

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

SENATE

Tuesday, February 11, 1941

The Senate was called to order by the President.

Prayer by the Reverend LeRoy Congdon of Gardiner.

Journal of Thursday, February 6, 1941, read and approved.

From the House:

Bill "An Act Relating to State Aid for Academies." (S. P. 232) (L. D. 392)

In the Senate, on February 4, referred to the Committee on Education."

Comes from the House, referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the Senate, on motion by Mr. Townsend of Penobscot, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was referred to the Committee on Education; and on further motion by the same senator the bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Papers from the House referred in concurrence.

House Committee Reports**Ought Not to Pass**

The Committee on Ways and Bridges on "Resolve in Favor of the Town of Woodland," (H. P. 206) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Orland," (H. P. 277) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Island Falls," (H. P. 165) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

Recommitted

The Committee on Banks and Banking on Bill "An Act Relating to Investment of Farm Land Loan's Funds," (H. P. 408) (L. D. 162) reported that the same be referred to the Committee on Legal Affairs.

The same Committee on Bill "An Act Amending the Regulation of Automobile Finance Business," (H. P. 407) (L. D. 161) reported that the same be referred to the Committee on Mercantile Affairs and Insurance.

The Committee on Pensions on "Resolve in Favor of a Pension for Lena Butler Richards," (H. P. 660) reported that the same be referred to the Committee on Education.

The same Committee on "Resolve in Favor of Blanche G. Cobb of Lisbon," (H. P. 257) reported that the same be referred to the Committee on Education.

The same Committee on "Resolve in Favor of Ella M. Jude, of Ellsworth," (H. P. 672) reported that the same be referred to the Committee on Education.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Pierce Pond in Somerset County," (H. P. 43) (L. D. 26) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Grass Pond in the County of Somerset," (H. P. 44) (L. D. 27) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Kilgore Pond in Bowtown and Pierce Pond Townships," (H. P. 45) (L. D. 28) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Puffer's Pond in the Town of Dexter," (H. P. 98) (L. D. 54) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Peters Pond," (H. P. 242) (L. D. 81) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Lincoln County," (H. P. 243) (L. D. 82) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the resolves read once and tomorrow assigned for second reading.

Communication

STATE OF MAINE
Executive Department

Augusta

February 10, 1941.

To The
Honorable Senate and
House of Representatives:

I am transmitting to you herewith a summary statement of the financial standing of the State of Maine as of December 31, 1940.

This statement was prepared by the State Controller, reviewed by the State Commissioner of Finance, and checked by the State Auditor. Their letters of transmittal to me accompany this report.

In place of the estimated overdraft of \$438,513.34 shown for this fiscal year in the budget document recently submitted, the present report indicates an overdraft of \$703,-613.00.

Of this increase of \$265,099.00 in estimated overdraft, \$200,000 is accounted for in the State Pauper Support Account. There was originally estimated in the Budget Report a \$300,000 overdraft in this account to provide necessary funds to take care of all bills that would be presented for payment up to the close of the fiscal year, June 30, 1941. Subsequent to making up the Budget Report, a great number of old bills, representing in some instances obligations incurred during the previous fiscal year, were presented to the Controller for payment.

This situation has resulted in the State Controller and Budget Officer recommending that the method of accounting as regards payment of State Pauper bills be changed from a cash basis, as provided in the Budget, to an accrual basis. This new method of accounting will reflect a correct picture of the actual yearly costs of the Department by making the appropriation for the fiscal year provide for the bills incurred during the fiscal year.

The anticipated overdraft of \$29,-000 in the Bureau of Accounts and Control does not represent any additional expenditure of State Funds as a whole, but corrects a practice whereby in past years the Highway Funds have been charged a greater proportion of the total costs of this Department than the actual services rendered could justify. Therefore, in order to correct this situa-

tion, a greater charge should be levied against the General Funds of the State, and a correspondingly lesser charge made against Highway Funds. By doing this, each branch of our Government will reflect its true cost.

Although the balance sheet as of December 31, 1940 shows cash on deposit of \$3,903,321.64, this amount together with other receivables, is obligated to meet known outstanding obligations of the State, as of December 31, 1940.

Respectfully submitted,
SUMNER SEWALL
Governor. (S. P. 429)

Which communication and accompanying reports were read and accepted and ordered placed on file.
Sent to the House.

