

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, March 27, 1941

The Senate was called to order by the President.

Prayer by the Reverend Lansing G. Putnam of Augusta.

Journal of yesterday read and approved.

From the House:

Bill "An Act Relating to Commitment of Persons of Unsound Mind to the State Hospitals for Observation." (S. P. 346) (L. D. 663)

(In the Senate on March 24th, 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 as further amended by House Amendment A was passed to be engrossed in concurrence.

Papers from the House referred in concurrence.

From the House:

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve Relating to Conveying Certain Land to Maine Peat Moss, Inc. of Portland," (H. P. 1212) (L. D. 430) reported that the Senate recede from its former action and concur with the House in recommitting the Report and Resolve to the Committee on State Lands and Forest Preservation.

Comes from the House, report read and accepted.

In the Senate, the report was read and accepted in concurrence.

**House Committee Reports
Recommended**

The Committee on Towns on Bill "An Act Relating to Expenses of Town Clerks," (H. P. 479) (L. D. 213) reported that the same ought not to pass.

Comes from the House, recommitting to the Committee on Towns.

In the Senate, the bill was recommitting to the Committee on Towns in concurrence.

Ought Not to Pass

The Committee on Agriculture on Bill "An Act Relating to Tax on Potatoes," (H. P. 1567) (L. D. 92) reported that the same ought not to pass.

The Committee on Education on Bill "An Act Relating to Fire Protection," (H. P. 1452) (L. D. 764) 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 Acting under Authority of Joint Order (H. P. 1618) ask leave to report a Resolve under title of "Resolve in Favor of George Soctomah, Representative of the Passamaquoddy Tribe of Indians," (H. P. 1794) (L. D. 1051) and that it ought to pass.

The Committee on Education on "Resolve in Favor of Ella M. Jude, of Ellsworth," (H. P. 672) (L. D. 1057) reported that the same ought to pass.

The same Committee on "Resolve in Favor of Blanche G. Cobb of Lisbon," (H. P. 257) (L. D. 1056) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Apportionment of School Funds," (H. P. 463) (L. D. 201) reported that the same ought to pass.

(On motion by Mr. Chamberlain of Penobscot, the bill was laid upon the table pending assignment for second reading and especially assigned for tomorrow.)

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Revocation of Hunting and Fishing Licenses," (H. P. 1363) (L. D. 709) reported that the same ought to pass.

The same Committee on Bill "An Act Relative to Field Trials and Training Bird Dogs," (H. P. 1370) (L. D. 716) reported the same in a new draft (H. P. 1796) (L. D. 1053) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relative to Training of Fox Hounds," (H. P. 1263) (L. D. 535) reported the same in a new draft (H. P. 1797) (L. D. 1054) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relative to Trapping of Bobcats in Aroostook County," (H. P.

797) (L. D. 310) reported the same in a new draft (H. P. 1798) (L. D. 1055) under the same title, and that it ought to pass.

The Committee on Public Utilities on Bill "An Act Amending the Charter of the Kittery Electric Light Company," (H. P. 1658) (L. D. 1013) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolves severally read once, and under suspension of the rules read a second time and passed to be engrossed in concurrence.

The Committee on Inland Fisheries and Game on "Resolve Relative to Open Season on Pheasants," (H. P. 811) (L. D. 324) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Relative to Daily Limit on Pickerel," (H. P. 1356) (L. D. 702) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on "Resolve Permitting the Building of a Fish Pond in Madison," (H. P. 1379) (L. D. 808) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which reports were severally read and accepted in concurrence, the bill and resolves severally read once; Committee Amendments "A" severally read and adopted in concurrence, and the bill and resolves as amended tomorrow assigned for second reading.

Divided Report

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Sunday Hunting in Unorganized Territory," (H. P. 1532) (L. D. 871) reported that the same ought not to pass.

(Signed) Senators:

SANBORN of Cumberland
MORSE of Waldo

Representatives:

DWINAL of Camden
SHESONG of Portland
LaFLEUR of Portland
SYLVIA of Danforth

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed) Senator:

DOW of Oxford

Representatives:

SLOSBERG of Gardiner
DONAHUE of Biddeford
SOUTHARD of Augusta.

Comes from the House, Minority report read and accepted, and subsequently the bill indefinitely postponed.

In the Senate, on motion by Mr. Sanborn of Cumberland, the bill and accompanying papers were laid upon the table pending acceptance of either report.

Senate Committee Reports Final Report

Mr. Boothby from the Committee on Insane Hospitals submitted its Final Report.

Which was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Chase from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for the Construction, Improvement and Equipment of State Buildings" (S. P. 328) (L. D. 689) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue, for the Construction, Improvement and Equipment of State Buildings," (S. P. 330) (L. D. 690) reported that the same ought not to pass.

