D. 456)

Mr. Williams from same Committee reported same on Bill "An Act relating to Hit-and-Run Driving" (H. P. 1518) (L. D. 830)

Reports were read and accepted and sent up for concurrence.

Refer to Committee on Legal Affairs

Mr. Briggs from the Committee on Judiciary on Bill "An Act relating to Pauper Settlements" (H. P. 1266) (L. D. 538) reported that same be referred to the Committee on Legal Affairs.

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

House Report on Special Bill

Mr. Murchie from the Committee on Appropriations and Financial Affairs, acting under authority of Joint Order, reported a Bill under title of "An Act Appropriating Moneys for Overdrafts already Incurred due to Insufficient Appropriations and Anticipated Overdrafts and other Obligations for which no Legislative Appropriations have been made" (H. P. 1629) and that it "Ought to pass".

Mr. MURCHIE of Calais: Mr. Speaker and Members of the Legislature: I feel it might be necessary to make just a little explanation

of the fact that the intention of this bill is to meet the deficiency of three hundred odd thousand dollars that was reported to the Legislature by the Executive Department some week or ten days ago, the thought being that without the passage of this measure the various departments which have overdrawn and in which there are deficiencies could not properly function throughout the year unless this measure was passed. I thought it might be well to try to explain that situation.

The SPEAKER: Is it the pleasure of the House to accept the "Ought to pass" report of the Committee on this bill?

Thereupon, the House voted to accept the "Ought to pass" report of the Committee and the bill was tabled for printing under the joint rules.

Ought to Pass in New Draft

Mr. Baker from the Committee on Sea and Shore Fisheries on Resolve relating to the Taking and Sale of Clams in the town of Scarborough (H. P. 863) (L. D. 349) reported same in a new draft (H. P. 1630) under same title and that it "Ought to pass"

Mr. Clapp from same Committee on Resolve relating to the Taking and Sale of Clams in the town of Kennebunkport (H. P. 1207) (L. D. 425) reported same in a new draft (H. P. 1631) under same title and that it "Ought to pass"

Mr. Forhan from same Committee on Resolve relating to the Digging of Clams in the town of Woolwich (H. P. 445) (L. D. 184) reported same in a new draft (H. P. 1632) under same title and that it "Ought to pass"

Mr. Smith from same Committee on Resolve relating to the Taking and Sale of Clams in the town of Cape Elizabeth (H. P. 864) (L. D. 350) reported same in a new draft (H. P. 1633) under same title and that it "Ought to pass"

Mr. Teel from same Committee on Resolve relating to the Taking and Sale of Clams in the town of Kennebunk (H. P. 1208) (L. D. 426) reported same in a new draft (H. P. 1634) 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. Goldsmith from the Committee on Banks and Banking reported

"Ought to pass" on Bill "An Act relating to investments by Savings Banks" (H. P. 1511) (L. D. 854)

Mr. Grua from the Committee on Judiciary reported same on Bill "An Act relating to Hearings before Masters in Chancery" (H. P. 1522) (L. D. 862)

Mr. Hinckley from same Committee reported same on Bill "An Act relating to Custody of Children" (H. P. 1416) (L. D. 585)

Mr. Payson from same Committee reported same on Bill "An Act relating to Consent of Parents to Marriages" (H. P. 1414) (L. D. 791)

Same gentleman from same Committee reported same on Bill "An Act relating to Boards of Zoning Ordinances" (H. P. 1417) (L. D. 726)

Mr. Hinckley from same Committee reported same on Bill "An Act relating to Stolen Goods" (H. P. 1519) (L. D. 859)

Mr. Forhan from the Committee on Sea and Shore Fisheries reported same on Bill "An Act to Regulate the Packing of Sardines" (H. P. 22) (L. D. 17)

Reports were read and accepted.

Ought to Pass with Committee Amendment

Mr. McNamara from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Registration of Veterans' Graves" (H. P. 785) (L. D. 335) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted.

First Reading of Printed Bills and Resolves

Bill "An Act relating to Salaries of Municipal Court of Bath" (H. P. 1203) (L. D. 421)

Bill "An Act relating to Clerk Hire in the office of Register of Deeds in York County" (H. P. 1565) (L. D. 852)

Resolve Granting Bonus to Charles Story Crosman of West Gardiner (H. P. 94) (L. D. 968)

Resolve in favor of the town of Sullivan (H. P. 600) (L. D. 969)

Resolve to Reimburse the town of Blaine for Replacement of a Culvert (H. P. 1623) (L. D. 970)

Resolve in favor of Edward Doyle of Fort Kent (H. P. 1624) (L. D. 971)

Resolve in favor of Mrs. Arlene Remick (H. P. 1625) (L. D. 972)

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

First Reading of Printed Bills with Committee Amendments

Bill "An Act relating to Investment of Farm Land Loans Fund" (H. P. 408) (L. D. 162)

Bill had its two several readings. Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to H. P. 408, L. D. 162, Bill "An Act Relating to Investment of Farm Land Loan's Funds."

