

# 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**

Thursday, Feb. 20, 1941.

The Senate was called to order by the President.

Prayer by the Reverend A. N. Bickmore of Augusta.

Journal of yesterday read and approved.

Papers from the House referred in concurrence.

**House Committee Reports Recommended**

The Committee on Public Utilities on Bill "An Act Extending the Exemptions from the Common Carrier Law," (H. P. 166) (L. D. 63) reported the same in a new draft (H. P. 1333) under the same title and that it ought to pass.

Comes from the House recommended to the Committee on Public Utilities.

In the Senate, the report was read and accepted in concurrence and the bill was recommended to the Committee on Public Utilities in concurrence.

**Withdrawn**

The Committee on Pensions on "Resolve Providing for a State Pension for Berger H. Shorey of Mechanic Falls," (H. P. 664) reported that leave be granted to withdraw the same.

Which report was read and accepted in concurrence and leave was granted to withdraw the Resolve.

**Ought to Pass**

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Dead River in Orland," (H. P. 815) (L. D. 328) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in East and West Richardson Ponds in Oxford County," (H. P. 823) (L. D. 295) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Certain Waters," (H. P. 824) (L. D. 296) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Alford's Lake and Lermond's Pond," (H. P. 48) (L. D. 31) reported the same in a new draft (H. P. 1508) (L. D. 840) under

the same title and that it ought to pass.

The same Committee on "Resolve Regulating Fishing in Rattlesnake Pond," (H. P. 816) (L. D. 329) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Granger Pond," (H. P. 817) (L. D. 330) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Barker Pond," (H. P. 818) (L. D. 331) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Certain Lincoln County Waters," (H. P. 628) (L. D. 268) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Hastings Pond," (H. P. 629) (L. D. 265) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Roaring Brook Pond," (H. P. 805) (L. D. 318) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Watchic Pond," (H. P. 812) (L. D. 325) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Ross Pond," (H. P. 627) (L. D. 263) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Chase's Mill Stream," (H. P. 471) (L. D. 207) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Taking of Eels," (H. P. 621) (L. D. 257) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act to Amend the Charter of Higgins Classical Institute," (H. P. 1197) (L. D. 417) reported that the same ought to pass.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Forest Commissioner to Convey Certain Land to Maxime Albert of Sinclair," (H. P. 261) (L. D. 90) reported that the same ought to pass.

The same Committee on "Resolve Granting Authority to the Forestry Department to Convey Certain Land to J. C. Briggs of Caribou," (H. P. 322) (L. D. 122) reported that the same ought to pass.

The same Committee on Bill "An Act Providing for the Administration and Control of Baxter State Park," (H. P. 262) (L. D. 91) re-

ported that the same ought to pass.

The same Committee on "Resolve Granting Authority to the Forestry Department to Convey Certain Land to Stanley Hinch, of Danforth," (H. P. 447) (L. D. 186) reported that the same ought to pass.

The Committee on Towns on Bill "An Act to Provide for the Surrender by Silver Ridge Plantation of its Organization," (H. P. 449) (L. D. 193) reported the same in a new draft (H. P. 1502) under the same title, and that it ought to pass.

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

### Communication

#### MAINE DEVELOPMENT COMMISSION

Everett F. Greaton,  
Executive Secretary.  
State House.  
Augusta, Maine.

February 19, 1941.

To the Honorable Members of the 90th Legislature:

I have a communication dated February 14th from the Senate with the House concurring, directing me to furnish the Legislature a statement of all receipts and all disbursements of the Maine Development Commission for the fiscal year ending June 30, 1940.

I am delivering with this communication the statement as requested.

Very truly yours,

EVERETT F. GREATON,

Executive Secretary.

(S. P. 462)

Which communication and accompanying statement were read and ordered placed on file.

Sent to the House.

### Referred to Committees

The following resolve and bill were received and on recommendation by the Committee on Reference of Bills were referred to the following Committees:

#### Sea and Shore Fisheries

Mr. Bishop of Sagadahoc presented "Resolve Relating to the Digging of Clams in the Town of Georgetown." (S. P. 463)

(650 copies ordered printed.)

Sent down for concurrence.

### Public Health

Miss Laughlin of Cumberland presented Bill "An Act Creating the Department of Health." (S. P. 464)

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

### Orders

On motion by Miss Laughlin of Cumberland, it was

ORDERED that 500 additional copies of (S. P. 390) (L. D. 650) Bill "An Act Relating to Assessment of Taxes," be printed.

On motion by Miss Laughlin of Cumberland, it was

ORDERED, the House concurring that the Clerk of the House prepare each week for the use of the legislature a cumulative index of all bills and resolves introduced during the session, showing precisely the important steps in consideration of each and its final disposition or present status, and that 500 copies thereof be printed and one copy thereof be laid upon the desk of each member of the legislature.