Referred to Committees

The following bills and resolves were received and on recommendation by the Committee on Reference of Bills were referred to the following committees:

Agriculture

Mr. Farris of Kennebec presented Bill "An Act Relating to the Commissioner of Agriculture." (S. P. 326)

(500 copies ordered printed.)
Sent down for concurrence.

Appropriations and Financial Affairs

Mr. Fellows of Kennebec presented "Resolve Authorizing the Purchase of Property for the State." (S. P. 327)

Mr. Chamberlain of Penobscot presented Bill "An Act Providing State Services for the Blind." (S. P. 328)

(On motion by Miss Laughlin of Cumberland, the bill was laid upon the table pending reference.)

Mr. Bishop of Sagadahoc presented Bill "An Act to Provide for the Construction, Improvement and Equipment of State Buildings." (S. P. 329)

The same Senator presented "Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue, for the Construction, Improvement and Equipment of State Buildings." (S. P. 339)

(500 copies of each ordered printed.)

Sent down for concurrence.

Education

Mr. Emery of Hancock presented Bill "An Act Relating to the Duties of Superintending School Committees." (S. P. 331)

(On motion by Mr. Emery of Hancock, the bill was laid upon the table pending reference.)

Federal Relations

Mr. Friend of Somerset presented 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)

(500 copies ordered printed.)
Sent down for concurrence.

Indian Affairs

Mr. Chamberlain of Penobscot presented Bill "An Act Relating to Loss of Membership in Indian Tribes by Marriage." (S. P. 395)

(500 copies ordered printed.)
Sent down for concurrence.

Inland Fisheries and Game

Mr. Farris of Kennebec presented "Resolve in Favor of a Fish Screen at Togus Pond." (S. P. 380)

Sent down for concurrence.

The same Senator presented Bill "An Act Relating to Hunting of Foxes." (S. P. 374)

(500 copies ordered printed.)

Mr. Chase of Washington presented Bill "An Act Establishing the Willow Water Game Preserve in the Town of Perry." (S. P. 375)

(500 copies ordered printed.)

Mr. Boothby of York presented Bill "An Act Relative to Crop and Orchard Damage by Deer." (S. P. 366)

(500 copies ordered printed.)

Mr. Stilphen of Lincoln presented Bill "An Act to Forbid the Taking of Smelts in Brooks Flowing Directly into Salt Water." (S. P. 376)

(500 copies ordered printed.)

Mr. Boothby of York presented Bill "An Act Relative to Bounty on Bears." (S. P. 378)

(500 copies ordered printed.)

The same Senator presented Bill "An Act Relative to Licenses for Dealers in Furs." (S. P. 379)

(500 copies ordered printed.)
Sent down for concurrence.

Judiciary

Mr. Farris of Kennebec presented "Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the Attorney-general by the Governor with the Advice and Consent of the Council for a Term of Four years." (S. P. 343)

Miss Laughlin of Cumberland presented Bill "An Act Defining and Relating to Narcotic Drugs and to Make Uniform the Law with reference Thereto." (S. P. 344)

Mr. Hildreth of Cumberland presented Bill "An Act to Prevent Fraudulent Advertising." (S. P. 345)

Mr. Bate of Kennebec presented Bill "An Act Relating to Commitment of Persons of Unsound Mind to the State Hospitals for Observation." (S. P. 346)

Mr. Whitney of Penobscot presented Bill "An Act Relating to Forcible Entry and Detainer." (S. P. 348)

Mr. Boucher of Androscoggin presented Bill "An Act Requiring Owners of Motor Vehicles to Furnish Security for Their Civil Liability on Account of Damage Caused by their Motor Vehicles." (S. P. 349)

Mr. Farris of Kennebec presented Bill "An Act Relating to Probation Officers and Their Duties." (S. P. 350)

The same Senator presented Bill "An Act Relating to Commitments of Feeble-minded Juvenile Delinquents." (S. P. 351)

The same Senator presented "Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the State Treasurer by the Governor with the Advice and Consent of the Council, for a Term of Four years." (S. P. 352)

The same Senator presented "Resolve Proposing an Amendment to the Constitution to Provide a Four year Term for the Governor." (S. P. 353)

The same Senator presented "Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the Secretary of State by the Governor with the Advice and Consent of the Council, for a term of Four Years." (S. P. 354)