Amend said bill by striking out in clause numbered (1) of the last sentence thereof the words "assets of savings institutions" and inserting in place thereof the following: "funds of savings banks or institutions for savings as enumerated in paragraphs I, II, III, IV, V, VI, VII, VIII, IX and X of section 27 of chapter 57 of the revised statutes".

Committee Amendment "A" was then adopted and tomorrow was assigned for third reading of the bill.

Bill "An Act relating to Harbor Masters" (H. P. 1422) (L. D. 587)

Bill had its two several readings. Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to H. P. 1422, L. D. 587, Bill An Act Relating to Harbor Masters.

Amend said Bill by striking out in the 6th line thereof the words "11 months" and inserting in place thereof the words "60 days".

Thereupon, Committee Amendment "A" was adopted and the bill assigned for third reading tomorrow morning.

Passed to be Engrossed

Bill "An Act relating to Approval of Suits by Infants" (S. P. 307) (L. D. 514)

Bill "An Act relating to Vacating Attachments" (S. P. 311) (L. D. 518)

Bill "An Act relating to Valuation and Release of Attached Property" (S. P. 313) (L. D. 520)

Bill "An Act relating to the Raymond Fish Hatchery" (H. P. 795) (L. D. 308)

Bill "An Act relating to Hunting While Intoxicated or Under the Influence of Drugs" (H. P. 1500) (L. D. 815)

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 Bills

Bill "An Act relating to the Time of Opening and Closing of Polls" (H. P. 1152) (L. D. 452)

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) L. D. 559)

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

**Passed to be Enacted
Emergency Measures**

An Act to amend the Charter of the city of Auburn (H. P. 644) (L. D. 280)

The SPEAKER: This bill, having had its three several readings in the House and having been passed to be engrossed, having had its two several readings in the Senate and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that this bill pass to be enacted?

This being an emergency measure, it requires for its passage 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-two having voted in the affirmative and none in the negative, 132 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.

An Act to amend the Charter of South Portland Sewerage District in relation to the Issue of Notes and Bonds (H. P. 829) (L. D. 343)

The SPEAKER: This bill, having had its three several readings in the House and having been passed to be engrossed, having had its two several readings in the Senate and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it

now the pleasure of the House that this bill pass to be enacted?

This being an emergency measure, it requires for its passage 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.

An Act Authorizing Lincoln County Commissioners to Acquire Land for County Purposes (H. P. 1602) (L. D. 908)

The SPEAKER: This bill, having had its three several readings in the House and having been passed to be engrossed, having had its two several readings in the Senate and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that this bill pass to be enacted?

This being an emergency measure, it requires for its passage 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 Increasing the Farm Bureau Budget (H. P. 296) (L. D. 106)

An Act relating to Ministerial and School Funds (H. P. 414) (L. D. 163)

Finally Passed

Resolve Granting Authority to the Forestry Department to Convey Certain Land to Zealie A. Smith of Springfield (H. P. 354) (L. D. 141)

Resolve Regulating Fishing on Narraguagus River (H. P. 1566) (L. D. 903)

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

Orders of the Day

On motion by Mr. McGlauffin of Portland, the House voted to take from the table the eighth tabled and unassigned matter, House Report "Ought to Pass in New Draft" (New title) of the Committee on Legal Affairs on Bill "An Act Defining the Word 'Homes' Relative to Exemption from Taxation" (H. P. 50) (L. D. 34) tabled by that gentleman on February 26th, pending acceptance.

Mr. McGLAUFFIN: Mr. Speaker, I wish to give a word of explanation regarding this bill.

I have been trying for four years to get this matter of the law on exemption of soldiers straightened out. Prior to six years ago the law provided that the estates of soldiers and their widows were exempt up to five thousand dollars. Six years ago, to please one town in this State, that law was amended to read "homes and personal property". That law led to great injustice on the part of some of the beneficiaries.

Four years ago I introduced a bill to restore that law to its original position. It went to the Committee on Taxation and that committee balked that law up so that when it came out I didn't even know that it was my bill. That led to compromise and compromise led to confusion, and that law has since been a source of trouble to every town in the State. This year I again introduced a bill to have homes and personal property defined to get some semblance of justice out of the measure. The Committee on Legal Affairs has redrafted my bill. They have done an excellent job; they have got a better bill than I introduced. The bill provides that the word "estates" is once more established and the exemption cut down to \$3500 instead of \$5000.

