

# 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**

Friday, March 28, 1941.

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

Prayer by the Rev. Mr. Poole of Gardiner.

Journal of the previous session read and approved.

The following Communication:  
From the Senate:

**STATE OF MAINE  
SENATE CHAMBER**

Augusta  
March 28, 1941.

Honorable Harvey R. Pease,  
Clerk of the House of the  
Ninetieth Legislature.

Sir:

I have the honor, Sir, to inform you that the Honorable Harold L. Haskell of Lee received a majority of the votes cast for State Senator from Penobscot County, at a special election held in said County on March 24th, 1941, to fill the vacancy caused by the resignation of Honorable Norman E. Whitney of Bangor.

Honorable Harold L. Haskell personally appeared on March 27th, 1941, before the Governor and Council, took and subscribed the oaths of office as required by the Constitution to qualify him to enter upon the discharge of his official duties. On March 28th, 1941, he took his seat as a Senator.

Most respectfully yours,

(Signed) ROYDEN V. BROWN,  
Secretary of the Senate.

The communication was read and ordered placed on file.

**Senate Reports  
Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve proposing an Amendment to the Constitution to Provide for a Bond Issue for the Construction, Improvement and Equipment of State Buildings (S. P. 330) (L. D. 690)

Report of same Committee reporting same on Bill "An Act to Provide for the Construction, Improvement and Equipment of State Buildings" (S. P. 329) (L. D. 689)

Report of the Committee on Federal Relations reporting same on Bill "An Act relating to the Transfer to the State of Property and Insurance by Applicants for or Recipients of Public Assistance" (S. P. 332) (L. D. 693)

Report of the Committee on Labor reporting same on Bill "An Act relating to Assignment of Wages" (S. P. 341) (L. D. 619)

Came from the Senate, read and accepted.

In the House, were read and accepted in concurrence.

**Final Report**

Final Report of the Committee on Insane Hospitals.

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

**Senate Bill in First Reading**

Bill "An Act relating to Burial Grounds for Soldiers" (S. P. 458) (L. D. 934)

Bill had its two several readings and was assigned for third reading the next legislative day.

**Ought to Pass With Committee Amendment**

From the Senate:

Report of the Committee on Towns on Bill "An Act Permitting Towns to Appropriate Money in Anticipation of State Appropriations (S. P. 167) (L. D. 225) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" was then read by the Clerk and adopted in concurrence, and the Bill was assigned for third reading the next legislative day.

**Non-Concurrent Matter**

From the Senate:

Bill "An Act relating to Absentee Ballots" (H. P. 1401) (L. D. 779) which was passed to be enacted in the House on March 25th and passed to be engrossed on March 18th.

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.

Thereupon, the House voted to recede from its action whereby it passed this bill to be enacted on March 25th and further voted to recede from its action whereby it passed the bill to be engrossed on March 18th.

Senate Amendment "A" was then adopted in concurrence, and the Bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

#### Non-Concurrent Matter

From the Senate:

Bill "An Act to Provide Assistance to the Civil Population of England" (H. P. 637) (L. D. 273) on which the House accepted the Majority Report of the Committee on Judiciary reporting "Ought not to pass" on February 20th.

Came from the Senate with the Minority Report of the Committee reporting "Ought to pass" accepted in non-concurrence, and the Bill passed to be engrossed.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Chapman, Mr. Welch.

Mr. WELCH: Mr. Speaker, I note the absence of the gentleman from Presque Isle, Mr. Brewer, who is the proponent of this bill, and, out of courtesy to him, I would ask that this bill lie on the table pending further consideration.

The SPEAKER: The gentleman from Chapman, Mr. Welch, moves that this bill lie on the table pending further consideration. Is this the pleasure of the House?

The motion prevailed and the bill was tabled pending further consideration.

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet on Monday, March 31, 1941, at four o'clock in the afternoon. (S. P. 520)

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

In the House, the order was read and received passage in concurrence.

#### Communication from the Head of a Department

##### STATE OF MAINE OFFICE OF SECRETARY OF STATE

Augusta, Maine, March 26, 1941.

To the Speaker of the House of Representatives:

In compliance with the constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Representative to the Legislature in the class towns of Harrison, Otisfield and Windham at a special election held March 24, 1941, to fill the vacancy caused by the death of Oscar C. Robbins of Harrison.

Respectfully,

(Signed) Frederick Robie,  
Secretary of State.

The Communication was read and ordered placed on file.

