

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, March 7, 1941

The Senate was called to order by the President.

Prayer by the Reverend William R. Wood of Augusta.

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 11th, 1941, at eleven o'clock in the forenoon. (S. P. 483)

Sent down for concurrence.

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

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 February 11, 1941 of the Ninetieth Legislature (H. P. 1503), directing the Department of Health and Welfare to furnish the names and residences of all persons receiving pensions from the State, by towns and counties, we submit the following statement:

There is attached hereto and made a part thereof, a document entitled "Pensions Granted by Special Resolves of the Legislature."

There is attached hereto and made a part hereof a document entitled "Special Resolve Pensions as of December 31, 1940."

There is attached hereto and made a part hereof a document entitled "Retirement Pensions as of December 31, 1940." This list of Retirement Pensions includes those former State employees paid through this Department on the basis of Council Orders.

The Department has available and is ready to submit, if so desired, an additional list of names arranged by towns and counties of the Veterans of the Civil War,

Spanish War, and Philippine Insurrection, and their Dependents, granted under the provisions of Chapter 116 of the Public Laws of 1935. Chapter 116 of the Public Laws of 1935 refers to grants made under that chapter as "pensions"; however, the body of the act itself specifically provides that the money is given only on the basis of need. The Department is, therefore, uncertain as to whether the Legislature desires to receive and publish the information concerning these Veterans and will await further information from you concerning this.

All of the above information relates to persons receiving pensions from the State through the Department of Health and Welfare. This Department is not informed as to what other people are receiving pensions from the State through other State departments.

Respectfully submitted,

JOEL EARNEST

Commissioner of Health
and Welfare

(H. P. 1647)

Which was read and ordered placed on file in concurrence.

**House Committee Reports
Recommended**

The Committee on Claims on "Resolve in Favor of Julia D. Winship, of Augusta," (H. P. 928) reported that the same be referred to the Committee on Pensions.

Ought Not to Pass

The same Committee on "Resolve in Favor of Francis S. Dow of Livermore," (H. P. 919) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Relating to Fees of the Clerks of the Judicial Courts," (H. P. 1400) (L. D. 778) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Barbering," (H. P. 1531) (L. D. 870) reported that the same ought not to pass.

The Committee on Public Health on Bill "An Act Relating to the Sale of Ice from the Androscoggin River," (H. P. 1620) (L. D. 965) reported that the same ought not to pass.

The Committee on Public Utilities on Bill "An Act Relating to the Operation of Busses," (H. P. 1282) (L. D. 548) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Legal Affairs on Bill "An Act Relating to Sunday Hunting," (H. P. 114) (L. D. 62) reported that leave be granted to withdraw the same.

The Committee on Pensions on "Resolve Providing for a State Pension for Joseph L. Rioux, of Lisbon," (H. P. 1279) reported that leave be granted to withdraw the same.

The Committee on Salaries and Fees on Bill "An Act Relating to Compensation of the Register of Probate of York County," (H. P. 1202) (L. D. 420) reported that leave be granted to withdraw the same.

The Committee on Ways and Bridges on "Resolve in Favor of the Town of Bremen," (H. P. 982) reported that leave be granted to withdraw the same.

The same Committee on "Resolve in Favor of the Town of Fairfield," (H. P. 744) reported that leave be granted to withdraw the same.

The same Committee on "Resolve in Favor of the Town of Solon," (H. P. 373) reported that leave be granted to withdraw the same.

The same Committee on "Resolve in Favor of the Town of Damari-scotta," (H. P. 979) reported that leave be granted to withdraw the same.

The same Committee on "Resolve in Favor of the Town of Damari-scotta," (H. P. 977) reported that leave be granted to withdraw the same.

The same Committee on "Resolve in Favor of the Town of Edgecomb," (H. P. 980) reported that leave be granted to withdraw the same.

The same Committee on "Resolve in Favor of the Town of Damari-scotta," (H. P. 973) reported that leave be granted to withdraw the same.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Knox Memorial Association, Inc., for Support and Maintenance of 'Montpelier,'" (H. P. 614) (L. D. 251) reported that the same ought to pass.

(On motion by Miss Laughlin of Cumberland, the resolve was laid

upon the table pending acceptance of the report in concurrence.)

The Committee on Federal Relations on Bill "An Act Amending the Law Relating to Unemployment Compensation with respect to Keeping Separate Accounts," (H. P. 1256) (L. D. 555) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to the Taking of Smelts in York County," (H. P. 302) (L. D. 112) reported the same in a new draft (H. P. 1638) (L. D. 986) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relative to Trapping by Indians," (H. P. 1264) (L. D. 536) reported that the same ought to pass.