Mr. Emery from the Committee on Federal Relations on Bill "An Act Relating to the Transfer to the State of Property and Insurance by Applicants for, or Recipients of Public Assistance," (S. P. 332) (L. D. 693) reported that the same ought not to pass.

Mr. Boucher from the Committee on Labor on Bill "An Act Relating to Assignment of Wages," (S. P. 341) (L. D. 619) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Morse from the Committee on Federal Relations on Bill "An Act Relating to Time of Filing by an Employing Unit Under the Unemployment Compensation Act," (S. P. 456) (L. D. 938) reported that the same ought to pass.

Which report was read and accepted, the bill read once and tomorrow assigned for second reading.

Mr. Boothby from the Committee on Inland Fisheries and Game on Bill "An Act Relative to Crop and Orchard Damage by Deer," (S. P. 377) (L. D. 696) reported the same in a new draft (S. P. 516) under the same title and that it ought to pass.

Mr. Chase from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for a Discount from the Established Retail Sale Price upon Sales of Liquor by the State Liquor Commission to Persons Licensed to Sell Liquor to be Consumed on the Premises," (S. P. 298) (L. D. 508) reported the same in a new draft (S. P. 517) under a new title, Bill "An Act Providing for the Sale of Liquor at Wholesale Prices by the State Liquor Commission to Persons Licensed to Sell Liquor to be Consumed on the Premises," and that it ought to pass.

Which reports were severally read and accepted, and the bills in new draft laid upon the table for printing under the joint rules.

Divided Report

Report "A" from the Committee on Inland Fisheries and Game on Bill "An Act Relative to Standish Game Preserve," (S. P. 241) (L. D. 393) reported the same in a new draft "A" (S. P. 518) under the same title, and that it ought to pass.

(Signed) Senators:

ELLIOT of Knox
BRIDGES of Washington

Representatives:

WINTER of Kingfield
FENLASON of North Anson
Starrett of Warren

Report "B" from the same Committee on the same subject matter, reported the same in a new draft "B" (S. P. 519) under the same title and that it ought to pass.

(Signed) Senators:

BOOTHBY of York

Representatives:

HANOLD of Standish
DAVIS of Buxton
BROWN of Corinna
WELCH of Chapman

On motion by Mr. Bridges of Washington the report of the committee "Ought to Pass in New Draft A" was accepted, and the bill in new draft "A" (S. P. 518) was laid upon the table for printing under the joint rules.

Passed to be Engrossed

Bill "An Act Relating to Fees of Referees." (H. P. 102) (L. D. 57)

(On motion by Mr. Sanborn of Cumberland, the bill was laid upon the table pending second reading.)

Bill "An Act to Provide Assistance to the Civil Population of England." (H. P. 637) (L. D. 273)

"Resolve in Favor of a Pension for Lena Butler Richards." (H. P. 660) (L. D. 1044)

"Resolve in Favor of Wilfred Duquette of Brunswick." (H. P. 1106) (L. D. 1046)

Bill "An Act Relating to Physical Education." (H. P. 1248) (L. D. 531)

Bill "An Act Relating to Payment of the Special Tax for Investigation of Fires by the Insurance Commissioner." (H. P. 1273) (L. D. 543)

Bill "An Act Providing for Financing of Mutual Insurance Companies." (H. P. 1451) (L. D. 763)

Bill "An Act Relating to the Perambulation of Town Lines." (H. P. 1494) (L. D. 732)

Bill "An Act Relating to Records of Deorganized Municipalities." (H. P. 1495) (L. D. 733)

"Resolve Authorizing the Forest Commissioner to Convey Certain Land to Fred McGeorge of East Machias." (H. P. 1621) (L. D. 966)

"Resolve in Favor of Olaf Nylan-der." (H. P. 1784) (L. D. 1047)

Bill "An Act to Establish a Sanitary Water Board and to Control, Prevent and Abate Pollution of Certain Waters of the State." (H. P. 1785) (L. D. 1040)

Bill "An Act Making Unlawful the Deposit of Certain Materials in, or on the Banks of the St. John and Fish Rivers." (H. P. 1766) (L. D. 1041)

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

"Resolve in Favor of the Town of Charleston." (H. P. 1791) (L. D. 1048)

(On motion by Mr. Stilphen of Lincoln, the resolve was laid upon the table pending second reading.)

Bill "An Act Permitting Towns to Appropriate Money in Anticipation of State Appropriations." (S. P. 167) (L. D. 225)

Bill "An Act Relating to Burial Grounds for Soldiers." (S. P. 458) (L. D. 934)

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

Sent down for concurrence.