The following Remonstrances were received, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committee:

#### Taxation

Remonstrance of Leon Bennett of Newport and 29 other citizens against tax on Soft Drinks (H. P. 1849) (Presented by Mr. Brown of Corinna)

Remonstrance of J. R. Smith of Bangor and 45 others against same (H. P. 1850) (Presented by Miss Clough of Bangor)

Remonstrance of James E. King and 35 others of So. Portland against same (H. P. 1851) (Presented by Mr. Gowell of So. Portland)

Remonstrance of Frank A. Brown of Abbott and 149 others against same (H. P. 1852) (Presented by Mrs. McKusick of Parkman)

Remonstrance of Fred L. Gould of Millinocket and 130 others against same (H. P. 1853) (Presented by Mr. Preble of Millinocket)

Remonstrance of Robert Campbell of Brewer and 205 others against

same (H. P. 1854) (Presented by Mr. Robinson of Brewer)

Remonstrance of Florence Cunningham of Eddington and 54 others against same (H. P. 1855) (Presented by Mr. Williams of Clifton)  
Sent up for concurrence.

### Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Bolduc of Biddeford, be excused from attendance today because of pressing business.

### House Reports of Committees

#### Divided Reports Tabled

Majority Report of the Committee on Federal Relations reporting "Ought to pass" on Resolution Proposing an Amendment to the Constitution of the United States relative to Taxes on Incomes, Inheritances and Gifts (H. P. 466) (L. D. 202)

Report was signed by the following members:

Messrs. FELLOWS of Kennebec  
MORSE of Waldo  
EMERY of Hancock  
—of the Senate.

GRUA of Livermore Falls  
CROCKETT  
—of North Haven  
FULLER of China  
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Resolution.

Report was signed by the following members:

Messrs. CONANT of Auburn  
MERCIER of Rumford  
BELANGER of Winslow  
—of the House.

(On motion by Mr. Conant of Auburn, the two reports, with accompanying Bill, were tabled pending acceptance of either Report)

#### Divided Reports Tabled

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Androscoggin Lake Dam" (H. P. 612) (L. D. 250)

Report was signed by the following members:

Messrs. SANBORN of Cumberland  
MORSE of Waldo

—of the Senate.

SLOSBERG of Gardiner  
DONAHUE of Biddeford  
DWINAL of Camden  
SOUTHARD of Augusta  
SYLVIA of Danforth

—of the House.

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

Report was signed by the following members:

Messrs. DOW of Oxford

—of the Senate.

LaFLEUR of Portland  
SHESONG of Portland

—of the House.

(On motion by Mr. Roberts of Waterboro, the two Reports, with accompanying Bill, were tabled pending acceptance of either Report)

#### Divided Reports Tabled

Report A of the Committee on Legal Affairs on Bill "An Act relating to Caucuses in the city of Waterville" (H. P. 1609) (L. D. 950) reporting same in a new draft (H. P. 1856) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. SOUTHARD of Augusta  
SYLVIA of Danforth  
DWINAL of Camden  
SLOSBERG of Gardiner  
DONAHUE of Biddeford

—of the House.

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

Report was signed by the following members:

Messrs. SANBORN of Cumberland  
MORSE of Waldo  
DOW of Oxford

—of the Senate.

SHESONG of Portland  
LaFLEUR of Portland

—of the House.

(On motion by Mr. Poulin of Waterville, the two Reports, and accompanying Bill, were tabled pending acceptance of either Report)

### Ought to Pass in New Draft

Mr. Briggs from the Committee on Judiciary on Bill "An Act relating to the Preemptive Right of Stockholders" (H. P. 1428) (L. D. 592) reported same in a new draft (H. P. 1858) under same title and that it "Ought to pass."

Mr. Dwinall from the Committee on Legal Affairs on Bill "An Act relating to Gambling" (H. P. 1446) (L. D. 578) reported same in a new draft (H. P. 1857) under same title and that it "Ought to pass"

Mr. McGillicuddy from the Committee on Towns on Bill "An Act relating to Annual Audits in Cities, Towns, Plantations and Village Corporations" (H. P. 1287) (L. D. 552) reported same in a new draft (H. P. 1859) 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. Dwinall from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to Provide Better Government for the town of Bar Harbor" (H. P. 645) (L. D. 281)

Mr. Shesong from same Committee reported same on Bill "An Act to amend the Charter of the Ogunquit Village Corporation" (H. P. 1180) (L. D. 478)

Reports were read and accepted.