The same Committee on Bill "An Act Regulating the Fishing for White Perch," (H. P. 619) (L. D. 255) reported the same in a new draft (H. P. 1637) (L. D. 985) under the same title and that it ought to pass.

The same Committee on "Resolve Closing Smith Pond for Ice Fishing," (H. P. 626) (L. D. 262) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Androscoggin Waters," (H. P. 1142) (L. D. 442) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing for Smelts in Waters of Androscoggin Watershed," (H. P. 822) (L. D. 294) reported the same in a new draft (H. P. 1640) (L. D. 988) under the same title and that it ought to pass.

The same Committee on "Resolve in Favor of Tri City Fish and Game Association," (H. P. 1143) (L. D. 443) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Appeals in Civil Cases to the Superior Court," (H. P. 1410) (L. D. 788) reported that the same ought to pass.

The Committee on Motor Vehicles on Bill "An Act Relating to Dates for Inspection of Motor Vehicles" (H. P. 651) (L. D. 232) reported that the same ought to pass.

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

The Committee on Appropriations and Financial Affairs on Bill "An

Act Limiting the Amount of Inventory of the State Liquor Commission." (H. P. 611) (L. D. 284) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read and accepted in concurrence and the bill was read once; Committee Amendment A was read and on motion by Mr. Chamberlain of Penobscot the bill was laid upon the table pending adoption of Committee Amendment A in concurrence.

The Committee on Federal Relations on Bill "An Act Amending the Law Relating to Unemployment Compensation to Permit Filing of Copies of Documents," (H. P. 1254) (L. D. 553) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Wilson Pond," (H. P. 634) (L. D. 270) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The Committee on Judiciary on Bill "An Act Clarifying the Law Relating to Notices of Appointments and Elections," (H. P. 826) (L. D. 340) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

In the House, the bill was passed to be engrossed as amended by Committee Amendment A as amended by House Amendment A thereto.

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. Committee Amendment A was read. House Amendment A to Committee Amendment A was read.

Thereupon, House Amendment A to Committee Amendment A was adopted in concurrence; Committee Amendment A as amended by House Amendment A thereto was adopted in concurrence, and the bill as so amended was Tuesday next assigned for second reading.

The same Committee on Bill "An Act Relating to Enforcement Support Decrees," (H. P. 1404) (L. D. 782) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Providing for an Assistant

County Attorney for Penobscot County," (H. P. 1395) (L. D. 773) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Relating to Time of Filing Notice by Towns of Support Supplied Paupers," (H. P. 429) (L. D. 173) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which reports were severally read and accepted in concurrence, Committee Amendments "A" were severally read and adopted in concurrence, and the bills and resolve so amended were read once and Tuesday next assigned for second reading.

Divided Report

Report "A" from the Committee on Judiciary on Bill "An Act Making Illegal Contracts to Remit or Abate Taxes," (H. P. 1413) (L. D. 790) reported that the same ought to pass.

(Signed) Senators:

LAUGHLIN of Cumberland
HARVEY of York

Representatives:

MILLS of Farmington
GRUA of Livermore Falls
HINCKLEY of South Portland

Report "B" from the same Committee on the same subject matter reported that the same ought not to pass.

(Signed) Senators:

FARRIS of Kennebec

Representatives:

PAYSON of Portland
WILLIAMS of Bethel
MCGLAUFLIN of Portland
BRIGGS of Hampden

Comes from the House, Report "B" read and accepted.

In the Senate, on motion by Miss Laughlin of Cumberland, the bill was laid upon the table pending acceptance of either report.

Senate Committee Reports Ought Not to Pass

Mr. Dow of Franklin from the Committee on State Lands and Forest Preservation on "Resolve Granting Authority to the Forestry Department to Convey Certain Land," (S. P. 274) reported that the same ought not to pass.

Mr. Chamberlain from the Committee on Taxation on Bill "An Act Relating to Taxation of Boats," (S. P. 389) (L. D. 645) reported that the same ought not to pass.

Mr. Fellows from the same Committee on Bill "An Act Relating to the Taxation of Stock," (S. P. 393) (L. D. 654) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to Exemptions of Household Furniture," (S. P. 392) (L. D. 652) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to Assessors in Taking Inventory," (S. P. 394) (L. D. 655) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Exempting Realty of 'Shakers' from Taxation," (S. P. 387) (L. D. 649) reported that the same be withdrawn.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Fellows from the Committee on Military Affairs on bill "An Act Relating to Burial Grounds for Soldiers" (S. P. 458) (L. D. 934) reported that the same ought to pass.

