

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

Monday, March 31, 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.

**Senate Reports
Ought Not to Pass**

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Approval of Suits by Infants" (S. P. 307) (L. D. 514)

Report of same Committee reporting same on Bill "An Act relating to Incurable Insanity as a Cause for which a Divorce May be Granted" (S. P. 67) (L. D. 41)

Report of same Committee reporting same on Bill "An Act Creating a Bureau of the Treasury and Assigning Certain Duties thereto" (S. P. 76) (L. D. 46)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to the Pauper Settlement of Recipients of Public Assistance" (S. P. 360) (L. D. 671)

Report of the Committee on Salaries and Fees reporting same on Bill "An Act relating to the Salaries of the County Attorney and Assistant County Attorney for Androscoggin County" (S. P. 398) (L. D. 643)

Came from the Senate, read and accepted.

In the House, were read and accepted in concurrence.

Final Reports**Report Tabled**

Final Report of the Committee on Inland Fisheries and Game.

Came from the Senate, read and accepted.

In the House, on motion by Mr. Hanold of Standish, tabled pending acceptance of Committee Report in concurrence.

Final report of the Committee on Salaries and Fees.

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 Time of Filing by an Employing Unit under

the Unemployment Compensation Act" (S. P. 456) (L. D. 938)

Bill had its two several readings and tomorrow assigned.

**Non-Concurrent Matter
Tabled**

From the Senate:

Bill "An Act relating to Fees of Referees" (H. P. 102) (L. D. 57) which was passed to be engrossed in the House on March 21st.

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 SPEAKER: Is it the pleasure of the House that the House recede from its action whereby this Bill was passed to be engrossed?

The Chair recognizes the gentleman from Clifton, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I move that Item 9 lie on the table.

The SPEAKER: The gentleman from Clifton, Mr. Williams, moves that this Bill, with accompanying papers, lie on the table pending further consideration. Is this the pleasure of the House?

The motion prevailed, and the bill, with accompanying papers, was tabled pending further consideration.

**Non-Concurrent Matter
Tabled**

From the Senate:

Bill "An Act to Establish a Sanitary Water Board and to Control, Prevent and Abate Pollution of Certain Waters in the State" (H. P. 1785) (L. D. 1040)

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

Mr. MURCHIE: Mr. Speaker, I move you that Item 10 lie on the table. The idea I have in mind is—

The SPEAKER: The Chair must remind the gentleman that a motion to table is not debatable. The Chair would inquire if the gentleman would be willing to specially assign the matter for consideration tomorrow morning?

Mr. MURCHIE: Mr. Speaker, would the second morning be just

as acceptable? I would be glad to have it assigned for tomorrow morning if I cannot do otherwise?

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves that this Bill and accompanying papers lie on the table and be specially assigned for Wednesday morning. Is this the pleasure of the House?

The motion prevailed, and the Bill, with accompanying papers, was tabled pending further consideration and specially assigned for Wednesday morning.

The following Communication:

STATE OF MAINE
DEPARTMENT OF STATE

March 28, 1941.

To Harvey R. Pease, Clerk of the House of Representatives of the Ninetieth Legislature:

In compliance with section 36 of chapter 2 of the revised statutes, I hereby certify that in accordance with the provisions of section 74 of chapter 8 of the revised statutes a special election was held in the towns of Harrison, Otisfield and Windham for the purpose of electing a representative to the Ninetieth Legislature to fill a vacancy caused by the death of Oscar C. Robbins of Harrison.

That said election was held on the twenty-fourth day of March, 1941, at which Dorothy P. Robbins of Harrison, was elected representative to the Ninetieth Legislature by said class towns as appears by the report of the Governor and Council under date of March 26, 1941.

IN TESTIMONY WHEREOF I have caused the seal of the State to be hereto affixed at Augusta this twenty-eighth day of March, A. D. 1941, and of the Independence of the United States of America the one hundred and sixty-fifth.

(Signed) HAROLD I. GOSS

Deputy Secretary of State.

(STATE SEAL)

The Communication was read.

