

# 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 14, 1941

The Senate was called to order by the President.

Prayer by the Reverend Cymbrid Hughes of Augusta.

Journal of yesterday read and approved.

**Order****(Out of Order)**

On motion by Mr. Elliot of Knox, 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 18, 1941, at eleven o'clock in the forenoon. (S. P. 494)

Sent down for concurrence.

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

From the House:

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

(In the Senate on March 5th, passed to be engrossed as amended by Committee Amendment "A")

Comes from the House, passed to be engrossed as amended by Committee Amendment "A" and by House Amendment "A" in non-concurrence.

In the Senate, under suspension of the rules, that Body voted to reconsider its former action whereby the bill was passed to be engrossed, House Amendment "A" was read and adopted in concurrence and the bill as amended by Committee Amendment "A" and House Amendment "A" was passed to be engrossed in concurrence.

From the House:

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

(In the Senate on March 5th, passed to be engrossed)

Comes from the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, under suspension of the rules, that Body voted to reconsider its former action whereby

the bill was passed to be engrossed, House Amendment "A" was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

From the House:

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

(In the Senate on March 5th, passed to be engrossed)

Comes from the House recommitted to the Committee on Motor Vehicles in non-concurrence.

In the Senate, on motion by Mr. Elliot of Knox the bill was laid upon the table pending motion to reconsider engrossing.

**House Committee Reports  
Ought not to Pass**

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Reed Plantation," (H. P. 1110) (L. D. 368) reported that the same ought not to pass.

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

The Committee on Inland Fisheries and Game on "Resolve Relative to Game Preserve on Munroe Island," (H. P. 469) (L. D. 205) reported that the same ought not to pass.

(On motion by Mr. Bridges of Washington the resolve was laid upon the table pending acceptance of the report in concurrence.)

The Committee on Motor Vehicles on Bill "An Act Exempting Farm Tractors from Registration Fees," (H. P. 1458) (L. D. 628) reported that the same ought not to pass.

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

The Committee on Judiciary on Bill "An Act Relating to Jurisdiction on Divorce Labels," (H. P. 1411) (L. D. 574) reported that leave be granted to withdraw the same.

The Committee on Legal Affairs on Bill "An Act Relating to Rules Governing Racing in Maine," (H. P. 1588) (L. D. 942) reported that leave be granted to withdraw the same.

The Committee on Federal Relations on Memorial to the Honorable

Senate and House of Representatives of the United States of America in Congress Assembled," (H. P. 1641) reported that the same ought not to be adopted.

The Committee on Agriculture on Bill "An Act Relating to Branding of Potatoes," (H. P. 1337) (L. D. 794) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the Proper Branding of Potatoes," (H. P. 1108) (L. D. 366) reported that the same ought not to pass.

The Committee on Appropriations and Financial Affairs on "Resolve Appropriating Money for the Department of Inland Fisheries and Game," (H. P. 1570) (L. D. 921) reported that the same ought not to pass.

The Committee on Claims on "Resolve in Favor of Mrs. James M. Cahill, Sr., of Concord," (H. P. 41) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Judiciary on Bill "An Act Creating a Fuel Administration Board," (H. P. 1525) (L. D. 877) reported that the same ought not to pass.

Miss LAUGHLIN of Cumberland: Mr. President, in response to a request by telegram this morning, I move that this bill be laid upon the table.

The motion prevailed and the bill was laid upon the table pending acceptance of the report in concurrence.

The Committee on Legal Affairs on Bill "An Act Repealing the Law Relating to the Board of Barber Examiners," (H. P. 1188) (L. D. 483) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Reports to Assessors of Cities, Towns and Plantations," (H. P. 1388) (L. D. 747) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

#### Ought to Pass

The Committee on Appropriations and Financial Affairs on "Resolve Relating to the Maine Commission on Interstate Cooperation," (H. P. 1114) reported that the same ought to pass.

The same Committee acting un-

der authority of Joint Order (H. P. 1618) ask leave to report Bill "An Act Relating to State Aid for Libraries," (H. P. 1652) and that the same ought to pass.

