

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

Friday, February 28, 1941.

The Senate was called to order by the President.

Prayer by the Reverend F. F. Fowle of Hallowell.

Journal of yesterday read and approved.

Order**(Out of Order)**

On motion by Mr. Friend of Somerset, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 4th, 1941, at eleven o'clock in the forenoon. (S. P. 473)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

House Committee Reports**Withdrawn**

The Committee on Banks and Banking on bill, "An Act to Establish a Banking Board, and Define its Powers and Duties," (H. P. 1571) (L. D. 913) reported that leave be granted to withdraw the same.

(On motion by Mr. Dow of Oxford the Bill was laid upon the table pending acceptance of the report in concurrence.)

The Committee on Claims on "Resolve in Favor of Mrs. Francis D. Walton, of Richmond," (H. P. 1075) reported that leave be granted to withdraw the same.

The same Committee on "Resolve in Favor of A. E. Bell Co., of Mars Hill," (H. P. 1253) reported that leave be granted to withdraw the same.

The Committee on Legal Affairs on bill, "An Act to Incorporate Agassiz Village," (H. P. 832) (L. D. 346) reported that leave be granted to withdraw the same.

The Committee on Mercantile Affairs and Insurance on bill, "An Act to Amend the Law Relative to Moving Pictures," (H. P. 1186) (L. D. 481) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

Recommended

The Committee on Judiciary on bill, "An Act Relating to Pauper Settlements," (H. P. 1266) (L. D. 538) reported that the same be referred to the Committee on Legal Affairs.

Which report was read and accepted in concurrence.

Ought Not to Pass

The same Committee on bill, "An Act Relating to Higgins Classical Institute," (H. P. 1158) (L. D. 456) reported that the same ought not to pass.

The same Committee on bill, "An Act Relating to Hit-and-Run Driving," (H. P. 1518) (L. D. 830) reported that the same ought not to pass.

The Committee on Mercantile Affairs and Insurance on bill, "An Act Amending the Regulation of Automobile Finance Business," (H. P. 407) (L. D. 161) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on bill, "An Act Relating to the Raymond Fish Hatchery," (H. P. 795) (L. D. 308) reported that the same ought to pass.

Which report was read and accepted, the bill read once, and the next legislative day assigned for second reading.

Ought to Pass as Amended

The Committee on Federal Relations on bill, "An Act Amending the Unemployment Compensation Law so as to Reduce Waiting Period for Unemployment Benefits and to Preserve Benefits for Persons in the Military Service," (H. P. 1260) (L. D. 559) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Judiciary on bill, "An Act Relating to the Time of Opening and Closing of Polls," (H. P. 1152) (L. D. 452) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended were to

the next legislative day assigned for second reading.

The Committee on Legal Affairs on bill, "An Act Relating to Sunday Moving Pictures" (H. P. 5) (L. D. 4), reported that the same ought to pass as amended by Committee Amendment "A".

Which "Ought to Pass" report was read and accepted in concurrence and the bill read once; Committee Amendment "A" was indefinitely postponed in concurrence; House Amendment "B" was adopted in concurrence, and the bill as amended by House Amendment "B" was to the next legislative day assigned for second reading.

Ought to Pass in New Draft

The Committee on Judiciary on bill, "An Act Relating to Hunting While Under the Influence of Liquor or Drugs," (H. P. 474) (L. D. 210) reported the same in a new draft (H. P. 1500) (L. D. 815) under a new title Bill "An Act Relating to Hunting While Intoxicated or Under the Influence of Drugs," and that it ought to pass.

Which report was read and accepted, the bill read once and the next legislative day assigned for second reading.

Communication

STATE OF MAINE
House of Representatives
Augusta

Office of Clerk

February 27, 1941

Honorable Royden V. Brown,
Secretary of the Senate
of the 90th Legislature.

Sir:-

This is to advise you that the House today voted to insist on its former action whereby it indefinitely postponed Joint Order relative to Cumulative Index (S. P. 465), and to join in a Committee of Conference as asked by the Senate, and the following members were appointed by the Speaker as Conferees on the part of the House

Messrs: Payson of Portland
Pratt of Turner
Farwell of Unity

Respectfully,

HARVEY R. PEASE
Clerk of the House.

Which was read and ordered placed on file.

Communication

STATE OF MAINE
Department of Health and Welfare
Augusta

February 27, 1941

To the Honorable House and
Senate of the Ninetieth Maine
Legislature:

In compliance with the Order of January 28, 1941, of the Ninetieth Legislature, (S. P. 140) requesting a list of persons now receiving aid from the State of Maine, who are residents of other states or other countries, we submit the following statement:

The following persons living outside of the State are receiving pensions under Special Legislative Resolves. These names were given to the Committee on Pensions early in the session.