Mr. Chamberlain of Penobscot presented Bill "An Act Relating to Traffic Safety." (S. P. 355)

The same Senator presented Bill "An Act to Establish Labor Rela-

tions in the State of Maine." (S. P. 356)

Mr. Dow of Oxford presented Bill "An Act Relating to Sentences in the Appellate Court." (S. P. 357)

The same Senator presented Bill "An Act Relating to the Workmen's Compensation Act." (S. P. 358)

Mr. Snow of Piscataquis presented Bill "An Act Relating to Automobile Junk Yards." (S. P. 359)

(On motion of Mr. Snow of Piscataquis the bill was laid upon the table pending reference)

Mr. Friend of Somerset presented Bill "An Act Relating to the Pauper Settlement of Recipients of Public Assistance." (S. P. 360)

The same Senator presented Bill "An Act Relating to the Liability of Relatives to Support Recipients of Public Assistance." (S. P. 361)

Mr. Harvey of York presented Bill "An Act Enacting the Sabotage Prevention Act." (S. P. 362)

The same Senator presented Bill "An Act Relating to Technical Errors in Pleading and Procedure Before the Law Court." (S. P. 363)

The same Senator presented Bill "An Act Concerning Declaratory Judgments and Decrees and to Make Uniform the Law Relating Thereto." (S. P. 364)

The same Senator presented Bill "An Act Relating to Arrests in Criminal Cases." (S. P. 365)

The same Senator presented Bill "An Act Providing for the Disposition of Property where there is no Sufficient Evidence that Persons Died Otherwise than Simultaneously." (S. P. 366)

Mr. Fellows of Kennebec presented Bill "An Act Relating to Aid to Needy Children." (S. P. 367)

The same Senator presented Bill "An Act Relating to Absent Voting." (S. P. 368)

The same Senator presented Bill "An Act Relating to Voting Booths." (S. P. 369)

Miss Laughlin of Cumberland presented Bill "An Act Relating to Cruelty to Animals." (S. P. 370)

The same Senator presented "Resolve Relating to the Revision of the General and Public Laws." (S. P. 371)

The same Senator presented Bill "An Act Relating to the Parole Board." (S. P. 372)

(500 copies of each ordered printed.)

Sent down for concurrence.

Mr. Farris of Kennebec presented Bill "An Act to Make Compulsory

the Workmen's Compensation Act." (S. P. 373)

(1000 copies ordered printed.)

Sent down for concurrence.

Labor

Mr. Dow of Oxford presented Bill "An Act Relating to Assignment of Wages." (S. P. 341)

Miss Laughlin of Cumberland presented Bill "An Act Relating to Hours of Employment." (S. P. 342)

(500 copies of each ordered printed.)

Sent down for concurrence.

Mr. Dow of Oxford presented Bill "An Act Repealing the Personnel Board Law." (S. P. 333)

(On motion by Miss Laughlin of Cumberland, the bill was laid upon the table pending reference.)

Legal Affairs

Mr. Harvey of York presented Bill "An Act Relating to Town Appropriations for Advertising." (S. P. 334)

Mr. Fellows of Kennebec presented Bill "An Act Relating to Evasion of Fares over Toll Bridges." (S. P. 335)

The same Senator presented Bill "An Act Relating to Preservation of the Records of the Department of Health and Welfare." (S. P. 336)

Mr. Whitney of Penobscot presented Bill "An Act Relating to Regulations of Pauper Expense for Conveyance of Children Attending the Public Schools." (S. P. 337)

Mr. Chase of Washington presented Bill "An Act Relating to Notices to the State in Actions by Towns in Pauper Cases." (S. P. 338)

Mr. Chamberlain of Penobscot presented Bill "An Act Relating to Business and Recreation on Sunday and Holidays." (S. P. 339)

The same Senator presented Bill "An Act Relating to Set-off Between the State and Cities and Towns." (S. P. 340)

Mr. Libby of Cumberland presented Bill "An Act Relating to Qualifications of Instructors in Hairdressing." (S. P. 347)

(500 copies of each ordered printed.)

Sent down for concurrence.

Library

Mr. Chamberlain of Penobscot presented "Resolve for the Purchase of Five Hundred Copies of 'Vital Statistics of Georgetown.'" (S. P. 381)

Sent down for concurrence.