The same Committee on "Resolve in Favor of Fort McClary," (H. P. 1116) reported that the same ought to pass.

The same Committee on "Resolve in Favor of Procuring Testimonials for the Purpose of Marking the Unmarked Graves of Soldiers of the Revolutionary War," (H. P. 1115) reported that the same ought to pass.

The Committee on Claims on "Resolve in Favor of Mrs. Albertha Williams, of Bath," (H. P. 410) reported the same in a new draft (H. P. 1653) (L. D. 1008) under the same title and that it ought to pass.

The same Committee on "Resolve in Favor of Mrs. Estella M. Littlefield, of Hampden," (H. P. 912) reported the same in a new draft (H. P. 1654) (L. D. 1009) under the same title and that it ought to pass.

The same Committee on "Resolve in Favor of Florence Dennison of Whiting," (H. P. 577) (L. D. 249) reported the same in a new draft (H. P. 1656) (L. D. 1011) under the same title and that it ought to pass.

The same Committee on "Resolve in Favor of Inez T. Fogg, of Readfield," (H. P. 1124) (L. D. 375) reported the same in a new draft (H. P. 1655) (L. D. 1010) under the same title and that it ought to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Game Preserve in Caswell Plantation," (H. P. 1381) (L. D. 810) reported that the same ought to pass.

The same Committee on "Resolve in Favor of a Fish Screen in Cathance Lake," (H. P. 333) (L. D. 129) reported the same in a new draft (H. P. 1657) (L. D. 1012) under the same title and that it ought to pass.

The same Committee on Bill "An Act Relative to Guides' Licenses," (H. P. 1359) (L. D. 705) reported that the same ought to pass.

The Committee on Public Utilities on Bill "An Act Relative to Taxation of Street Railroad Corporations," (H. P. 1238) (L. D. 499) 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 Relating to Registration of Veterans' Graves," (H. P. 785) (L. D. 335) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

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

### Petition

Mr. Chamberlain of Penobscot presented "Petition of Forrest L. Knapp of Brewer and 21 others in Favor of L. D. 769 (S. P. 493)

Which was referred to the Committee on Judiciary.

Sent down for concurrence.

### First Reading of Printed Bills

Bill "An Act Relating to the Investment of Municipal Trust Funds." (S. P. 490) (L. D. 1015)

"Resolve Regulating Fishing in Pemaquid River." (S. P. 491) (L. D. 1016)

Which bill and resolve were severally read once, and Tuesday next assigned for second reading.

### Senate Committee Reports Ought Not to Pass

Mr. Elliot from the Committee on Motor Vehicles on Bill "An Act Relating to Every Motor Vehicle to Display Lights, Fusees, Flares, (Pot Torches) and Flags," (S. P. 254) (L. D. 407) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act to Change the Method of Issuing Licenses to Operate Motor Vehicles, and to Apportion the Annual Expiration Thereof," (S. P. 86) (L. D. 69) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to Weights of Motor Vehicles," (S. P. 258) (L. D. 411) reported that the same ought not to pass.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Libby from the same Committee on Bill "An Act Relating to

Pedestrians," (S. P. 27) (L. D. 1) reported that the same ought not to pass.

(On motion by Mr. Findlen of Aroostook the bill was laid upon the table pending acceptance of the report.)

### Ought to Pass

Mr. Bridges from the Committee on Inland Fisheries and Game on Bill "An Act Relative to Licenses for Dealers in Furs," (S. P. 379) (L. D. 698) reported that the same ought to pass.

Mr. Harvey from the Committee on Judiciary on Bill "An Act Relating to the Transfer of Appropriations in the Department of Health and Welfare," (S. P. 437) (L. D. 892) reported that the same ought to pass.

Mr. Libby from the Committee on Motor Vehicles on Bill "An Act Relating to Headlights on Motor Vehicles," (S. P. 320) (L. D. 523) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Registration of More than One Motor Vehicle in Same Calendar Year," (S. P. 445) (L. D. 896) reported that the same ought to pass.