### Ought to Pass With Committee Amendment

Mr. Cousins from the Committee on Salaries and Fees on Bill "An Act relating to Town Clerks" (H. P. 1463) (L. D. 739) 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 Trapping in the town of Scarboro" (H. P. 617) (L. D. 253)

Bill "An Act amending the Unemployment Law so as to Permit Corrections of Benefit Claims" (H. P. 1344) (L. D. 603)

Bill "An Act to amend the Unemployment Compensation Law with respect to Advisory Councils" (H. P. 1346) (L. D. 605)

Bill "An Act relating to Medical

Examiners and their Duties" (H. P. 1421) (L. D. 586)

Bill "An Act to Provide for the Issue of State of Maine Agricultural Bonds for the Eradication of Bang's Disease and Other Contagious Diseases" (H. P. 1516) (L. D. 842)

Bill "An Act amending the Unemployment Compensation Law relating to Employment" (H. P. 1575) (L. D. 926)

Bill "An Act relating to Sellers of Milk and Cream" (H. P. 1336) (L. D. 572)

Bill "An Act Exempting Municipal Airports from Taxation" (H. P. 1578) (L. D. 929)

Bill "An Act requiring Sheriffs to Search for Lost Persons" (H. P. 1843) (L. D. 1061)

Bill "An Act relative to Trapping Muskrats" (H. P. 1845) (L. D. 1062)

Bill "An Act relative to Open Season on Beaver" (H. P. 1847) (L. D. 1063)

Resolve Granting Authority to the Forestry Department to Convey Certain Land to Stanley Hinch of Danforth (H. P. 448) (L. D. 187)

Resolve Regulating Deer Hunting on Swans Island in the county of Hancock (H. P. 472) (L. D. 208)

Resolve Regulating Fishing in Fish River Chain of Lakes (H. P. 1846) (L. D. 1064)

Resolve Authorizing the Forest Commissioner to Convey Certain Lands to the Estate of Isaac Bragg (H. P. 1848) (L. D. 1065)

### First Reading of Printed Bills and Resolve with Committee Amendment

Bill "An Act relative to Non-Resident Hunting Licenses" (H. P. 1358) (L. D. 704)

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

Committee Amendment "A" to H. P. 1358, L. D. 704, Bill "An Act Relative to Non-Resident Hunting Licenses."

Amend said bill by striking out in the 15th line thereof the crossed out figures \$15.15 and the underlined figures \$17.65; and substituting in place thereof the figures \$15.15.

Committee Amendment "A" was then adopted and the Bill was assigned for third reading the next legislative day.

Bill "An Act relative to Transportation of Deer within State" (H. P. 1376) (L. D. 722)

Bill was given its two several readings.

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

Committee Amendment "A" to H. P. 1376, L. D. 722, Bill "An Act Relative to Transportation of Deer Within the State."

Amend said bill by adding after the word "transported" at the end of the 7th paragraph the following words:

**Provided, however, that any person who has lawfully killed a deer may employ an agent to transport said deer, open to view and bearing attached thereto a tag bearing the name and address of the person who killed said deer. Said agent shall transport said deer to the first game inspection station. The game inspector at said game inspection station shall receive said deer and hold it until called for by the person who killed said deer, and at such person's risk.**

Further amend said bill by striking out the 8th paragraph thereof and substituting the following in place thereof:

**No person shall keep a deer at his home, or at any place of storage, except a game inspection station as hereinbefore provided, more than 12 hours unless said deer is registered.**

Thereupon, Committee Amendment "A" was adopted, and the Bill was assigned for third reading the next legislative day.

#### **Rules Suspended and Bill Passed to Be Engrossed**

Bill "An Act relating to Elected Officials of the State in Military Service" (H. P. 1705) (L. D. 1028)

Bill had its two several readings.

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

Committee Amendment "A" to H. P. 1705, L. D. 1028, Bill "An Act Relating to Elected Officials of the State in Military Service."

Amend said Bill by adding thereto a new section, to be numbered Section 8 to read as follows:

**Sec. 8. R. S. c. 18, sec. 16 amended.**

Section 16 of chapter 18 of the revised statutes is hereby amended by striking out in the third line

thereof the words "of the national guard".

Committee Amendment "A" was then adopted.

Thereupon, on motion by Mr. LaFleur of Portland, the rules were suspended and the Bill was given its third reading and passed to be engrossed without reference to the Committee on Bills in the Third Reading.

On motion by Miss Clough of Bangor, House Rule 25 was suspended to permit smoking for the remainder of today's session.

#### **First Reading of Printed Bills and Resolves with Committee Amendment (Continued)**

Resolve for Screening Sennebec Pond at Union (H. P. 1148) (L. D. 448)

Resolve had its first reading.

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

Committee Amendment "A" to H. P. 1148, L. D. 448, "Resolve for Screening Sennebec Pond at Union."

Amend said resolve by inserting after the headnote thereof the following:

**That Luther Barker, and such other persons as may join with him, are hereby authorized to build a fish screen at the outlet of Sennebec Pond in Union, in the county of Knox:— Provided however, that there shall be no liability on the state for the maintenance or repair of said screen.**

Committee Amendment "A" was adopted, and the Resolve was assigned for second reading the next legislative day.

