

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, March 4, 1941.

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

Prayer by the Rev. Mr. Congdon of Gardiner.

Journal of the previous session read and approved.

From the Senate:

Communication from the Commissioner of Health and Welfare in compliance with Joint Order (S. P. 140) transmitting a list of persons now receiving aid from the State who are residents of other states or other countries (S. P. 475)

Came from the Senate, ordered placed on file.

In the House, ordered placed on file in concurrence.

From the Senate:

Bill "An Act to Incorporate the Bluehill Water and Sewer Company" (S. P. 476) (L. D. 984)

Came from the Senate, received by unanimous consent and referred to the Committee on Public Utilities.

In the House:

The SPEAKER: The Chair will state that by virtue of the Joint Order passed earlier in the session, this bill cannot be received except by unanimous consent of this body. Is there objection to the reception of this bill?

The Chair hears objection and the bill is referred to the next Legislature.

Senate Reports**Leave to Withdraw**

Report of the Committee on Pensions on Resolve providing for a State Pension for George Wise of Belfast (S. P. 104) reporting leave to withdraw.

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relative to Closed Season on Partridge in Cumberland and York Counties" (S. P. 116) (L. D. 158)

Report of same Committee report-

ing same on Bill "An Act relating to Hunting of Foxes" (S. P. 374) (L. D. 692)

Report of same Committee reporting same on Bill "An Act to Forbid the Taking of Smelts in Brooks flowing directly into Salt Water" (S. P. 376) (L. D. 687.)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Forcible Entry and Detainer" (S. P. 348) (L. D. 664)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass**Report Tabled**

From the Senate:

Report of the Committee on Federal Relations on Bill "An Act Permitting the Department of Health and Welfare to Cooperate with the U. S. D. A." (S. P. 304) (L. D. 511) reporting same in a new draft (S. P. 470) (L. D. 964) under same title and that it "Ought to Pass"

Came from the Senate, the Report read and accepted and the Bill passed to be engrossed.

In the House:

Mr. MURCHIE of Calais: Mr. Speaker, I move you, Sir, that this matter, (S. P. 470) (L. D. 964) be laid on the table pending the need that it be recommitted to the Committee on Federal Relations, which I will try to explain later.

Thereupon, the Report, together with the Bill, was tabled pending acceptance of Committee Report in concurrence.

Ought to Pass**With Committee Amendment**

From the Senate:

Report of the Committee on Judiciary on Bill "An Act relating to the Jurisdiction of the Municipal Courts of Washington County" (S. P. 243) (L. D. 398) reporting "Ought to pass" as amended by Committee Amendment "A."

Came from the Senate, Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and by Senate Amendment "A."

In the House, the Report read and accepted in concurrence and the Bill was given its two several readings.

Committee Amendment "A" was then read by the Clerk and adopted in concurrence.

The Clerk then read Senate Amendment "A", which amendment was adopted in concurrence, and the bill was assigned for third reading tomorrow morning.

Non-Concurrent Matter

From the Senate:

Resolve Authorizing the Commissioner of Inland Fisheries and Game to Convey the Interest of the State in Certain Land in Belgrade (S. P. 98) (L. D. 126) which was finally passed in the House on February 26th.

Came from the Senate, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House, Senate Amendment "A" read by the Clerk.

The House then voted to recede from its former action whereby this Resolve was finally passed; and further voted to recede from its former action whereby the Resolve was passed to be engrossed.

The House then concurred with the action of the Senate in the adoption of Senate Amendment "A", and the bill as amended was passed to be engrossed in concurrence.

Resolve Requiring Reference

Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress Assembled (H. P. 1641) (Presented by Mr. Leveque of Lewiston)

Committee on Federal Relations suggested.

Mr. LEVEQUE of Lewiston: Mr. Speaker and Members of the House:

In presenting this memorial for the approval of the worthy members of this House of Representatives, I am prompted by what I claim to be a keen sense of duty towards our Beloved Country: The United States of America. I wish to state that this is a non-partisan initiative, to foster the interest of all, and not of a particular group.