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

Mr. Stilphen from the Committee on State School for Boys, State School for Girls and State Reformatories on Bill "An Act Relating to the State Reformatory for Men," (S. P. 428) (L. D. 648) reported that the same ought to pass.

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

Mr. Emery from the Committee on Federal Relations on Bill "An Act Amending the Law Relating to Unemployment Compensation to Collect Contributions on Wages Paid," (S. P. 206) (L. D. 502) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read and accepted, and the bill read once; Amendment "A" was read as follows:

Committee Amendment "A" to S. P. 206, L. D. 502, Bill "An Act Amending the Law Relating to Unemployment Compensation to Collect Contributions on Wages Paid".

Amend said bill by adding thereto two new sections, numbered sections 8 and 9, reading as follows: **Sec. 8, P. L., 1935, c. 132, sec. 19, amended.** Section 19 of chapter 192 of the public laws of 1935, as amended, is hereby amended by adding thereto a new section (v) reading as follows: (v) **"Unpaid Wages".** Wages earned by an employee for employment from employers which remain unpaid because the assets of the employers for whom such employment was rendered are in the custody or control of an assignee for the benefit of creditors, receiver, trustee or any other fiduciary appointed by, or under the control of a court of competent jurisdiction shall, for all the purposes of the unemployment compensation law, as amended, be deemed to be and shall be treated as though such wages had been paid to such employee during the calendar year within which such wages were earned.

**Section 9, P. L., 1935, c. 192, amended.** Chapter 192 of the public laws of 1935, as amended, is hereby amended by adding thereto a new section, numbered 26, reading as follows:

**Sec. 26. Employers exempt from the provisions of the weekly payment of wage law to make report on accrued wages.** All employers exempt from the provision of the weekly payment of wage law of this State shall report to the Unemployment Compensation Commission all accrued wages payable for employment during the calendar year up to and including December 31 of such calendar year under such regulations as the commission may prescribe; except that nothing in this section shall be construed to make contributions due and payable on any part of such reported wages which have not actually been paid, but wages so reported shall be deemed to be wages paid for unemployment benefit purposes.

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

"Resolve Authorizing the Forest Commissioner to Convey Certain Land to Arthur Hobbs, Clyde Hobbs and Elsie Sealey of Stratton." (H. P. 687) (L. D. 242)

Which resolve as previously

amended, was read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

"Resolve Authorizing the Forest Commissioner to Convey Certain Land to Mrs. Grace E. Kelley c/o Ballard F. Keith of Bangor." (H. P. 1210) (L. D. 428)

Which resolve as previously amended was read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

"Resolve Authorizing the Forest Commissioner to Convey Certain Land to Agnes Lapointe Plourd of Frenchville." (H. P. 477) (L. D. 211)

"Resolve in Favor of Knox Memorial Association, Inc., for Support and Maintenance of 'Montpelier.'" (H. P. 614) (L. D. 251)

"Resolve Opening East Grand Lake in Weston to Ice Fishing." (H. P. 622) (L. D. 258)

"Resolve Relating to Fishing in Bear, Wayne and Upper Range Ponds." (H. P. 631) (L. D. 267)

"Resolve Authorizing the Forest Commissioner to Convey Certain Land to Mrs. Myrtle Madden Hutchinson of Old Town." (H. P. 685) (L. D. 240)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land to Clara Calder Johnston of Rockwood." (H. P. 686) (L. D. 241)

"Resolve Regulating Fishing in Clayton and Fish Lakes of the Fish River Chain of Lakes." (H. P. 803) (L. D. 316)

Bill "An Act Authorizing Bank Officers to Execute Certain Instruments." (H. P. 1121) (L. D. 372)

"Resolve Regulating Fishing in Squa Pan Lake." (H. P. 1137) (L. D. 386)

"Resolve Regulating Ice Fishing in Tacoma Chain of Lakes." (H. P. 1145) (L. D. 445)

Bill "An Act to Amend the Charter of the City of Presque Isle." (H. P. 1166) (L. D. 462)

Bill "An Act Regarding Notices on Applications for Malt Liquor Licenses." (H. P. 1214) (L. D. 432)

Bill "An Act Relating to the Inheritance Tax Law." (H. P. 1285) (L. D. 551)

(On motion by Mr. Farris of Kennebec, the bill was laid upon the table pending passage to be engrossed in concurrence.)