(On motion of Mr. Stilphen of Lincoln, the bill was laid upon the table pending acceptance of the report.)

Mr. Harkins from the Committee on Salaries and Fees on bill "An Act Relating to the Police in Lewiston" (S. P. 438) (L. D. 933) 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 in the 9th line thereof, the words 'not less than' and inserting in place thereof, the words 'fixed at'.

Further amend said bill by striking out all of Section 3 thereof."

Committee Amendment A was adopted and the bill as so amended was Tuesday next assigned for second reading.

Mr. Bridges from the Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Round Pond," (S. P. 235) (L. D. 390) reported the same in a new draft (S. P. 484) under the same title and that it ought to pass.

Mr. Fellows from the Committee on Federal Relations on Bill "An Act Permitting the Department of Health and Welfare to Cooperate with the U. S. D. A." (S. P. 470) (L. D. 964) reported the same in a second new draft (S. P. 485) under the same title, and that it ought to pass.

Which reports were severally read and accepted, and the bill and resolve laid on the table for printing under the joint rules.

Passed to Be Engrossed

Bill "An Act Relating to Expenses of Loans by Savings Banks." (H. P. 1120) (L. D. 356)

Bill "An Act Relating to the Maintenance of a Public Building in Rumford." (H. P. 1125) (L. D. 376)

Bill "An Act to Extend the Charter of the Vanceboro Water Company." (H. P. 1194) (L. D. 487)

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

Bill "An Act Relating to the Office of the Register of Probate of Lincoln County." (S. P. 325) (L. D. 826)

Bill "An Act Relating to Technical Errors in Pleading and Procedure Before the Law Court." (S. P. 363) (L. D. 676)

Bill "An Act to Enable the Town of Upton to Acquire the Capital Stock of Company Producing and Distributing Electricity within its Territorial Limits." (S. P. 477) (L. D. 990)

Bill "An Act to Enable the Plantation of Magalloway to Acquire the Capital Stock of Company Producing and Distributing Electricity within its Territorial Limits." (S. P. 478) (L. D. 989)

Bill "An Act to Enable the Plantation of Lincoln to Acquire the Capital Stock of Company Producing and Distributing Electricity within its Territorial Limits." (S. P. 479) (L. D. 991)

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

Sent down for concurrence.

Passed to Be Enacted

Bill "An Act Relating to Clerk Hire in Somerset County." (S. P. 399) (L. D. 819)

Bill "An Act Relating to Sunday Moving Pictures." (H. P. 5) (L. D. 4)

Bill "An Act Relating to the Raymond Fish Hatchery." (H. P. 795) (L. D. 318)

Bill "An Act Relating to Hunting While Intoxicated or Under the Influence of Drugs." (H. P. 1500) (L. D. 815)

"Resolve Authorizing the Commissioner of Inland Fisheries and Game to Convey the Interest of the State in Certain Land in Belgrade." (S. P. 98) (L. D. 126)

(On motion by Mr. Sanborn of Cumberland, the Resolve was laid upon the table pending passage to be enacted.)

"Resolve Regulating Fishing in Saco and Mousam Rivers." (S. P. 238) (L. D. 396)

Emergency Measure

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)

Which bill being an emergency measure and having received the affirmative vote of 29 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

Mr. SANBORN of Cumberland: Mr. President, I would like to inquire, through the Chair, whether bill An Act Relating to Vacating Attachments, Legislative Document 518 which we passed to be enacted yesterday, is still in the possession of the Senate?

The PRESIDENT: The Chair is informed that the bill is in the possession of the Senate.

Mr. SANBORN: Mr. President, I am about to move for the reconsideration of our action of yesterday whereby this bill was passed to be enacted, and by way of explanation I will say to the Senate that through careful scrutiny of the President of the Senate, an error was discovered in this bill which would be practically fatal to its purposes, and for the purpose of correcting that error in order that the bill when finally passed may accomplish the result intended, I am asking for a reconsideration of the vote.

Thereupon, the Senate voted to reconsider its action of yesterday whereby the bill was passed to be enacted; and on further motion by the Same Senator the Senate voted to reconsider its previous action whereby the bill was passed to be engrossed.

On further motion by the same Senator the bill was then laid upon the table pending passage to be engrossed.

On motion by Mr. Friend of Somerset

Adjourned until Tuesday next at 11 o'clock in the forenoon.