

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

SENATE

Wednesday, March 5, 1941.

The Senate was called to order by the President.

Prayer by the Reverend L. E. Stiles of Augusta.

Journal of yesterday read and approved.

Papers from the House referred in concurrence.

**House Committee Reports
Ought to Pass**

The Committee on Appropriations and Financial Affairs acting under Authority of Joint Order, (H. P. 1618) reported a Bill (H. P. 1629) (L. D. 976) under the title of Bill "An Act Appropriating Moneys for Overdrafts Already Incurred Due to Insufficient Appropriations and Anticipated Overdrafts and other Obligations for which no Legislative Appropriations have been made," and that the same ought to pass.

The Committee on Banks and Banking on Bill "An Act relating to Investments by Savings Banks," (H. P. 1511) (L. D. 854) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Boards of Zoning Ordinances," (H. P. 1417) (L. D. 726) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Stolen Goods," (H. P. 1519) (L. D. 859) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Custody of Children," (H. P. 1416) (L. D. 585) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Consent of Parents to Marriages," (H. P. 1414) (L. D. 791) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Hearings Before Masters in Chancery," (H. P. 1522) (L. D. 862) reported that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act Defining the Word 'Homes' Relative to Exemption from Taxation," (H. P. 50) (L. D. 34) reported the same in a new draft (H.

P. 1626) (L. D. 975) under the same title, and that it ought to pass.

(On motion by Mr. Brown of Aroostook, the bill was laid upon the table pending acceptance of the report in concurrence.)

The Committee on Sea and Shore Fisheries on "Resolve Relating to the Taking and Sale of Clams in the Town of Kennebunk," H. P. 1208) (L. D. 426) reported the same in a new draft (H. P. 1634) (L. D. 981) under the same title, and that it ought to pass.

The same Committee on "Resolve Relating to the Taking and Sale of Clams in the Town of Cape Elizabeth," (H. P. 864) (L. D. 350) reported the same in a new draft (H. P. 1633) (L. D. 980) under the same title, and that it ought to pass.

The same Committee on "Resolve Relating to the Digging of Clams in the Town of Woolwich," (H. P. 445) (L. D. 184) reported the same in a new draft (H. P. 1632) (L. D. 979) under the same title and that it ought to pass.

The same Committee on "Resolve Relating to the Taking and Sale of Clams in the Town of Kennebunkport," (H. P. 1207) (L. D. 425) reported the same in a new draft (H. P. 1631) (L. D. 978) under the same title, and that it ought to pass.

The same Committee on "Resolve Relating to the Taking and Sale of Clams in the Town of Scarborough," (H. P. 863) (L. D. 349) reported the same in a new draft (H. P. 1630) (L. D. 977) under the same title, and that it ought to pass.

The same Committee on Bill "An Act to Regulate the Packing of Sardines," (H. P. 22) (L. D. 17) reported that the same ought to pass.

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

Ought to Pass as Amended

The Committee on Judiciary on Bill "An Act Relating to Harbor Masters," (H. P. 1422) (L. D. 587) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted in concurrence, Committee Amendment "A" read and adopted in concurrence, and the bill as amended read once and tomorrow assigned for second reading.

Senate Committee Report

Miss Laughlin from the Committee on Conference on the disagreeing action of the two branches of the Legislature, on Joint Order Providing for a Cumulative Index, (S. P. 465) reported that the committee are unable to agree.

On motion by Miss Laughlin of Cumberland, the report was read and accepted.

Sent down for concurrence.

From the House, out of order and under suspension of the rules:

The Committee on Ways and Bridges on Bill "An Act Relating to the Carlton Bridge," (H. P. 1496) (L. D. 583) reported the same in a new draft (H. P. 1636) (L. D. 982) under the same title, and that it ought to pass.

Comes from the House, report read and accepted, the bill read once and subsequently the new draft re-committed to the Committee on Ways and Bridges.

In the Senate, the report was read and accepted in concurrence and the bill in new draft was re-committed to the Committee on Ways and Bridges in concurrence.

Passed to be Engrossed

"Resolve Granting Bonus to Charles Story Crosman, of West Gardiner." (H. P. 94) (L. D. 968)

Bill "An Act Relating to Investment of Farm Land Loan's Funds." (H. P. 408) (L. D. 162)

"Resolve in Favor of the Town of Sullivan." (H. P. 600) (L. D. 939)

Bill "An Act Relating to Salaries of Municipal Court of Bath." (H. P. 1203) (L. D. 421)

Bill "An Act Relating to Clerk Hire in the Office of Register of Deeds in York County." (H. P. 1565) (L. D. 852)

"Resolve to Reimburse the Town of Blaine for Replacement of a Culvert." (H. P. 1623) (L. D. 970)

"Resolve in Favor of Edward Doyle, of Fort Kent." (H. P. 1624) (L. D. 971)

"Resolve in Favor of Mrs. Arlene Remick". (H. P. 1625) (L. D. 972)

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

Bill "An Act Relating to Taxation of Insurance Companies." (S. P. 382) (L. D. 620)

Bill "An Act Relating to Foreign Insurance Companies." (S. P. 384) (L. D. 622)

Bill "An Act Authorizing the Registration of Motor Vehicles Operated by Governmental Agencies." (S. P. 386) (L. D. 632)

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

Sent down for concurrence.