Mercantile Affairs and Insurance

Mr. Dow of Oxford presented Bill "An Act Relating to Taxation of Insurance Companies." (S. P. 382)

The same Senator presented Bill "An Act Relating to Licenses of Insurance Companies." (S. P. 383)

The same Senator presented Bill "An Act Relating to Foreign Insurance Companies." (S. P. 384)

(500 copies of each ordered printed.)

Sent down for concurrence.

Motor Vehicles

The same Senator presented Bill "An Act Relating to non-resident Vehicles and Operators." (S. P. 385)

Mr. Elliot of Knox presented Bill "An Act Authorizing the Registration of Motor Vehicles Operated by Governmental Agencies." (S. P. 386)

(500 copies of each ordered printed.)

Sent down for concurrence.

Pensions

Mr. Friend of Somerset presented "Resolve to Repeal a Resolve Providing for a State Pension for Besie King." (S. P. 401)

The same Senator presented "Resolve to Repeal a Resolve Providing for a State Pension for Mary J. Moulton." (S. P. 402)

The same Senator presented "Resolve to Repeal a Resolve Providing for a State Pension for Johanna T. Kelleher." (S. P. 403)

The same Senator presented "Resolve to Repeal a Resolve Providing for a State Pension for Amelia Rittal." (S. P. 404)

The same Senator presented "Resolve to Repeal a Resolve Providing for a State Pension for Lot Edmund Whitman." (S. P. 405)

Sent down for concurrence.

Mr. Chamberlain of Penobscot presented Bill "An Act Providing for Pensions for Certain County Officers and Employees." (S. P. 397)

(500 copies ordered printed.)

Mr. Sanborn of Cumberland presented Bill "An Act Relating to the Teachers' Retirement System." (S. P. 396)

(500 copies ordered printed.)

Sent down for concurrence.

Public Health

Mr. Friend of Somerset presented Bill "An Act Relating to Expense for Treatment of Blind Persons." (S. P. 408)

Mr. Chamberlain of Penobscot presented Bill "An Act Relating to Vital Records." (S. P. 409)

(On motion by Mr. Chamberlain of Penobscot, the bill was laid upon the table pending reference.)

Mr. Dow of Oxford presented Bill "An Act Relating to the Practice of Chiropractic." (S. P. 410)

Mr. Hildreth of Cumberland presented Bill "An Act to Promote Cancer Control." (S. P. 411)

Sent down for concurrence.

Mr. Townsend of Penobscot presented Bill "An Act Relating to Pre-marital Medical Examination." (S. P. 412)

(1000 copies ordered printed.)

Sent down for concurrence.

Public Utilities

Mr. Libby of Cumberland presented Bill "An Act Relating to Inductive Interference." (S. P. 406)

Mr. Batchelder of York presented Bill "An Act Providing for the Regulation of the Use of the Highways by Motor Vehicles Transporting Property for Hire." (S. P. 407)

(500 copies of each ordered printed.)

Sent down for concurrence.

Salaries and Fees

Mr. Friend of Somerset presented Bill "An Act Relating to Clerk Hire in Somerset County." (S. P. 399)

Sent down for concurrence.

Mr. Melvin of Androscoggin presented Bill "An Act Relating to the Salaries of County Attorney and Assistant County Attorney for Androscoggin County." (S. P. 398)

(500 copies of each ordered printed.)

Mr. Boucher of Androscoggin presented Bill "An Act Relating to Clerk Hire in the Office of Register of Deeds." (S. P. 400)

(500 copies ordered printed.)

Sent down for concurrence.

Sea and Shore Fisheries

Mr. Stilphen of Lincoln presented Bill "An Act Pertaining to the Regulation of Smelt Fishing." (S. P. 413)

The same Senator presented Bill "An Act Relating to Clams." (S. P. 415)

The same Senator presented Bill "An Act Revising the Regulation of the Clamming Industry." (S. P. 414)

(500 copies of each ordered printed.)

Sent down for concurrence.

State School for Boys, State School for Girls, State Reformatories.

The same Senator presented Bill "An Act Relating to the State Reformatory for Men." (S. P. 423)

(500 copies ordered printed.)

Sent down for concurrence.