Bessie King,

750 Shawmut Ave., Boston, Mass.

Mary A. Moulton,

Miami, Florida

Amelia Rittal

Turner Falls, Mass.

Lot Edmond Whitman,

North Brookfield, Mass.

Johanna T. Kelleher,

Sierra Madre, California.

Marion Tapley, a recipient of Aid to the Blind is temporarily receiving assistance at an address in Altadena, California. Mrs. Tapley, besides being blind, suffers from asthmatic condition, and early in January of this year she had an opportunity to ride to California with some friends who were driving to California for a period of three months. Mrs. Tapley was informed that we would continue to assist her in California only for three months and that at the end of that time if she had not returned to Maine it would be necessary for us to discontinue her assistance.

Clair Knox, a child committed to the custody of this Department, is badly crippled and is in the Berkshire Home for Crippled Children at Pittsfield, Massachusetts. This child had been at the Berkshire Home for Crippled Children for some time and it is the intention of this Department to have her remain there until we are informed by the Home that no further progress or advantage can be given her by that Home. The cost of care in the Berkshire Home for Crippled Children for Clair Knox is no

greater than the amount of money which would be paid in one of our boarding homes in Maine.

Ralph Richardson, a child committed to the custody of this department, is living with Pauline Fowler in Maynard, Massachusetts. This child was placed with the Fowlers when Mr. Fowler was preaching in a church in Greenville, Maine. We found the Fowlers to be so helpful to Ralph Richardson that when they moved to Massachusetts, Ralph was permitted to go with them. He returns to Maine during the summers where he is able to find some employment, and during the winters lives with the Fowlers in Maynard, Massachusetts. It is the intention of this department to allow him to stay with the Fowlers until he has completed the school course which he has started in Maynard, Massachusetts. The amount paid for the boy's care in Massachusetts is the same as would be paid for his care in Maine.

The Division of Emergency Aid from time to time assists the family of Theophile Nadeau in New Brunswick, Canada. The Nadeau family have a settlement in Van Buren and when it is possible for Mr. Nadeau to find employment in that area he is self-supporting. During these times when he is not able to be employed Mr. Nadeau has from time to time been allowed to reside at St. Leonard, New Brunswick, Canada, where he owns a small piece of property, so that our assistance to him is only in the form of groceries, and by assisting him in this manner we save the payment of rent, fuel, lights and water services.

The Department does not knowingly grant any Old Age Assistance, World War Relief, or assistance as Aid to Dependent Children who are residing outside of Maine. A certain number of Old Age Assistance checks are mailed to addresses in New Hampshire; notably, Milton Mills and Wentworth Location in New Hampshire, but in all instances these are checks for residents of Maine whose mailing address because of transportation problems is across the State line in New Hampshire.

Assistance paid for by the State Poor Relief Division is initially expended by the towns and cities in Maine, but so far as this Department is informed none of those

recipients are residing outside of Maine.

Retirement pension checks for former employees of the State of Maine are being mailed out of the State to the following people:

Mary Bills,
Waltham, Mass.
Ethel I. Duffy,
Nauigewank, N. B., Can.
Etta J. Fossett,
Stillwater, N. Y.
Florence M. Hale,
Darien, Conn.
Fred E. Jorgenson
Bradford, N. H.
Elmer B. Pratt,
Fairhaven, Vt.

Respectfully submitted,

JOEL EARNEST,

Commissioner of Health and Welfare.

(S. P. 475)

Which was read and ordered placed on file.

Sent to the House.

First Reading of Printed Bills

"Resolve in Favor of Bion M. Rhoades of Topsfield." (S. P. 472) (L. D. 974)

Which resolve was read once and the next legislative day assigned for second reading.

Senate Committee Reports Ought Not to Pass

Mr. Bridges from the Committee on Inland Fisheries and Game on bill, "An Act Relative to Closed Season on Partridge in Cumberland and York Counties," (S. P. 116) (L. D. 158) reported that the same ought not to pass.

The same Senator from the same Committee on bill, "An Act Relating to Hunting of Foxes," (S. P. 374) (L. D. 692) reported that the same ought not to pass.

The same Senator from the same Committee on bill, "An Act to Prohibit the Taking of Smelts in Brooks Flowing Directly into Salt Water," (S. P. 376) (L. D. 687) reported that the same ought not to pass.