Order

Mr. Bishop of Sagadahoc presented the following order and moved its passage.

ORDERED, the House concurring, that there be prepared under the direction of the Clerk of the House a register of all bills and resolves introduced into both branches of the legislature up to and including March 5th showing titles, paper numbers, document numbers if printed, names of members introducing the same, the committee to which referred and the present status of said bills and resolves, and that there be printed 500 copies of the same.

The Clerk of the House is hereby authorized to employ the necessary clerical assistance to prepare such register (S. P. 480).

Thereupon, on motion by Mr. Friend of Somerset, the order was laid upon the table pending passage.

Orders of the Day

On motion by Mr. Findlen of Aroostook, the Senate voted to take from the table, bill, An Act Relating to Conservation of Soil and Soil Resources and the Prevention and Control of Soil Erosion (S. P. 68) (L. D. 51) tabled by that Senator on March 4th pending assignment for second reading; and that Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to S. P. 68, L. D. 51, Bill, An Act Relating to Conservation of Soil and Soil Resources and the Prevention and Control of Soil Erosion. Amend said bill by inserting after the word 'lands' in line 3 of paragraph numbered 4 of section 2 thereof the words 'except lands suitable for and used as timberlands.' Further amend said bill by striking out in line 2 in paragraph numbered 3 in section 7 thereof the words 'or otherwise'."

Senate Amendment "A" was adopted and the bill as amended tomorrow assigned for second reading.

On motion by Mr. Libby of Cumberland, the Senate voted to take from the table, bill, An Act Relating to Probation Officers for Cumberland County (S. P. 192) (L. D. 289), tabled by that Senator on February 21st pending passage to be engrossed; and that Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to S. P. 192, L. D. 289, Bill, An Act Relating to Probation Officers for Cumberland County. Amend said bill by inserting in the third line of section 1 thereof after the word 'officer' the words 'for Cumberland County'. Further amend said bill by inserting in the 9th line of section 2 thereof after the word 'salaries' the words 'shall be subject to the further approval of the county commissioners for said county of Cumberland'."

Senate Amendment "A" was adopted and the bill, as amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Stilphen of Lincoln, the Senate voted to take from the table, Senate Report from the Committee on Mercantile Affairs and Insurance "Ought to pass as amended by Committee Amendment 'A' on bill, An Act Relating to Licenses for Insurance Companies (S. P. 283) (L. D. 621) tabled by that Senator on March 4th pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted and the bill given its first reading.

Committee Amendment "A" was read:

"Committee Amendment 'A'. Amend said bill by striking out the word 'shall' in the sixth line thereof and restoring in place thereof the word 'may'. Further amend said bill by striking out the word 'May' in the eleventh line thereof and inserting in place thereof the word 'June;' and by striking out the word 'ten' in the second line of the second paragraph thereof and inserting in place thereof the word 'five.'"

Committee Amendment "A" was

adopted and the bill as so amended was tomorrow assigned for second reading.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, House Report from the Committee on Judiciary, "Ought Not to Pass" on An Act Relating to Collection of Poll Taxes, (H. P. 641), (L. D. 277) tabled by that Senator on February 21st pending acceptance of the report.

Miss LAUGHLIN: Mr. President, in the House the bill was substituted for the report. I move that the bill be substituted for the report in concurrence with the House.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I am rather diffident about offering any opposition to the reasoning and logic of the Senator from Cumberland, Senator Laughlin, but this matter is to me of such a foolish nature that I cannot help but act in opposition to her. The legislature of Maine has provided by statute a method, a way by which collectors of taxes can collect those taxes. The laws are explicit. They are mandatory and commanding, and here comes a bill practically taking it out of his hands and turning it over to another department. That is, you can't obtain a fishing license unless you have paid your poll tax. I know very well how difficult it is to collect many poll taxes. Personally, I believe there should be no poll taxes at all, but we have that way of getting money and also as I have said, we have provided a way for the collector to obtain it. I believe it is illogical. It has no common sense. It is a thoroughly and entirely futile way for collecting money from a large number of those who should pay poll taxes because they do not go fishing. It also will have a tendency to send into fishing fields many people who have not paid poll taxes but will take a chance on being caught. I hope the Senate will not approve the motion of the Senator from Cumberland, Senator Laughlin.

Miss LAUGHLIN of Cumberland: Mr. President, of course this does not in any way prevent the collection of poll taxes in the way in which the Senator from Penobscot, Senator Chamberlain, ap-

proves. I hope maybe it will spur the tax collectors on so they will do their duty. Certainly there is nothing in this that will prevent it. It does seem to me that a man who has the money to pay for a hunting license and has the leisure to go hunting, ought to be able to pay a poll tax. It has been said in the past, "When I have a sudden notion to go hunting I do not want to have to take the time to hunt up my poll tax receipt." I might suggest that difficulty might be avoided if they would file their poll tax receipt with their hunting license which they have to take with them when they go hunting. It seems to me this is a matter in which we might inspire a little more sense of duty in those who do not pay their poll taxes.