Taxation

Mr. Melvin of Androscoggin presented Bill "An Act Exempting Realty of 'Shakers' from Taxation." (S. P. 387)

Mr. Emery of Hancock presented Bill "An Act Relating to Exceptions of the Taxation of Personal Estate." (S. P. 388)

The same Senator presented Bill "An Act Relating to Taxation of Boats." (S. P. 389)

Mr. Townsend of Penobscot presented Bill "An Act Relating to Assessment of Taxes." (S. P. 390)

Mr. Chase of Washington presented Bill "An Act Relating to School Tax in Unorganized Territory." (S. P. 391)

Mr. Chamberlain of Penobscot presented Bill "An Act Relating to Exemptions of Household Furniture." (S. P. 392)

The same Senator presented Bill "An Act Relating to the Taxation of Stock." (S. P. 393)

The same Senator presented Bill "An Act Relating to Assessors in Taking Inventory." (S. P. 394)

(500 copies of each ordered printed.)

Sent down for concurrence.

Temperance

Mr. Boucher of Androscoggin presented Bill "An Act Relating to Local Option Provisions." (S. P. 417)

Mr. Chamberlain of Penobscot presented Bill "An Act Relative to Wholesale Licenses for Malt Beverages." (S. P. 416)

Mr. Boucher of Androscoggin presented Bill "An Act Relating to Suspension of Licenses of Malt Beverages." (S. P. 418)

The same Senator presented Bill "An Act Relating to Local Option Provisions." (S. P. 419)

(500 copies ordered printed.)

Sent down for concurrence.

Ways and Bridges

Mr. Hildreth of Cumberland presented "Resolve in Favor of the Town of Gorham." (S. P. 420)

Mr. Townsend of Penobscot presented "Resolve in Favor of the Town of Dixmont." (S. P. 421)

The same Senator presented "Resolve in Favor of the Town of Newburg." (S. P. 422)

The same Senator presented "Resolve in Favor of the Town of Newburg." (S. P. 423)

The same Senator presented "Resolve in Favor of the Town of Dixmont." (S. P. 424)

Mr. Bridges of Washington presented "Resolve in Favor of the Town of Columbia Falls." (S. P. 425)

Mr. Batchelder of York presented "Resolve in Favor of the Town of Sanford." (S. P. 426)

Sent down for concurrence.

Mr. Elliot of Knox presented Bill "An Act Relating to Roadside Improvement." (S. P. 427)

(500 copies ordered printed.)

Sent down for concurrence.

Passed to be Engrossed

Bill "An Act Relating to Costs in Contested Cases." (H. P. 49) (L. D. 33)

Bill "An Act Providing for Orders for the Protection of the Rights of the Parties, While Appeal is Pending from Equity Decrees." (H. P. 248) (L. D. 87)

Bill "An Act to Incorporate the Town of Oakfield School District." (H. P. 870) (L. D. 303)

Which bills were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Exempting Certain Musical Instruments from Attachment." (S. P. 95) (L. D. 97)

Bill "An Act to Provide for the Surrender by Town of Brookton of Its Organization." (S. P. 126) (L. D. 151)

Sent down for concurrence.

Order

On motion by Mr. Findlen of Aroostook, it was

ORDERED, that 500 additional copies be printed of bill, An Act Increasing the Farm Bureau Budget (H. P. 296) (L. D. 106)

Orders of the Day

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table House Report from the Committee on Appropriations and Financial Affairs, "Ought to pass in new draft" on bill, An Act In Favor of Horace Polchies, representative of the Penobscot Tribe of Indians (H. P. 250), tabled by that Senator on February 5 pending acceptance of the report; and on further motion by the same Senator the report of the Committee was accepted, and the Resolve was given its first reading.

Thereupon, on further motion by the same Senator, under suspension of the rules, the Resolve was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table Resolve Providing for the Revision of the Statutes (S. P. 244) tabled by that Senator on February 4 pending reference; and on further motion by the same

Senator the Resolve was referred to the Committee on Judiciary.

Sent down for concurrence.

On motion by Mr. Townsend of Penobscot, the Senate voted to take from the table An Act to Incorporate the Lincoln-Chester Bridge District (S. P. 252) tabled by that Senator on February 4 pending reference; and on further motion by the same Senator the bill was referred to the Committee on Legal Affairs.

Sent down for concurrence.

On motion by Mr. Boothbay of York, the Senate voted to take from the table, bill, An Act Relating to Sunday Hunting (H. P. 114) (L. D. 62) tabled by that Senator on January 21 pending reference; and on further motion by the same Senator the bill was referred to the Committee on Legal Affairs in concurrence.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.