Some time ago, this House turned down a motion to send arms to Great Britain, on the principle that it was the duty of the Federal Government to deal with foreign affairs and foreign policies. But at the same time, from every corner of this House, came testimonies of sympathy towards the cause of Great Britain. Here is our opportunity to do our share, within our constitu-

tional rights, if we believe that it is essential for the welfare of America that Great Britain should win this war.

Mr. Speaker, while I respect the opinion of those who oppose the Lease-Lend Bill, in Washington, it is my contention that these men are doing exactly what Hitler would have them do. Britain is our first line of defense and Great Britain is willing to do the fighting to preserve, in the civilized world, our American way of Life. Let us stand by our Senators in Washington and urge the speedy passage of the Lease-Lend Bill before it is too late.

Mr. Speaker and Members of the House, I am thinking today of our boys now in training—I am thinking of the youth of this State of Maine and I ask that this House go on record to prevent the shedding of blood for a cause for which Great Britain is ready to fight, providing She gets proper assistance. If every member of this House had witnessed the impressive farewell ceremony of the Lewiston and Auburn units of the National Guard, they would all understand the feeling of the people they represent in this House and vote with me for the acceptance of the present memorial now before them.

I move you now, Mr. Speaker, that this memorial be referred to the Committee on Federal Relations.

The SPEAKER: The question before the House is on the reference of this memorial to the proper committee. Is it now the pleasure of the House that this memorial be referred to the Committee on Federal Relations and sent up for concurrence?

Thereupon, the motion prevailed, and the memorial was so referred.

Orders

On motion by Mr. Osgood of Bradford, it was

ORDERED, that Rev. Arlington Booker of Bradford, be invited to act as Chaplain of the House on next Friday, March 7th.

On motion by Mr. Doughty of Gray, it was

ORDERED, that Rev. Edward White of Gray, be invited to act as Chaplain of the House on Wednesday, March 12th.

On motion by Mr. McGlaufflin of Portland, it was

ORDERED, that Mr. Welch of Chapman, be excused today from attendance on account of Town Meeting affairs; also that Mr. Briggs of Hampden, be excused today on account of business; and also that Mr. Sylvia of Danforth, be excused from attendance today and tomorrow on account of sickness; and that Mr. Hamilton of Hartland, be excused from attendance during the present week on account of illness.

Mr. McGlaufflin of Portland, presented the following Order and moved its passage:

WHEREAS, Representative Joseph Flagg of Portland, has become the proud father of a baby boy;

AND WHEREAS, his proper place at such a time is with the wife and mother;

NOW THEREFORE BE IT ORDERED, that the said Joseph Flagg be excused from attendance for the legislative session today;

AND BE IT FURTHER ORDERED, that the baby be named Charles F. Flagg 2nd, and that the Clerk of the House be directed to send to Mrs. Flagg an attested copy of this Order.

The SPEAKER: All those in favor of the passage of this order will rise and stand in their places.

The Order received passage by a unanimous rising vote of the House.

On motion by Mr. Pratt of Turner, it was

ORDERED, that there be printed 500 additional copies of H. P. 1250, L. D. 533, An Act to Assure Proper Branding of Potatoes.

On motion by Mr. Conant of Auburn, it was

ORDERED, that there be printed 500 additional copies of S. P. 349, L. D. 665, An Act Requiring Owners of Motor Vehicles to Furnish Security for Their Civil Liability on Account of Damage Caused by Their Motor Vehicles.

On motion by Mr. Littlefield of Albion, it was

ORDERED, that Rev. Mr. Heikies of Albion, be invited to act as Chaplain of the House on next Tuesday, March 11th.

House Reports of Committees Divided Report Tabled

Report A of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Making Illegal Contracts to Remit or Abate Taxes" (H. P. 1413) (L. D. 790)

Report was signed by the following members:

Miss LAUGHLIN of Cumberland
Messrs. HARVEY of York

—of the Senate.