Bill "An Act Relating to Cash Reserves of Banks." (H. P. 1512) (L. D. 855)

Bill "An Act Relative to Use of Poisons." (H. P. 1639) (L. D. 987)

Bill "An Act Relating to Employment and Salary of Deputy Clerk of Lewiston." (H. P. 1649) (L. D. 1000)

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

Bill "An Act Providing for the Disposition of Property where there is no Sufficient Evidence that Persons Died Otherwise than Simultaneously." (S. P. 366) (L. D. 680)

Bill "An Act Relating to Voting Booths." (S. P. 369) (L. D. 683)

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 Licenses of Insurance Companies." (S. P. 383) (L. D. 621)

Bill "An Act Relating to Time of Filing Notice by Towns of Support Supplied Paupers." (H. P. 429) (L. D. 178)

Bill "An Act Relating to Dates for Inspection of Motor Vehicles." (H. P. 651) (L. D. 232)

Bill "An Act Clarifying the Law Relating to Notices of Appointments and Elections." (H. P. 826) (L. D. 340)

Bill "An Act Amending the Law Relating to Unemployment Compensation to Permit Filing of Copies of Documents." (H. P. 1254) (L. D. 553)

Bill "An Act Relating to Trapping by Indians." (H. P. 1264) (L. D. 556)

Bill "An Act Providing for an Assistant County Attorney for Penobscot County." (H. P. 1395) (L. D. 773)

Bill "An Act Relating to Enforcement Support Decrees." (H. P. 1404) (L. D. 782)

Bill "An Act Relating to Appeals in Civil Cases to the Superior Court." (H. P. 1410) (L. D. 788)

Bill "An Act Regulating the Fishing for White Perch." (H. P. 1637) (L. D. 985)

Bill "An Act Relative to the Taking of Smelts in York County." (H. P. 1638) (L. D. 986)

#### Finally Passed

"Resolve Closing Smith Pond to Fishing." (H. P. 626) (L. D. 262)

"Resolve Regulating Fishing in Wilson Pond." (H. P. 634) (L. D. 270)

"Resolve Regulating Fishing in Androscoggin County Waters." (H. P. 1142) (L. D. 442)

"Resolve in Favor of the Tri City Fish and Game Association." (H. P. 1143) (L. D. 443)

"Resolve Regulating Fishing for Smelts in Waters of Androscoggin Watershed." (H. P. 1640) (L. D. 988)

#### Emergency Measure

Bill "An Act Relating to the Appointment of Health Officers." (S. P. 446) (L. D. 963)

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.

#### Order

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

"Request to the Supreme Judicial Court on an Important Question by the Senate of the Ninetieth Legislature.

"Whereas, it appears to the Senate of the Ninetieth Legislature that the following is an important question of law, and the occasion is a solemn one, and

"Whereas a bill is before the Senate for consideration permitting Indians to vote in state-wide elections, and

"Whereas, the question has been raised as to the constitutionality of this act because of the status of the Indian and the question of his eligibility to vote while enjoying the privileges of the treaties between his tribe and the State of Maine, now therefore, be it

"ORDERED, that the Justices of the Supreme Judicial Court are hereby requested to give to the Senate, according to the provisions of the Constitution on this behalf, an opinion on the following question:

“ If by legislative enactment a poll tax should be imposed upon Indians living on reservations within the State, would said poll tax be such a tax as within the meaning of Section I of Article II of the Constitution that it would entitle Indians, subject to such tax, to vote? ” Thereupon, the order received passage.

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#### Orders of the Day

On motion by Mr. Morse of Waldo, the Senate voted to reconsider its

action taken earlier in today's session whereby bill, An Act Authorizing Bank Officers to Execute Certain Instruments (H. P. 1121) (L. D. 372) was passed to be engrossed; and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed in concurrence.

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On motion of Mr. Elliot of Knox  
Adjourned until Tuesday morning, March 18th at eleven o'clock.