Miss BANGS of Brunswick: Mr. Speaker, I move that this communication be received and placed on file and that Mrs. Robbins be conducted to the Governor and Council to take and subscribe the oaths required of her under the Constitution to qualify her as a member of this House of Representatives.

The SPEAKER: The gentleman from Brunswick, Miss Bangs, moves that the communication be accepted and placed on file, and that the gentleman from Harrison, Mrs. Robbins, be conducted to the Governor and Council in order that she may take and subscribe the oaths required under the Constitution. Is this the pleasure of the House?

The motion prevailed, and the Chair appointed as members of the Committee the following members: The gentleman from Brunswick, Miss Bangs, the gentleman from Bangor, Miss Clough, the gentleman from Whitefield, Mrs. Grady and the gentleman from Bath, Miss Deering.

The Committee then retired to attend to its duties.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Dwinal.

Mr. DWINAL: Mr. Speaker, noting the absence of the lady members of the House, I move that House Rule 25 be suspended for the remainder of today's session.

(Laughter and applause)

The motion prevailed and House Rule 25 was suspended for the remainder of today's session.

The SPEAKER: The House will be at ease pending the return of the committee.

House at Ease

Called to order by the Speaker.

MISS BANGS of Brunswick: Mr. Speaker, the committee has performed the duty with which it was charged and reports that Mrs. Robbins has taken and subscribed the necessary oaths to qualify her to enter upon the discharge of her duties.

The SPEAKER: The Chair hears the message and thanks the committee.

On behalf of the House, the Chair welcomes the gentleman from Harrison, Mrs. Robbins, and requests the committee to conduct her to her seat, No. 105.

Thereupon, Mrs. Robbins was conducted to Seat No. 105, amid the applause of the House, the members rising.

The SPEAKER: If there is no objection, the Chair will direct the Clerk to insert the name of the gentleman from Harrison, Mrs. Robbins, on the Roll.

Orders

On motion by Mr. McGlaulin of Portland, it was

ORDERED, that the following members be excused from attendance today because of Town Meetings:

Messrs. McLellan of Trescott
 McFadden of Pembroke
 also that Mr. Leveque of Lewiston, be excused from attendance today because of business; that Mr. Dorrance of Richmond, be excused from attendance today and tomorrow on account of business; and that Mr. Starrett of Warren, be excused for today because of illness; also that Mr. Anderson of Oxbow Pl., be excused from attendance today and tomorrow because of Town Meeting.

On motion by Mr. McGlaulin of Portland, it was

ORDERED, that Mr. Bubar of Weston, be excused from attendance today and tomorrow because of important business.

On motion by Mr. Dow of Falmouth, it was

ORDERED, that Rev. Ralph Winn of Falmouth, be invited to officiate as Chaplain of the House on Friday, April 11th.

**House Reports of Committees
 Divided Reports
 Tabled**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Creating a State Lottery Commission" (H. P. 113) (L. D. 61)

Report was signed by the following members:

Messrs. SANBORN of Cumberland
 MORSE of Waldo
 DOW of Oxford
 —of the Senate.
 SHESONG of Portland
 SOUTHARD of Augusta
 SLOSBERG of Gardiner
 LaFLEUR of Portland
 —of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1860) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. SYLVIA of Danforth
 DWINAL of Camden
 DONAHUE of Biddeford
 —of the House.

(On motion by Mr. Dwinal of Camden, the two Reports, with accompanying papers, were tabled pending the acceptance of either Report)

**Divided Reports
 Tabled**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to the School Committee for town of Mt. Desert" (H. P. 1179) (L. D. 477)

Report was signed by the following members:

Messrs. SANBORN of Cumberland
 MORSE of Waldo
 —of the Senate.
 SOUTHARD of Augusta
 SYLVIA of Danforth
 SHESONG of Portland
 SLOSBERG of Gardiner
 DONAHUE of Biddeford
 DWINAL of Camden
 —of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. DOW of Oxford
 —of the Senate.
 LaFLEUR of Portland
 —of the House.