Sent down for concurrence.

### First Reading of Printed Bills

Bill "An Act Relating to Guides for Non-residents." (S. P. 455)

Which bill was read once and tomorrow assigned for second reading.

### Senate Committee Report

#### Ought Not to Pass

Mr. Hildreth from the Committee on Maine Publicity on "Resolve Relative to Employment of Public Relations Director," (S. P. 253) (L. D. 406) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

#### Ought to Pass

Mr. Morse from the Committee on Legal Affairs on Bill "An Act to Validate the Incorporation of Redington Memorial Hospital and to Extend its Powers," (S. P. 194) reported that the same ought to pass.

Which report was read and accepted, and the bill laid upon the table for printing under the joint rules.

Mr. Fellows from the Committee

on Banks and Banking on Bill "An Act Relative to Industrial Banks," (S. P. 81) (L. D. 67) reported that the same ought to pass.

Miss Laughlin from the Committee on Judiciary on Bill "An Act Relating to the Resignation of Attorneys at Law," (S. P. 308) (L. D. 515) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Authorizing and Empowering the Chief Justice of the Supreme Judicial Court to Appoint a Committee to Study the Practice and Procedure of the Supreme Judicial and Superior Courts," (S. P. 309) (L. D. 516) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Creating the Lisbon Municipal Court," (S. P. 247) (L. D. 402) reported that the same ought to pass.

Mr. Farris from the same Committee on Bill "An Act to Amend the Workmen's Compensation Act," (S. P. 305) (L. D. 512) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Amendment of Pleadings in Cases Referred Under Rule of Court," (S. P. 306) (L. D. 513) reported that the same ought to pass.

Mr. Townsend from the Committee on Public Health on Bill "An Act Relating to Expense for Treatment of Blind Persons," (S. P. 408) (L. D. 636) reported that the same ought to pass.

Mr. Emery from the same Committee on Bill "An Act to Promote Cancer Control," (S. P. 411) (L. D. 639) reported that the same ought to pass.

Mr. Snow from the Committee on Public Utilities on Bill "An Act Relating to the Town of Princeton Lighting District," (S. P. 270) (L. D. 413) reported that the same ought to pass.

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

Miss Laughlin from the Committee on Judiciary on Bill "An Act Relating to Probation Officers for Cumberland County," (S. P. 192) (L. D. 289) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted in concurrence and the bill was given its first reading.

Committee Amendment A was read: "Committee Amendment A. Amend Section One by striking out in the 11th line thereof the words, 'either of said Courts' and inserting in place thereof, the words, 'said municipal Court with the approval of the Judge of the Superior Court resident in said county or of the Chief Justice of the Supreme Judicial Court.'"

Further amend said Section One by inserting at the end thereof the words 'said probation officer shall give bond to the county in such sum and with such sureties as the county commissioners of said county shall approve.'

Amend Section Two by inserting in the 9th line thereof after the words 'Cumberland county' the following, 'or of the Chief Justice of the Supreme Judicial Court.'

Further amend said Section Two by striking out the words, 'recorder' and 'municipal' in the 7th line of the 2nd paragraph of said section and inserting in place of the word 'recorder' the word, 'judge' and by striking out all of said paragraph after the word 'court' where it first appears in the 8th line thereof."

Committee Amendment A was adopted and the bill as amended by Committee Amendment A was tomorrow assigned for second reading.

Mr. Sanborn from the Committee on Legal Affairs on Bill "An Act Relating to the State Boxing Commission," (S. P. 196) (L. D. 287) reported that the same ought to pass as amended by Committee Amendment "A."

Which report was read and accepted and the bill was given its first reading.

Committee Amendment A was read: "Committee Amendment A. Amend said bill by striking out the word 'shall' in the 8th line thereof and inserting in place thereof the word, 'may'".

Committee Amendment A was adopted and the bill as amended by Committee Amendment A was tomorrow assigned for second reading.

Mr. Fellows from the Committee on Taxation on Bill "An Act to Exempt the American National Red Cross and its Local Chapters from Municipal Taxation," (S. P. 56) (L.

D. 11) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill was given its first reading.

Committee Amendment A was read: "Committee Amendment A. 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 adopted and the bill as amended by Committee Amendment A was tomorrow assigned for second reading.

Miss Laughlin from 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) reported that the same ought to pass as amended by Committee Amendment "A".

On motion by Miss Laughlin of Cumberland, the bill was laid upon the table pending acceptance of the report.

Mr. Farris from the same Committee on Bill "An Act in Regard to the Waldo County Municipal Court," (S. P. 248) (L. D. 404) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted.