Mr. Farris from the Committee on Judiciary on bill, "An Act Relating to Forcible Entry and Detainer," (S. P. 348) (L. D. 664) reported that the same ought not to pass.

Which reports were read and accepted.

Sent down for concurrence.

Withdrawn

Mr. Friend from the Committee on Pensions on "Resolve Providing for a State Pension for George Wise of Belfast," (S. P. 104) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Farris from the Committee on Judiciary on bill, "An Act Relating to Probation Officers and their Duties," (S. P. 350) (L. D. 666) reported that the same ought to pass.

Mr. Snow from the Committee on Counties on bill, "An Act to Authorize Adequate Court Facilities in Oxford County," (S. P. 231) (L. D. 391) reported that the same ought to pass.

Mr. Bridges from the Committee on Inland Fisheries and Game on bill, "An Act Relative to Standish Game Preserve," (S. P. 241) (L. D. 393) reported that the same ought to pass.

Which reports were severally read and accepted, the bills read once and the next legislative day assigned for second reading.

Passed to be Engrossed

Bill, "An Act Relative to Game Preserve in York County." (H. P. 468) (L. D. 204)

"Resolve Regulating Fishing in Belgrade Chain of Lakes." (H. P. 635) (L. D. 271)

"Resolve Regulating Ice Fishing on Great Lake in Belgrade." (H. P. 636) (L. D. 272)

"Resolve Regulating Fishing in Lake Embden." (H. P. 1139) (L. D. 388)

"Resolve Regulating Fishing on Echo Lake." (H. P. 1612) (L. D. 957)

"Resolve Regulating Fishing in Certain Piscataquis County Waters." (H. P. 1613) (L. D. 956)

Bill, "An Act Relating to Mutilation or Concealment of Dead Bodies." (H. P. 1614) (L. D. 958)

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

Bill, "An Act Relating to the Jurisdiction of the Municipal Courts of Washington County."

Bill, "An Act Permitting the Department of Health and Welfare to Cooperate with the United States

Department of Agriculture," (S. P. 470) (L. D. 964)

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

Sent down for concurrence.

Passed to Be Enacted

Bill, "An Act Increasing the Farm Bureau Budget." (H. P. 296) (L. D. 106)

Bill, "An Act Relating to Ministerial and School Funds." (H. P. 414) (L. D. 163)

Finally Passed

"Resolve Granting Authority to the Forestry Department to Convey Certain Land to Zealie A. Smith, of Springfield." (H. P. 354) (L. D. 141)

"Resolve Regulating Fishing on Narraguagus River." (H. P. 1566) (L. D. 903)

Emergency Measure

Bill, "An Act to Amend the Charter of the City of Auburn." (H. P. 644) (L. D. 280)

Which bill being an emergency measure and having received the affirmative vote of twenty-seven members of the Senate, and none opposed, was passed to be enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

Emergency Measure

Bill, "An Act to Amend the Charter of the South Portland Sewerage District in Relation to the Issue of Notes and Bonds." (H. P. 829) (L. D. 343)

Which bill being an emergency measure, and having received the affirmative vote of twenty-six members of the Senate, and none opposed, was passed to be enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

Emergency Measure

Bill, "An Act Authorizing Lincoln County Commissioners to Acquire Land for County Purposes." (H. P. 1602) (L. D. 908)

Which bill being an emergency measure and having received the affirmative vote of twenty-seven members of the Senate, and none opposed, was passed to be enacted, and having been signed by the

President was by the Secretary presented to the Governor for his approval.

Order

On motion by Mr. Elliott of Knox it was

ORDERED, that five hundred additional copies be printed of Senate Paper 436, Legislative Document 891, bill, An Act to Regulate the Manufacture, Sale, Distribution, Use and Possession of Explosives.

Orders of the Day

On motion by Mr. Emery of Hancock that Senator was granted unanimous consent to read a communication from the selectmen of Blue Hill:—

“Blue Hill, Me., February 26, 1941. To the Ninetieth Legislature State of Maine.

