

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

Tuesday, April 1, 1941

The Senate was called to order by the President.

Prayer by the Reverend Alfred G. Hempstead of Bucksport.

Journal of yesterday read and approved.

House Committee Reports Ought to Pass

The Committee on Counties on Bill "An Act Requiring Sheriffs to Locate Hunters and Fishermen Who are Lost," (H. P. 1339) (L. D. 796) reported the same in a new draft, (H. P. 1843) (L. D. 1061) under a new title, Bill "An Act Requiring Sheriffs to Search for Lost Persons," and that it ought to pass.

The Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation Law so as to Permit Corrections of Benefit Claims," (H. P. 1344) (L. D. 603) reported that the same ought to pass.

The same Committee on Bill "An Act to Amend the Unemployment Compensation Law with Respect to Advisory Councils," (H. P. 1346) (L. D. 605) reported that the same ought to pass.

The same Committee on Bill "An Act Amending the Unemployment Compensation Law Relating to Employment," (H. P. 1575) (L. D. 926) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Trapping Muskrats," (H. P. 1367) (L. D. 713) reported the same in a new draft (H. P. 1845) (L. D. 1062) under the same title and that it ought to pass.

The same Committee on Bill "An Act Relative to Open Season on Beaver," (H. P. 1375) (L. D. 721) reported the same in a new draft (H. P. 1847) (L. D. 1063) under the same title and that it ought to pass.

The same Committee on Bill "An Act Relating to Trapping in the Town of Scarborough," (H. P. 617) (L. D. 253) reported that the same ought to pass.

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

The same Committee on "Resolve Regulating Deer Hunting on Swans Island in the County of Hancock,"

(H. P. 472) (L. D. 208) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fishing in Square Lake Chain of Lakes," (H. P. 807) (L. D. 320) reported the same in a new draft (H. P. 1846) (L. D. 1064) under a new title, "Resolve Regulating Fishing in Fish River Chain of Lakes," and that it ought to pass.

The Committee on Judiciary on Bill "An Act Exempting Municipal Airports from Taxation," (H. P. 1578) (L. D. 929) reported that the same ought to pass.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Forest Commissioner to Convey Certain Lands to Union Trust Company of Ellsworth," (H. P. 1594) (L. D. 946) reported the same in a new draft (H. P. 1848) (L. D. 1065) under a new title, "Resolve Authorizing the Forest Commissioner to Convey Certain Lands to the Estate of Isaac Bragg," and that it ought to pass.

The same Committee on "Resolve Granting Authority to the Forestry Department to Convey Certain Land to Stanley Hinch of Danforth," (H. P. 448) (L. D. 187) 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 Bill "An Act Relative to Non-Resident Hunting Licenses," (H. P. 1358) (L. D. 704) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on Bill "An Act Relative to Transportation of Deer within State," (H. P. 1376) (L. D. 722) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The same Committee on "Resolve for Screening Sennebec Pond at Union," (H. P. 1148) (L. D. 448) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which reports were severally read and accepted in concurrence, and the bills and resolve read once; Committee Amendments "A" were severally read and adopted in concurrence, and under suspension of the rules the bills and resolve as

amended were read a second time and passed to be engrossed in concurrence.

The Committee on Agriculture on Bill "An Act Relating to Sellers of Milk and Cream," (H. P. 1336) (L. D. 572) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

In the House report was read and accepted, Committee Amendment "A" indefinitely postponed, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Chamberlain of Penobscot, the bill was laid upon the table pending adoption of Committee Amendment "A".

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

Emergency Measure

Bill "An Act Relating to School Tax in Unorganized Territory." (S. P. 391) (L. D. 651)

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.

First Reading of Printed Bills

Bill "An Act Consolidating the Aviation Laws." (S. P. 521) (L. D. 1073)

Which bill was given its final reading, and under suspension of the rules read a second time and passed to be engrossed.

Sent down for concurrence.

Senate Committee Reports Ought Not to Pass

Mr. Fellows from the Committee on Taxation on Bill "An Act Relating to Assessment of Taxes," (S. P. 390) (L. D. 650) reported that the same ought not to pass.

Mr. Bate from the Committee on Temperance on Bill "An Act Relating to Local Option Provisions," (S. P. 419) (L. D. 658) reported that the same ought not to pass.

Mr. Boucher from the same Committee on Bill "An Act Relative to Wholesale Licenses for Malt Beverages," (S. P. 416) (L. D. 684) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Boucher from the Committee on Temperance on Bill "An Act Relating to Suspension of Licenses of Malt Beverages," (S. P. 418) (L. D. 657) reported the same in a new draft (S. P. 523) under the same title and that it ought to pass.

Which report was read and accepted and the bill in new draft laid upon the table for printing under the joint rules.