Mr. STILPHEN of Lincoln: Mr. President, I would like in my feeble way to express my views on this bill. After serving my town for 18 years on the board of selectmen and always being in close contact with the tax collector, I have found that the hardest tax to collect is the poll tax. I do not believe it is any more of a hardship to place a tax lien on anything a man wants than it is to place a lien on the homes of every real estate owner in the state of Maine. If I remember correctly, in my home town there were 62 tax liens placed on the real estate. I know that some of them were on homes of young men with families and those homes have come down through generations, and I do not think with men struggling to pay real estate taxes that this is any more of a hardship for the men who hold hunting and fishing licenses than it is for the home owner. We know the poll tax dodgers go to town meeting and help raise taxation. I feel that this bill should pass. It is just and honest.

Mr. BROWN of Aroostook: Mr. President, as a member of the Senate, I wish to speak in favor of Senator Laughlin's motion that we substitute the bill for the report. As has been said, the taxes of people who have no property are the hardest taxes we have to collect. It is true that the law does provide methods of collecting but in the last resort the only way that those taxes can be collected from men who have no property and who refuse to pay their taxes is to put them in jail and pay their expenses as long as

they wish to stay there, and we have had many cases where that has been done and after paying their board in jail for a more or less long time they have finally released the offenders without collecting the taxes and they have been put to considerable expense.

I wish to say now that there is no more injustice in this, as the Senator from Penobscot says, than there is in requiring that before a man can get a drivers license he must pay his poll tax, which is a requirement in this state. There are people who avoid that by having their wife license their car and as women don't have to pay poll taxes they get around it that way. We have in our community—and I am not speaking about the rest of the counties but only of my own—we have people who consistently dodge paying their poll taxes who fish all summer long. As soon as the fishing season opens they start in and while working men don't have time to fish they have plenty of time to do so, depleting our streams of the fish which have been placed in there and which have been protected by the tax payers of the state, and they pay no poll taxes.

This bill doesn't require payment of a poll tax in advance, as I understand it. It only provides that they shall show their receipt that they paid their poll tax last year, and certainly if they want to enjoy the pleasure of fishing in Maine, they ought to be good enough citizens to show that they paid their poll tax last year. Every poll tax dodger, every person who refuses to pay his poll tax means that the town in some way must collect more money on the real estate of the town.

So I hope we will go along and concur with the House in this measure and make people who are residents of the state of Maine and who are not patriotic enough to pay their poll taxes do without some of their privileges. I think it is a perfectly fair requirement to ask, that they be required to at least show that they have paid their poll taxes last year, which as I understand it is all that this bill requires.

Mr. CHAMBERLAIN: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Laughlin, that the bill be

substituted for the report of the committee which was "Ought Not to Pass", and the Senator from Penobscot, Senator Chamberlain asks for a division. Is the Senate ready for the question?

A division of the Senate was had.

Nineteen having voted in the affirmative and ten opposed, the motion to substitute the bill for the report in concurrence prevailed.

Thereupon, on motion by Mr. Chamberlain, the bill was laid upon the table pending first reading.

On motion by Mr. Boothby of York, the Senate voted to take from the table Resolve Regulating Fishing in Mann's Mill Pond, Little Poverty Pond, and Shy Beaver Pond (H. P. 426) (L. D. 175) tabled by that Senator on February 18 pending second reading.

Thereupon, the same Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment A to House Paper 426, Legislative Document 175, entitled 'Resolve Regulating Fishing in Mann's Mill Pond, Little Poverty Pond and Shy Beaver Pond.' Amend said resolve by striking out in the title and the head note thereof the words, 'and Shy Beaver Pond'; and by striking out the comma after the words 'Man's Mill Pond' and in the title and head note thereof and inserting in place thereof the word, 'and.'

Further amend said resolve by inserting between the word 'Newfield'

and the word 'Little' in the 3rd line thereof the word 'and.'

Further amend said resolve by striking out in the 4th line thereof the words, 'and Shy Beaver Pond in Shapleigh, all.'

Senate Amendment A was adopted and the resolve as amended by Committee Amendment A and as further amended by Senate Amendment A was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Friend of Somerset, the Senate voted to take from the table the order presented by Mr. Bishop of Sagadahoc directing the Clerk of the House to have prepared a register of all bills and resolves (S. P. 480), tabled by the Senator from Somerset, Senator Friend earlier in today's session pending passage; and that Senator yielded to the Senator from Sagadahoc, Senator Bishop.

Mr. BISHOP: Mr. President, I am grateful to the Senator from Somerset. As a new member, it is very difficult for me to tell where these bills are and where they are headed for, and I shall appreciate it very much if this order receive passage. Thereupon the order received passage.

Sent down for concurrence.

On motion by Mr. Friend of Somerset.

Adjourned until tomorrow morning at ten o'clock.