“As one of the Selectmen of Blue Hill and one of one hundred fifty-five (155) petitioners to your honorable body under date of February 10th, 1941 that unanimous consent be given to the introduction of a bill TO INCORPORATE THE BLUE HILL WATER AND SEWER COMPANY for the purpose of supplying the town of Blue Hill, in the county of Hancock, and the inhabitants of said town, with pure water for domestic, sanitary, municipal and public purposes, including the extinguishment of fires, I would respectfully state:

“(1) that under Chapter 111 of the private and special laws of 1933 there was incorporated a Blue Hill Water Company consisting of Ernest L. McLean, William H. Owen, Frank E. Southard and James L. Reid, none of whom were inhabitants of Blue Hill;

“(2) that on August 28, 1939 the town of Blue Hill at a special town meeting duly called for that purpose, authorized its Selectmen to enter into a contract with said Company for the rental of hydrant service;

“(3) that no such contract was ever signed due to the failure of said Company to fulfill its agreement made in said special town meeting;

“(4) that at no other time has said Blue Hill Water Company attempted to exercise any of the powers conferred upon it under the laws of 1933;

“(5) that the Selectmen of Blue Hill did not approve application of

said Company for a renewal of its charter by the Ninetieth Legislature;

“(6) that as soon as the Selectmen learned how overwhelmingly strong was the sentiment in town for a water and sewer system at this time (as evidenced by 155 signatures in a single day to the accompanying petition to your honorable body) they caused to be prepared the draft of AN ACT TO INCORPORATE THE BLUE HILL WATER AND SEWER COMPANY presented herewith.

“We respectfully urge unanimous consent to the introduction of this bill and its speedy enactment into law for the following reasons:

“(1) the town of Blue Hill has no water or sewer system; and

“(2) the lack of a proper water and sewer system is dangerous to the health and welfare of the citizens and increases the fire hazard; and

“(3) the town of Blue Hill contains several ponds within its limits, one of which, ‘Third Pond,’ so-called, is elevated above and closely adjacent to Blue Hill village and large enough for an ample water supply for same; and

“(4) the town is a leading summer resort, has an assessed valuation of \$1,116,330, nearly 1,000 legal voters, no industry with a year-round payroll except the Webber’s Cove Yacht Yard, and we believe that with a water and sewer system we can induce capital to establish an industrial plant in our town to employ idle man power and help contribute to the national defense; and

“(5) the town holds its annual town meeting on March 3, 1941 and the Warrant for same contains an Article—‘To see if the town will vote to approve action already taken by its Selectmen to secure a charter from the Ninetieth Legislature of the State of Maine for the installation of a public water and sewer system in Blue Hill’ and another Article—‘To see what instructions, if any, the voters will give the Selectmen relative thereto in event such charter is secured,’ and we would like your honorable body to admit the accompanying bill this week so that our town will know what instructions to give its Selectmen relative thereto at the aforesaid meeting; and

“(6) there has been prepared and will be read at the coming town

meeting next Monday, a letter addressed "To the Inhabitants of the Town of Blue Hill, Maine, assembled in Annual Meeting, March 3, 1941," containing a promise signed by the several individuals named in Sec. 1 of attached Bill that they, their associates, successors and assigns will sell to the town or any village corporation within its limits, all the rights and franchises acquired under this Act upon payment to them of actual cost to us at any time before actual work of installation of such water and sewer system has commenced, a copy of which letter is attached hereto.

"We trust unanimous consent will be given to enable us as a town to secure the much needed and long awaited water and sewer system.

"Respectfully yours, Samuel A. McGraw, for the Selectmen of Blue Hill."

Thereupon, on further motion by the same Senator, that Senator was granted unanimous consent to introduce bill, an Act to Incorporate the Blue Hill Water and Sewer District (S. P. 476) and the bill was referred to the Committee on Public Utilities and 650 copies ordered printed.

Sent down for concurrence.

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table, Resolve Authorizing the Committee on Inland Fisheries and Game to Convey the Interest of the State in Certain Land in Belgrade, (S. P. 98) (L. D. 126), tabled by that Senator on February 27th pending final passage; and that Senator yielded to the Senator from Kennebec, Senator Farris.

On motion by Mr. Farris of Kennebec, the Senate voted to reconsider its former action whereby the resolve was passed to be engrossed; and that Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to S. P. 98, L. D. 126. Resolve Authorizing the Commissioner of Inland Fisheries and Game to Convey the Interest of the State in Certain Land in Belgrade. Amend said Resolve by inserting between the word 'Kennebec' and the word 'to' in the last line thereof the following: 'bounded and described as follows: located from the west end of the old Bickford farm, so-called, beginning at the north side of town road leading from the State road to the Leslie Damren property, and at the said Damren's southeast corner, thence easterly along said town road to a 10 inch oak tree and iron stake, thence north 13°—15' east to a point one rod above high water level of the pond, thence westerly along a line one rod above high water mark to Damren's east line, thence South 13°—15' west to the point of beginning and these two sides being parallel and 215 feet apart.'"

Thereupon, Senate Amendment "A" was adopted, and the resolve as amended by Senate Amendment "A" was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Friend of Somerset

Adjourned until next Tuesday morning, March 4th, at eleven o'clock.