Orders of the Day

On motion by Mr. Friend of Somerset, 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 March 27th pending adoption of Senate Amendment "A"; and that Senator yielded to the Senator from Penobscot, Senator Chamberlain.

Mr. CHAMBERLAIN: Mr. President, I move the adoption of Senate Amendment "A" to L. D. 13, An Act Relating to Duties of Overseers of the Poor. I would like to say that the amendment is satisfactory to the interested people in the House who desire to have the overseers' law amended so that the overseers could delegate their powers. It seems to me as it is entirely satisfactory to them there, I should be entirely satisfactory to us here.

Thereupon, 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. Dow of Oxford, the Senate voted to take from the table, bill, An Act to Authorize Adequate Court Facilities in Oxford County (S. P. 231) (L. D. 391) tabled by that Senator on March 28th pending consideration; and that Senator yielded to the Senator from Aroostook, Senator Findlen.

Thereupon, on motion by Mr. Findlen of Aroostook, the Senate voted to recede and concur with the House in the indefinite postponement of the bill.

On motion by Mr. Fellows of Kennebec, the Senate voted to take from the table, House Report from the Committee on Appropriations and Financial Affairs, "Ought to Pass" on Bill, An Act Relating to State

Aid for Academies (H. P. 792) (L. D. 307) tabled by that Senator on March 28th pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence and the bill was given its first reading.

Thereupon, that Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to L. D. 307. Amend said bill by striking out in the twenty second line thereof the underlined figures \$85,000 and inserting in place thereof the underlined figures \$95,000."

Upon motion by Mr. Sanborn of Cumberland, the bill and amendment were laid upon the table pending adoption of Senate Amendment "A".

On motion by Mr. Stilphen of Lincoln, the Senate voted to take from the table, House Report from the Committee on Education, "Ought to Pass" on bill, An Act Relating to State School for Girls (H. P. 1249) (L. D. 532) tabled by that Senator on March 26th pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence, and the bill was given its first reading.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table, House, Report, Majority "Ought Not to Pass"; Minority "Ought to Pass" on bill, An Act Relating to Sunday Hunting (H. P. 1532) (L. D. 871) tabled by that Senator on March 27th pending acceptance of either report; and on further motion by the same Senator, the majority report, "Ought Not to Pass" was accepted.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table, House Report from the Committee on Legal Affairs, "Ought Not to Pass" on bill, An Act Relating to Signs on Pumps Dispensing Internal Combustion Fuels (H. P. 1165) (L. D. 461) tabled by that Senator on March 28th pending consideration; and on further mo-

tion by the same Senator, the Senate voted to insist on its former action and ask for a committee of conference.

Thereupon, the President appointed as members of such committee on the part of the Senate, the Senator from Cumberland, Senator Sanborn; the Senator from Oxford, Senator Dow; and the Senator from Waldo, Senator Morse. Sent down for concurrence.

On motion by Mr. Morse of Waldo, the Senate voted to take from the table, Senate Report from the Committee on Legal Affairs, Report "A" "Ought to Pass"; Report "B" "Ought Not to Pass"; Report "C" Ought to Pass as Amended by Committee Amendment "A" on bill, An Act Relating to Pauper Settlements (S. P. 93) (L. D. 99) tabled by that Senator on March 28th pending acceptance of either report.

Mr. MORSE: Mr. President, this bill is very brief and with your indulgence, I would like to read it. An Act Relating to Pauper Settlements. "During the period that a family is supported in part by surplus commodities, so-called, or wages received from the Works Progress Administration under the provisions of federal law, or old age assistance, no member of the said family shall acquire or lose a pauper settlement, or be in the process of acquiring or losing a pauper settlement." In other words, the pauper settlement of the family receiving such wages or benefits shall remain unchanged. We understand that a house divided against itself cannot stand. Here we have the Legal Affairs Committee split three ways on this question. Of course, all of these reports cannot be accepted. Probably one will be.

This measure, I believe, is one of great importance to every city and every town in the state and it is so recognized, as shown by the fact that there were three different bills, all dealing with the same subject matter pending before the Legal Affairs Committee at the same time. Now, the injustice which this bill endeavors to correct is this, a family in destitute circumstances already having a pauper settlement receives wages from the W P A or some of the benefits as mentioned in the bill, and decides that it will move to some larger town or city where there are perhaps more at-

tractions, although the living expenses may be much greater, a thing which it is perfectly proper for them to do if they so desire. Yet if there are six, eight or ten members in that family and they reside in this town for five successive years under the same conditions and without receiving any pauper supplies, they have gained a new pauper settlement which they never would have had and which it would have been impossible for them to have had except for these bounties showered upon them by the state and national government.

Therefore, the sole cause of transferring this burden of settlement from one town to another has been the benefits through the receipt for wages or supplies or whatever benefits may be mentioned in the bill.

I move, Mr. President, that Majority Report "A", Ought to Pass" be accepted.