#### **Passed to be Engrossed**

Bill "An Act relating to Preservation of the Records of the Department of Health and Welfare" (S. P. 509) (L. D. 1034)

Bill "An Act relating to the Business of Letting or leasing for Hire of Motor Vehicles to be used by any other Person, Firm or Corporation" (S. P. 511) (L. D. 1035)

Bill "An Act relating to State Aid for Maintaining Industrial Arts and Home Economics in Towns or Academies" (H. P. 1820) (L. D. 1058)

Bill "An Act relating to Taking of Land for Municipal Airports" (H. P. 1821) (L. D. 1059)

Resolve Granting a Pension to Eva Mae McShea (S. P. 122) (L. D. 1038)

Resolve in favor of Certain Agricultural Societies (S. P. 183) (L. D. 1039)

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 Bills Bill Tabled

Bill "An Act relating to Mileage of State Employees" (S. P. 512) (L. D. 1036)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Smith of Thomaston, tabled pending Third Reading.)

Bill "An Act relating to the town of Mount Desert" (H. P. 1217) (L. D. 434)

Bill "An Act relating to the Boundaries of the town of Morrill" (H. P. 1219) (L. D. 436)

#### Bill Tabled

Bill "An Act relating to School Tax in Unorganized Territory" (H. P. 1341) (L. D. 569)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Rollins of Greenville, tabled pending Third Reading.)

Bill "An Act to Incorporate the Norway Water District" (H. P. 1789) (L. D. 1050)

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

#### Orders of the Day

On motion by Mr. Payson of Portland, the House voted to take from the table the second tabled and unassigned matter on today's Calendar, Joint Order Relative to Appointment of a Legislative Committee to Provide Old Age Assistance through economy in State Government without Imposition of New Taxes, or any Increase in present Taxes. (H. P. 1799), tabled by that gentleman on March 24th, pending passage.

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

Mr. PAYSON: Mr. Speaker, when I tabled this measure, several days ago, I had in mind that the Investigating Committee of this Legislature, composed of able and experienced men, spent forty-nine days last summer, working on the problem of state administration. At the end of that time they had to report that they had only scratched the surface of the subject.

I had in mind also the so-called Code Committee, which spent about twenty-one days last summer, studying these same problems and trying to work out some measures for efficiency and economy.

I further had in mind that the Governor and Budget Officer and Budget Committee went over every item of appropriation which was laid before you in the Governor's message, striving to cut down every expenditure possible, and had made their report.

I had in mind that an able and experienced Committee on Appropriations have spent the greater part of their time in committee hearings during this session, working with different departments, trying to see where they can save some money for the State.

With that in mind, the perfect futility of this order seemed to me to be perfectly apparent—that any committee of the Legislature, in two weeks' time, could do the work which these committees had found impossible in the time that they had.

However, I find my action has been misconstrued, and I may have placed some onus on some members of this Legislature, in that I blocked the only attempt at economy which has been made in this House.

In order to allay any such suspicion or feeling, I now take this order from the table, and I shall withdraw any opposition I have to its passage.

The SPEAKER: The question before the House is on the passage of this order. Is the House ready for the question? All those in favor of the passage of this order will say aye; those opposed no.

A viva voce vote being taken, the order failed of passage.

On motion by the gentleman from China, Mr. Fuller, the House voted to take from the table the fourth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Education on



Bill "An Act Relating to Regulation of Expense of Education and Conveyance of Certain Children Attending Public Schools" (H. P. 1342) (L. D. 799) tabled by that gentleman on March 25th 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. Donahue of Biddeford, the House voted to take from the table the third tabled and unassigned matter, Bill "An Act Relating to the Investment of Municipal Trust Funds" (S. P. 490) (L. D. 1015) which came from the Senate passed to be engrossed, and in the House was read twice, House Amendment "A" adopted, and the bill read the third time; tabled on March 24th by Mr. Donahue pending passage to be engrossed as amended in non-concurrence.

On further motion by Mr. Donahue, the bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Mr. SLOSBERG of Gardiner: Mr. Speaker, I move that the rules be suspended to permit me to make a motion on Item 7 on Page 2 of the House Advance Journal, Bill "An Act relating to Burial Grounds for Soldiers" (S. P. 167) (L. D. 225).

The SPEAKER: The Chair will state that a motion to reconsider, if that is what the gentleman proposes to make, is in order without the suspension of the rules.

Thereupon, on motion by Mr. Slosberg, the House voted to reconsider its action taken earlier in today's session whereby this bill was assigned for third reading on the next legislative day; and on further motion by the same gentleman, the bill was tabled pending assignment for third reading.

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

On motion of Mr. Leavitt of Portland,

Adjourned until Monday, March 31, 1941, at four o'clock in the afternoon.