(On motion by Mr. Teel of Long Island Plantation, the two Reports, together with the Bill, were tabled pending acceptance of either Report)

**Divided Reports
 Tabled**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Provide for the Surrender by the Ogunquit Beach District of its Organization" (H. P. 1181) (L. D. 479)

Report was signed by the following members:

Messrs. MORSE of Waldo
 DOW of Oxford
 —of the Senate.
 SOUTHARD of Augusta
 SHESONG of Portland
 DONAHUE of Biddeford
 SLOSBERG of Gardiner
 SYLVIA of Danforth
 —of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. SANBORN of Cumberland
—of the Senate.
LaFLEUR of Portland
DWINAL of Camden
—of the House.

(On motion by Mr. Welch of North Berwick, the two Reports together with the Bill, were tabled pending acceptance of either Report)

Ought to Pass in New Draft

Mr. McGlaflin from the Committee on Judiciary on Bill "An Act relating to the Counting of Ballots" (H. P. 1408) (L. D. 786) reported same in a new draft (H. P. 1861) under same title and that it "Ought to pass"

Mr. Weston from the Committee on Motor Vehicles on Bill "An Act relating to Inspection of Motor Vehicles" (H. P. 1542) (L. D. 834) reported same in a new draft (H. P. 1863) under same title and that it "Ought to pass"

Mr. Farwell from the Committee on Public Utilities on Bill "An Act Creating the Temple Water Company" (H. P. 682) (L. D. 237) reported same in a new draft (H. P. 1862) 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. Weston from the Committee on Motor Vehicles reported "Ought to pass" on Bill "An Act relating to Speed Regulations" (H. P. 1552) (L. D. 843)

Report was read and accepted.

Ought to Pass with Committee Amendment

Mr. Payson from the Committee on Judiciary on Bill "An Act to Authorize the Incorporation of Credit Unions" (H. P. 1415) (L. D. 595) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Mr. Hinckley from same Committee reported same on Bill "An Act in Regard to New Trials on the Ground of Newly Discovered Evidence" (H. P. 827) (L. D. 341)

Reports were read and accepted.

First Reading of Printed Bills

Bill "An Act to Provide Better Government for the town of Bar Harbor" (H. P. 645) (L. D. 281)

Bill "An Act relating to Gambling" (H. P. 1857) (L. D. 1070)

Bill "An Act relating to the Pre-emptive Right of Stockholders" (H. P. 1858) (L. D. 1071)

Bill "An Act relating to Annual Audits in Cities, Towns, Plantations and Village Corporations" (H. P. 1859) (L. D. 1072)

Bill "An Act to Amend the Charter of the Ogunquit Village Corporation" (H. P. 1180) (L. D. 478)

Bills were read twice, and tomorrow assigned.

First Reading of Printed Bill with Committee Amendment

Bill "An Act relating to Town Clerks" (H. P. 1463) (L. D. 739)

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

Committee Amendment "A" to H. P. 1463, L. D. 739, Bill "An Act Relating to Town Clerks."

Amend said bill by adding after the figures "50c" in the 15th line thereof the following: "; provided, however, that any assignment of an instrument which is attached thereto or made a part thereof and executed before record and received with such instrument, shall not be subject to this provision."

Further amend said bill by adding after the word "recorded" in the 43rd line of said bill the following: ", including any assignment attached thereto or made a part thereof and executed before record and received with such instrument."

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 Trapping in the town of Scarboro" (H. P. 617) (L. D. 253)

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

Bill "An Act amending the Unemployment Compensation 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 Tabled

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)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Farwell of Unity, tabled pending third reading)

Passed to Be Engrossed (Continued)

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

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 Bangor (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)

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 "An Act Permitting Towns to appropriate Money in Anticipation of State Appropriations" (S. P. 167) (L. D. 225)

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

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

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

Were reported by the Committee

on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed as amended and sent to the Senate.

Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, may I inquire through the Chair if Legislative Document 651, Bill "An Act Relating to School Tax in Unorganized Territory," is in the possession of the House?

The SPEAKER: The Chair will inform the gentleman that the Senate Report and accompanying papers is in the possession of the House.

Mr. RICHARDSON: Mr. Speaker, I move that the rules be suspended, that the report of the committee be accepted and that the bill be given its three several readings and passed to be engrossed.