Mr. Speaker, I now move acceptance of the committee report.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves the acceptance of the committee report "Ought to Pass in New Draft". Is this the pleasure of the House?

The motion prevailed, and the "Ought to Pass in New Draft" report of the committee was accepted and the bill was tabled for printing under the joint rules.

On motion by Mr. Shesong of Portland the House voted to take from the table the tenth tabled and unassigned matter, Bill "An Act Relating to Sunday Moving Pictures" (H. P. 5) (L. D. 4) tabled by that gentleman on February 26th, pending passage to be engrossed.

On further motion by Mr. Shesong, the House voted to suspend the rules in order to permit reconsideration of the adoption of House Amendment "A" to H. P. 5, L. D. 4; and on further motion by the same gentleman the House voted to reconsider its action of yesterday whereby House Amendment "A" was adopted.

Mr. Shesong then moved that House Amendment "A" be indefinitely postponed, which motion prevailed and House Amendment "A" was indefinitely postponed.

The House then voted to suspend the rules in order to permit reconsideration of the adoption of Committee Amendment "A" to this bill.

Mr. Shesong then moved, under further suspension of the rules, that the House reconsider its action whereby it adopted Committee Amendment "A" which motion prevailed; and on further motion by the same gentleman Committee Amendment "A" was indefinitely postponed.

The SPEAKER: Mr. Shesong now offers House Amendment "B" and moves its adoption.

Mr. SHESONG: Mr. Speaker, before that motion is put, may I just make a brief comment on that?

I think there is some confusion as to the reason for all this procedure. I might explain that when that bill came from the committee it came from the committee in amended form. The Committee on Engrossed Bills felt that inasmuch as changes had been made in the bill it would be better to repeal the bill and put in an amendment, House Amendment "A", repealing the bill.

Now there is a distinction in law between repealing a bill and amending a bill. When you repeal a bill you shut off all rights under that law as of the effective date, whereas if you amend the bill the law still remains in effect but is changed

insofar as amendments may indicate. It was felt that there might be cities and towns in this State that were operating moving pictures that, if this bill were repealed, might not be able to do so; therefore, in order not to interfere with any existing rights of these cities and towns, the bill comes out in an amended form.

House Amendment "B" was read by the Clerk as follows:

House Amendment "B" to H. P. 5, L. D. 4, Bill "An Act Relating to Sunday Moving Pictures.

Amend said bill 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 or special election so vote or in any town until an article in such town warrant so providing has been adopted at an annual or special town meeting; provided, however, the municipal officers of a city so voting, that section 39-G shall be effective in such city until a vote thereon has been taken at the next regular or special municipal election. 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 be effective 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 be on duty more than 6 days in any 1 week.'

Mr. MILLS of Farmington; Mr. Speaker, I would just like to inquire of the Legal Affairs Committee why this particular question of Sunday movies should be set apart and accorded special privileges in the method of getting an article into the warrant in order to change the proposition and the vote of the

town previously on Sunday movies.

I voted for Sunday movies two years ago, but I do not see any particular reason for giving them special preference. As I read this amendment, the only way to change the vote of a town that has voted for Sunday movies is for a hundred legal voters at least twenty-one days before the regular election to petition for an article in the warrant to that effect. Now any other article in the warrant goes in easier than that, and I was wondering why it was felt necessary to accord the motion picture people that special dispensation which I do not think exists in any other article in the town warrant.

I would like to make that a question through the Chair of the gentleman from Portland, Mr. Shesong.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Shesong.

Mr. SHESONG: Mr. Speaker, I think if you will take this amendment and read it carefully you will find that the committee tries to do this: It has differentiated between cities and towns. Of course in the case of cities the affairs are handled by a smaller group of men, four or five men, and the municipal officers are the city council. It was felt that in a large place like that the citizens might have no redress if the city fathers did not of their own volition elect to make the necessary changes, so it was provided that one hundred citizens could petition for the operation of Sunday movies or prevent it if they wanted to do so. They put it "twenty-one days". It might as well have been fourteen or any other number. It is purely arbitrary.

You will notice the last section of it applies only to towns. You will recall that the original bill that came in here simply prevented the towns and cities from authorizing the running of movies at special town meetings. Now this accomplishes that result by making it possible for towns to vote only at regular annual town meetings. Does that answer the question?

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Shesong, that House Amendment "B" be adopted. All those in favor of the adoption of House Amendment "B" will say aye; those opposed no.

A viva voce vote being taken, House Amendment "B" was adopted, and the bill as amended was passed to be engrossed, and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. If there are no further matters to

come before the House under Orders of the Day, the Clerk will read the notices.

On motion by Mr. Robinson of Brewer,
Adjourned until ten o'clock tomorrow morning.