MILLS of Farmington

GRUA of Livermore Falls

HINCKLEY of So. Portland

—of the House.

Report B of the same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. FARRIS of Kennebec

—of the Senate.

PAYSON of Portland

WILLIAMS of Bethel

McGLAUFFLIN of Portland

BRIGGS of Hampden

—of the House.

(On motion by Mr. Grua of Livermore Falls, tabled pending acceptance of either report)

Ought to Pass in New Draft

Mr. Fenlason from the Committee on Inland Fisheries and Game on Bill "An Act Regulating the Fishing for White Perch" (H. P. 619) (L. D. 255) reported same in a new draft (H. P. 1637) under same title and that it "Ought to pass"

Same gentleman from same committee on Bill "An Act relating to the Taking of Smelts in York County" (H. P. 302) (L. D. 112) reported same in a new draft (H. P. 1638) under same title and that it "Ought to pass"

Mr. Starrett from same Committee on Bill "An Act relative to Use of Poisons" (H. P. 1132) (L. D. 381) reported same in a new draft (H. P. 1639) under same title and that it "Ought to pass"

Mr. Winter from same Committee on Resolve Regulating Fishing for Smelts in Waters of Androscoggin Watershed (H. P. 822) (L. D. 294) reported same in a new draft (H. P. 1640) 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. Jacobs from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve in favor of Knox Memorial Association, Inc., for Support and Maintenance of "Montpelier" (H. P. 614) (L. D. 251)

Mr. Conant from the Committee on Federal Relations reported same on Bill "An Act amending the Law relating to Unemployment Compensation with respect to Keeping Separate Accounts" (H. P. 1256) (L. D. 555)

Mr. Fenlason from the Committee on Inland Fisheries and Game reported same on Bill "An Act relative to Trapping by Indians" (H. P. 1264) (L. D. 536)

Same gentleman from same Committee reported same on Resolve Regulating Fishing in Androscoggin County Waters (H. P. 1142) (L. D. 442)

Same gentleman from same Committee reported same on Resolve Closing Smith Pond to Ice Fishing (H. P. 626) (L. D. 262)

Mr. Starrett from same Committee reported same on Resolve in favor Tri City Fish and Game Association (H. P. 1143) (L. D. 443)

Mr. Hinckley from the Committee on Judiciary reported same on Bill "An Act relating to Appeals in Civil Cases to the Superior Court" (H. P. 1410) (L. D. 788)

Mr. Rankin from the Committee on Motor Vehicles reported same on Bill "An Act relating to Dates for Inspection of Motor Vehicles" (H. P. 651) (L. D. 232)

Reports were read and accepted.

Ought to Pass with Committee Amendment

Mr. Briggs from the Committee on Judiciary on Bill "An Act providing for an Assistant County Attorney for Penobscot County" (H. P. 1395) (L. D. 773) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith

Mr. Grua from same Committee reported same on Bill "An Act relating to Enforcement Support Decrees" (H. P. 1404) (L. D. 782)

Mr. Payson from same Committee reported same on Bill "An Act relating to Time of Filing Notice by Towns of Support Supplied Paupers" (H. P. 429) (L. D. 178)

Mr. Murchie from the Committee on Appropriations and Financial Affairs reported same on Bill "An Act limiting the Amount of Inventory of the State Liquor Commission" (H. P. 611) (L. D. 284)

Mr. Mercier from the Committee on Federal Relations reported same on Bill "An Act amending the Law relating to Unemployment Compensation to Permit Filing of Copies of Documents" (H. P. 1254) (L. D. 553)

Mr. Starrett from the Committee on Inland Fisheries and Game reported same on Resolve Regulating Fishing in Wilson Pond (H. P. 634) (L. D. 270)

Reports were read and accepted.

First Reading of Printed Bills

Bill "An Act relating to Automobile Travel by State Inspectors of Seed Potatoes" (S. P. 55) (L. D. 10)

Bill "An Act relating to the Maintenance of a Public Building in Rumford" (H. P. 1125) (L. D. 376)

Bill "An Act to Extend the Charter of the Vanceboro Water Company" (H. P. 1194) (L. D. 487)

Bills were read twice and tomorrow assigned.