May I say in explanation that Legislative Document 651 relates to the assessment of school taxes in unorganized plantations and those taxes are assessed as of April 1 each year. There are obvious inequalities in the present method of assessment, and only if this bill receives a passage and is signed tomorrow will it become effective during the fiscal year that we are now approaching.

We recognize that there are valid objections to this form of procedure, but this is not an attempt on the part of the committee or anyone connected with the bill to try to railroad it through. We believe the amendment which has come out of the committee, containing the emergency clause, will clearly outline the reasons why we ask for this procedure.

The SPEAKER: The gentleman from Strong, Mr. Richardson, moves that the rules be suspended and that the House take up out of order a Senate Report. Is this the pleasure of the House?

The motion prevailed.

From the Senate:

Senate Report of the Committee on Taxation on Bill "An Act relating to School Tax in Unorganized Territory," (S. P. 391) (L. D. 651) reporting that the same "Ought to pass" as amended by Committee

Amendment "A" submitted with the report.

In the Senate today the report read and accepted and Committee Amendment "A" adopted, the bill read twice under suspension of the rules and passed to be engrossed as amended by Committee Amendment "A" and sent down for concurrence.

Thereupon the "Ought to pass" report of the committee was accepted in concurrence, and the bill had its two several readings.

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

Committee Amendment "A" to S. P. 391, L. D. 651, Bill "An Act Relating to School Tax in Unorganized Territory."

Amend said bill by inserting before the enacting clause thereof the following:

Emergency preamble. Whereas, school taxes in unorganized territories are assessed as of April 1 in each year, and

Whereas, unless this act takes effect immediately assessment of certain school taxes will be under the old law which, at the present time, will create an unbearable burden in certain unorganized territories, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine, and require the following legislation as immediately necessary for the preservation of public peace, health and safety; now, therefore,

Further amend said bill by adding at the end thereof the following:

Emergency clause. In view of the emergency cited in the preamble this act shall take effect when approved.

Committee Amendment "A" was then adopted in concurrence, and on motion by Mr. Richardson of Strong, under suspension of the rules, the bill was given its third reading without reference to the Committee on Bills in the Third Reading and passed to be engrossed as amended in concurrence.

On motion by the gentleman from Livermore Falls, Mr. Grua, the House voted to take from the table the fifth tabled and unassigned matter, Bill "An Act to Assist Rural Sanitation Activities," (H. P. 830)

(L. D. 344), tabled by that gentleman on March 25th, pending passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Farmington, Mr. Mills, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

House Amendment "A" to H. P. 830, L. D. 344, Bill "An Act to Assist Rural Sanitation Activities."

Amend said bill by adding at the end thereof the following:

'provided however that the said rules and regulations of the state bureau of health shall apply in all cities, to all commercial boarding or eating establishments and to all public or private camps catering to guests or campers for pay. Nothing in this section shall be construed to limit the powers of towns, cities and village corporations to enact by-laws and ordinances respecting infectious diseases and health under the provisions of paragraph II, section 136, chapter 5 of the revised statutes.'

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

Mr. PAYSON: Mr. Speaker, I am vitally interested in the amendment to this bill, because the original bill, while it was intended to take care of the rural sections, had a very serious effect on the city sections as well.

I may have been remiss in not having studied this amendment before, but the amendment that I understood was going to be proposed I was thoroughly familiar with. I am not entirely familiar with this one. I would like to have an opportunity to study it, and I therefore ask that the bill and amendment lie on the table, pending the adoption of the amendment.

The SPEAKER: Would the gentleman be willing to especially assign it for tomorrow morning?

Mr. PAYSON: I should be very glad to, Mr. Speaker.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that this bill and amendment lie on the table, pending adoption of

the amendment, and that it be especially assigned for tomorrow morning. Is this the pleasure of the House?

The motion prevailed, and the bill, together with the amendment, were tabled pending the adoption of House Amendment "A", and especially assigned for tomorrow morning.

The SPEAKER: The Chair will acknowledge with thanks this new gavel, presented to the Chair by the

gentleman from Kittery, Mr. Seeger. (Applause)

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 by the gentlewoman from Harrison, Mrs. Robbins,

Adjourned until tomorrow morning at ten o'clock.