Committee Amendment A was read: "Committee Amendment A. Amend said bill by adding at the end thereof, 'Section Two', to read as follows: 'Emergency Clause. In view of the emergency cited in the preamble this act shall take effect when approved.'" Committee Amendment A was adopted and the bill as amended by Committee Amendment A was tomorrow assigned for second reading.

#### Passed to Be Engrossed

"Resolve Regulating Fishing in Cumberland and York Counties." (H. P. 299) (L. D. 109)

"Resolve Regulating Fishing in Cumberland and York Counties." (H. P. 303) (L. D. 113)

Bill "An Act Relating to Registration Fees for Certain Motor Trucks." (H. P. 312) (L. D. 121)

Bill "An Act Relating to the Construction of Branch Tracks by Rail-

road Corporations." (H. P. 680) (L. D. 235)

Bill "An Act to Define the Manner of Election of Directors of Houlton Water Company." (H. P. 681) (L. D. 236)

Bill "An Act Authorizing the Northern Water Company to Increase its Capital Stock." (H. P. 683) (L. D. 238)

Bill "An Act to Extend the Charter of the Patten Water and Power Company." (H. P. 1198) (L. D. 418)

Bill "An Act to Amend the Charter of the Hallowell Water District." (H. P. 1505) (L. D. 765)

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

#### Passed to Be Enacted

Bill "An Act Relative to Joint Control by Sureties." (S. P. 92) (L. D. 96)

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

Bill "An Act Relating to Petitions for Discontinuance of Highways." (S. P. 117) (L. D. 155)

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

Bill "An Act Relating to Clerk Hire by the Judge of the Municipal Court of Waterville." (H. P. 260) (L. D. 89)

Bill "An Act Authorizing the Town of Island Falls to Raise Money." (H. P. 263) (L. D. 92)

Bill "An Act Relating to Inland Fish and Game Wardens." (H. P. 311) (L. D. 120)

Bill "An Act Relating to the Old Folks Home at Bath." (H. P. 336) (L. D. 132)

Bill "An Act Relating to Liens on Watches, Clocks, Jewelry and Radio Equipment." (H. P. 337) (L. D. 133)

Bill "An Act to Provide for the Surrender by Unity Plantation of its Organization." (H. P. 357) (L. D. 143)

Bill "An Act Relating to the Protestant Episcopal Church in Maine." (H. P. 428) (L. D. 177)

#### Finally Passed

"Resolve Regulating Fishing in Pierce Pond in Somerset County." (H. P. 43) (L. D. 26)

"Resolve Regulating Fishing in

Grass Pond in the County of Somerset." (H. P. 44) (L. D. 27)

"Resolve Regulating Fishing in Kilgore Pond in Bowtown and Pierce Pond Townships." (H. P. 45) (L. D. 28)

"Resolve Regulating Fishing in Puffer's Pond in the Town of Dexter." (H. P. 98) (L. D. 54)

"Resolve Regulating Fishing in Peters Pond." (H. P. 242) (L. D. 81)

"Resolve Regulating Fishing in Lincoln County." (H. P. 243) (L. D. 82)

"Resolve in Favor of Horace Polchies, Representative of the Penobscot Tribe of Indians." (H. P. 869) (L. D. 302)

#### Emergency Measure

Bill "An Act Establishing the Maine State Guard." (H. P. 1501) (L. D. 816)

Which bill being an emergency measure, and having received the affirmative vote of 26 members of the Senate, and none opposed was passed to be enacted.

#### Orders of The Day

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, bill An Act Providing State Services for the Blind (S. P. 328) tabled by that Senator on February 11th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Education and 650 copies ordered printed.

Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, bill, An Act

Creating the Department of Health (S. P. 464) tabled by that Senator earlier in today's session pending reference.

Miss LAUGHLIN: Mr. Speaker, I move that this bill be referred to the Committee on Judiciary and 650 copies be printed. In explanation of this motion I would say that this is a bill that practically reorganizes the whole department of Health and Welfare and hasn't anything to do with items that concern matters of health taken up by the Committee on Public Health.

The motion prevailed and the bill was referred to the Committee on Judiciary and 650 copies ordered printed.

Sent down for concurrence.

On motion by Mr. Bridges of Washington, the Senate voted to take from the table, Senate Report "Ought Not to Pass" on Resolve Regulating Fishing in Sysladobis Stream (S. P. 114), tabled by that Senator on February 14th pending acceptance of the report; and on further motion by the same Senator the "Ought Not to Pass" report of the Committee was accepted.

Sent down for concurrence.

#### Order

(Out of Order)

On motion by Mr. Sanborn of Cumberland, it was

ORDERED, that 500 copies be printed of L. D. 504, An Act Relating to the School Equalization Fund.

On motion by Mr. Sanborn of Cumberland

Adjourned until tomorrow morning at ten o'clock.