Bill Tabled

Bill "An Act relating to the Carlton Bridge" (H. P. 1636) (L. D. 982)

Bill had its first reading.

(On motion by Miss Deering of Bath, tabled pending second reading)

Miss DEERING: Mr. Speaker, in brief explanation, I will say—

The SPEAKER: The Chair will rule that a motion to table is not debatable, having already been carried.

The gentlewoman from Bath, Miss Deering, desires to ask unanimous consent to address the House. Is there objection? The Chair hears no objection, and the gentlewoman from Bath may proceed.

Miss DEERING: Mr. Speaker, in working out the policy that when you are in a hurry it is better to take your time, I ask that we have a little more time for the people who are directly involved in this matter to understand the work that is being done.

First Reading of Printed Bills With Committee Amendment

Bill "An Act relating to Expenses of Loans by Savings Banks" (H. P. 1120) (L. D. 356)

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

Committee Amendment "A" to H. P. 1120, L. D. 356, Bill "An Act relating to Expenses of Loans by Savings Banks".

Amend said Bill by striking out therefrom the last sentence which reads as follows:

"The expenses of making a loan from a savings bank or institution for savings may be assumed and paid in whole or in part by the loaning institution at the discretion of the board of trustees."

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

Bill "An Act Clarifying the Law Relating to Notices of Appointments and Elections" (H. P. 826) (L. D. 340)

Bill was given its two several readings.

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

Committee Amendment "A" to H. P. 826, L. D. 340, Bill "An Act Clarifying the Law Relating to notices of Appointments and Elections."

Amend section 1 of said bill by inserting in the 6th line after the word "or" the following: **'a certificate of election to every person';**

Further amend said section 1 by inserting in the 7th line after the word "commission" the words **'or certificate of election';**

Further amend said section 1 by inserting in the 13th line after the word "commission" the word **'or certificate';**

Further amend said section 1 by inserting in the 14th line after the word "commission" the words **'or certificate'.**

Amend section 4 of said bill by striking out in the 4th and 5th lines thereof after word "and" the words "they shall be notified" and substituting in place thereof the words **'the governor shall issue a certificate'.**

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

Passed to be Engrossed

Bill "An Act relating to Clerk Hire in Somerset County" (S. P. 399) (L. D. 819)

Bill "An Act to Regulate the Packing of Sardines" (H. P. 22) (L. D. 17)

Bill "An Act relating to Consent of Parents to Marriages" (H. P. 1414) (L. D. 791)

Bill "An Act relating to Custody of Children" (H. P. 1416) (L. D. 585)

Bill "An Act relating to Boards of Zoning Ordinances" (H. P. 1417) (L. D. 726)

Bill "An Act relating to Investment by Savings Banks" (H. P. 1511) (L. D. 854)

Bill "An Act relating to Stolen Goods" (H. P. 1519) (L. D. 859)

Bill "An Act relating to Hearings Before Masters in Chancery" (H. P. 1522) (L. D. 862)

Bill "An Act relating to Exemptions of Homes from Taxation" (H. P. 1626) (L. D. 975)

Bill "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) (L. D. 976)

Resolve relating to the Taking and Sale of Clams in the town of Scarborough (H. P. 1630) (L. D. 977)

Resolve relating to the Taking and Sale of Clams in the town of Kennebunkport (H. P. 1631) (L. D. 978)

Resolve relating to the Digging of Clams in the town of Woolwich (H. P. 1632) (L. D. 979)

Resolve relating to the Taking and Sale of Clams in the town of Cape Elizabeth (H. P. 1633) (L. D. 980)

Resolve relating to the Taking and Sale of Clams in the town of Kennebunk (H. P. 1634) (L. D. 981)

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.

Amended Bill

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

Was 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.

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. Ayer of Cornish,

Adjourned until ten o'clock tomorrow morning.