Passed to be Enacted

"Resolve Authorizing the Forest Commissioner to Convey Certain Land to Mrs. Grace E. Kelley." (H. P. 1210) (L. D. 428)

Orders of the Day

On motion by Mr. Batchelder of York, the Senate voted to take from the table Senate Report from the Committee on Public Health, "Ought to Pass" in New Draft (S. P. 482) on bill, An Act Relating to Practice of Chiropractic (S. P. 410) (L. D. 635) tabled by that Senator on March 6th pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted and the bill in new draft laid upon the table for printing under the joint rules.

Mr. FARRIS of Kennebec: Mr. President, I would like to inquire if Legislative Document 779, An Act Relating to Absentee Ballots is in the possession of the Senate?

The PRESIDENT: The Chair will state that the document is in the possession of the Senate.

Thereupon, on motion by Mr. Farris, the Senate voted, under suspension of the rules, 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 action whereby the bill was passed to be engrossed.

Mr. Farris offered Senate Amendment "A" and moved its adoption: "Senate Amendment 'A'. Amend said bill by inserting after the word 'town' in the fourth line thereof the underlined words 'within this state'."

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

Sent down for concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table, bill, An Act Permitting Indians to Vote in State Elections (S. P. 486) tabled by that Senator on March 11th pending reference.

Mr. BISHOP: Mr. President, just a word of explanation. By unanimous consent, on March 11th, I presented this bill and was granted the courtesy to have it accepted. On the same day, March 11th, I

had the bill tabled, and on March 14th I followed this bill with a request to the Supreme Judicial Court for an opinion on a question in regard to the right of Indians to vote. Although they evaded and sidestepped my question, I have, nevertheless, received and gained what I set out to accomplish. Therefore, since this bill has no further need, I ask it be withdrawn.

Thereupon, unanimous consent was granted to withdraw the bill.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, bill, An Act Relating to Duties of Overseers of the Poor (H. P. 18) (L. D. 13), tabled by that Senator on February 13th pending enactment.

Mr. CHAMBERLAIN: Mr. President, I now move the Senate reconsider its action whereby it passed this bill to be engrossed and on that motion I desire to make a short explanation. This bill, as originally entered, was report from the Committee on Legal Affairs with Committee Amendment "A". The original bill reads exactly like this: "Overseers may authorize some person whom they shall designate to perform such of the duties provided in this chapter, as they may determine." This is an amendment to Chapter 33 of the Revised Statutes. "Before entering upon the performance of said duties, the person so designated shall be sworn, and shall give bond to the town for the faithful performance thereof, in such sum and with such sureties as the overseers order." Committee Amendment "A" changed that bill from "person" to "persons."

Now, I would not have anything to do with a matter of this kind had I not served for a long period as a municipal officer; and the reason this bill came in at all, and it comes from Mr. Payson, City Solicitor of Portland, because the Law Court of Maine decided that unless an order was signed by a member of the board of overseers of the poor, it was not collectible from any other city or town, and that was the case of Fort Fairfield against Millinocket. "The care and relief of the Poor chargeable to a town and the furnishing of relief to destitute persons found there and having no settlement in the town are expressly committed to the overseers of the poor of the several towns and cities

of the State and the overseers must be sworn to the faithful performance of their duties." And then the Law Report goes further to say, "Overseers of the Poor can not delegate the exercise of their discretionary powers to persons not on the Board. The general rule is that the discretionary powers and duties of Overseers of the Poor are quasi judicial and can not be delegated to others.

This bill does delegate those powers. That decision given by the Law Court may be necessary in cities and towns especially where their charters or the law gave them the right to employ a city manager. This bill offers an opportunity for the overseers of the poor to delegate—and the original bill said, — may delegate that power to some person. I am perfectly willing in the city of Portland and other cities where they have a manager system, for them to delegate, but it seems to me a very vicious and dangerous thing to go into every town and say to the overseers, who are made up as they are, and are ordinary persons in ordinary pursuits, to delegate all the power in chapter 33, to any number of persons they see fit to delegate it to.

I trust the Senate will therefore accede to the motion to reconsider our action whereby this bill was passed to be engrossed, as I have an amendment to offer.

Thereupon, under suspension of

the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, and on further motion by the same Senator the Senate voted to reconsider its action whereby Committee Amendment "A" was adopted and Committee Amendment "A" was indefinitely postponed in non-concurrence.

The same Senator presented Senate Amendment "A" and moved its adoption: "Senate Amendment A. Amend said bill by striking out in the 7th line thereof the underlined words 'provided in' and inserting in place thereof the underlined words 'imposed upon them by'. Further amend said bill by inserting in the 8th line thereof after the underlined word 'determine' the following underlined words 'provided however that in cities and towns having a population of 10,000 or more the said assessors may designate more than one person to perform such duties.' Further amend said bill by inserting in the 9th line of said bill after the underlined word 'person' the following words 'or persons'".

Thereupon, on motion by Mr. Friend of Somerset, the bill and the amendment were laid upon the table pending the adoption of Senate Amendment A.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.