Mr. DOW of Oxford: Mr. President, I signed the Minority Report in this matter. The Legal Affairs Committee, if I remember correctly, was split six, two and two; six being in favor of the present bill, two in favor of an amendment which struck out some of the existing bill and left, primarily I think, old age assistance, and two said it shouldn't pass in any form. I signed that report with those who thought it shouldn't pass in any form.

I don't know that it is worth crusading on but I think I should state why I signed that report so that it may be perfectly clear to the members of this Body why I think this is not good legislation.

In the first place, five or ten years from now it will be hard to tell who received surplus commodities or who was on WPA and I wonder how far we will go in trying to find out why people moved from one place to another so as to determine their status.

What difference does it make whether they go to live with some old folks or whether they change their place of living for the purpose of getting the new rating. I don't see why we should legislate on that particular matter.

As far as old age assistance is concerned, let us assume that my father lives in Ellsworth and that he gets old age assistance. I am an only child, spoiled of course, and he decides to come and live with

me. Why should his pauper settlement follow him whether he comes to live with me because he is getting old age assistance and can support me or because I am a young man and can support him?

For those reasons, Mr. President, I voted as I did.

Mr. CHAMBERLAIN of Penobscot: Mr. President the argument of the Senator from Waldo, Senator Morse, is so complete that really not another word ought to be said. But, as a matter of fact, I cannot see how rendering anything that is contained in surplus commodities to a person—that is wholly a federal thing and has nothing what ever to do with cities and towns—I cannot see how it can affect the pauper settlements in any way whatsoever.

In the city where I live there are many people who receive surplus commodities. They are not paupers, they are self respecting people, but they do go there because of the liberality of the federal government and take home with them many things that help them to carry on their families. What has that to do with the pauper question? Not the slightest.

Now, supposing at some future time those same people should become paupers under the law as it exists today. What difference does it make then whether they ever received surplus commodities or not or whether they ever received some butter from me as a gift—and the butter from me as a gift is legally and exactly the same position as were the commodities given them by the federal government.

Now, when it comes to old age assistance it doesn't pauperize them in the slightest respect and the question of whether they ever received old age assistance has nothing to do with pauperization. The only way, under the law as it exists today, that a person can be a pauper is for him to go and ask for aid of the city or town where he lives at the time he asks for it.

In the city of Bangor there are many people working in the airport where they earn their living from working on that airport under the WPA project. They are not paupers, not all of them. They may or may not be. But what difference does it make whether they are working there or not, as to the pauperization of them?

I certainly hope, Mr. President,

that Committee Report "A" will be adopted.

Mr. SANBORN of Cumberland: Mr. President, I quite agree with the Senator from Penobscot, Senator Chamberlain, in his observation that the argument in favor of the adoption of the Majority Report has been completely set forth by the Senator from Waldo, Senator Morse, and I am on my feet not for the purpose of supplementing or expanding that argument but merely because it may be fair to myself and to the committee that I should say that I was one of those who concurred in signing the Majority Report.

The objection that has been raised to the effect that in years to come it might be difficult to establish or to prove whether or not one had received aid in any of these forms seems to me to be without great force because in the event of litigation, whatever the form may be, the burden will of course be on one party or the other. If he seeks to take advantage of the fact of the party having received old age assistance, the burden will be upon him to establish it by proof and if he is unable to establish it by proof he is in no worse condition than any litigant would be who seeks to establish a fact and can't.

I sincerely hope, Mr. President, that the motion will prevail.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the acceptance of the Majority Report "A" of the committee "Ought to Pass."

A viva voce vote being had, the Majority Report of the committee, "Report A", was accepted and the bill was given its first reading.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Bridges of Washington, the Senate voted to take from the table House Report from the Committee on Inland Fisheries and Game, "Ought Not to Pass" on Resolve Relating to Game Preserve on Munroe Island (H. P. 469) (L. D. 205) tabled by that Senator on March 14th pending acceptance of the report in concurrence; and on further motion by the same Senator the report was accepted in concurrence.

On motion by Mr. Boothby of York, the Senate voted to take from the table House Report from the Committee on Inland Fisheries and Game "Ought to Pass in New Draft" under the same title on bill, An Act Relating to Bounty on Bears (H. P. 1362) (L. D. 708) tabled by that Senator on March 28 pending acceptance of the report in concurrence; and on further motion by the same Senator, the bill in new draft was given its first reading, House Amendment A was read and adopted in concurrence, and under suspension of the rules, the bill in new draft as amended by House Amendment A was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Chase of Washington, the Senate voted to take from the table Communication from the Committee on Appropriations and Financial Affairs re the Appropriation Bill (S. P. 489) tabled by that Senator on March 12th pending consideration of the communication; and on further motion by the same Senator, the communication was ordered placed on file.

On motion by Mr. Elliot of Knox
Adjourned until tomorrow morning at ten o'clock.