

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

Wednesday, April 2, 1941.

The Senate was called to order by the President.

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

Journal of yesterday read and approved.

At this point the Senator from Knox, Senator Elliot, was escorted to the Chair and handed the gavel by the President who retired amidst the applause of the Senate.

From the House:

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

(In Senate on March 27th passed to be engrossed in non-concurrence)

Comes from the House, that Body having insisted on its former action whereby the Majority report "Ought Not to Pass" was accepted, and asking for a Committee of Conference.

In the Senate, on motion by Miss Laughlin of Kennebec, that Body voted to join with the House in a Committee of Conference.

The PRESIDENT pro tem: The Senate conferees will be announced later.

House Committee Reports Ought to Pass

The Committee on Inland Fisheries and Game on "Resolve Regulating Hunting and Trapping of Muskrats," (H. P. 244) (L. D. 83) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Comes from the House, resolve indefinitely postponed.

In the Senate, on motion by Mr. Bridges of Washington, the report and resolve were laid upon the table pending consideration.

Ought Not to Pass

The Committee on Judiciary on Bill "An Act Authorizing the Creation of Housing Authorities in the Several Cities and Towns," (H. P. 1386) (L. D. 814) reported that leave be granted to withdraw.

The same Committee on Bill "An Act Relating to Remedying and Elimination of Dwellings Unfit for Human Habitation," (H. P. 1387) (L.

D. 768) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Petitions for Review," (H. P. 1161) (L. D. 458) reported that the same ought not to pass.

The same Committee on Bill "An Act Creating a Rule of Evidence in Certain Criminal Prosecution under the Motor Vehicle Law," (H. P. 1406) (L. D. 784) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Absentee Ballots in Towns Using the Australian Ballot," (H. P. 1419) (L. D. 728) reported that the same ought not to pass.

The same Committee on Bill "An Act Permitting Towns to Use Absentee Ballots," (H. P. 247) (L. D. 86) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act Relating to the Charter of the City of Rockland," (H. P. 1176) (L. D. 475) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act to Tax Coin Vending Machines and to Make Legal the Leasing, Possession and Operation of the Same," (H. P. 1437) (L. D. 576) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Defining, Regulating and Taxing Games of Skill," (H. P. 1436) (L. D. 575) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Time of Holding Municipal Elections," (H. P. 1584) (L. D. 940) reported that leave be granted to withdraw the same.

The same committee on Bill "An Act Amending the Charter of the City of Auburn," (H. P. 1171) (L. D. 470) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to the Division of Emergency Aid," (H. P. 1586) (L. D. 941) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Pauper Settlements," (H. P. 1266) (L. D. 538) reported that the same ought not to pass.

The same Committee on Bill "An Act to Amend the Charter of the Cgunquit Village Corporation," (H. P. 1182) (L. D. 360) reported that the same ought not to pass.

The same Committee on Bill "An Act to Regulate the Sale of Fire-

works in the State of Maine," (H. P. 51) (L. D. 35) reported that the same ought not to pass.

The Committee on Motor Vehicles on Bill "An Act Relating to Automobiles Stopping upon Signal of Officer," (H. P. 1548) (L. D. 829) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to the Law of the Road," (H. P. 1538) (L. D. 878) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Traffic Safety," (H. P. 1429) (L. D. 731) reported that the same ought not to pass.

The Committee on Public Utilities on Bill "An Act Relating to Common Carriers," (H. P. 1462) (L. D. 738) reported that leave be granted to withdraw the same as it is covered by other legislation.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of Register of Probate of Kennebec County," (H. P. 1466) (L. D. 742) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act Levying a Tax on Soft Drinks," (H. P. 323) (L. D. 125) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Pari-Mutuels," (H. P. 1213) (L. D. 431) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Taxing Entertainment Halls, Requiring Paid Admissions," (H. P. 1598) (L. D. 948) reported that the same ought not to pass.

The same Committee on Bill "An Act Relative to Exemption of Public Municipal Corporations from Taxation," (H. P. 1597) (L. D. 947) reported that the same ought not to pass.

The Committee on Temperance on Bill "An Act Relating to the Fees for Licenses for Hotels, Restaurants and Clubs which are Licensed to Sell Malt Liquors to be Consumed on the Premises as well as Vinous and Spirituous Liquors to be Consumed on the Premises," (H. P. 1491) (L. D. 725) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Licenses to Sell Malt Liquors," (H. P. 1485) (L. D. 734) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

Referred to 91st Legislature

The Committee on Ways and Bridges on Bill "An Act to Provide for the Reconstruction or Enlargement of the International Bridge at Calais, in the County of Washington, known as the Ferry Point Bridge," (H. P. 97) (L. D. 53) reported that the same be referred to the 91st Legislature.

The same Committee on "Resolve in Favor of a Bridge Across the Allagash River," (H. P. 325) (L. D. 124) reported that the same be referred to the 91st Legislature.

Which reports were severally read and accepted in concurrence.

Ought Not to Pass

The same Committee on "Resolve Relating to Maintenance of that Part of Route 11 located within the Town of Lincoln," (H. P. 452) (L. D. 190) reported that the same ought not to pass.

The same Committee on "Resolve Relating to Maintenance of the White Schoolhouse Road, so-called," (H. P. 453) (L. D. 191) reported that the same ought not to pass.

The same Committee on "Resolve Relating to Benton Bridge," (H. P. 161) (L. D. 93) reported that the same ought not to pass.

The Committee on Claims on "Resolve Reimbursing the Town of Sherman for Certain Pauper Expenses," (H. P. 409) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of New Portland for Support of Willard Luce and Family," (H. P. 37) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill "An Act Relating to Medical Examiners and Their Duties," (H. P. 1421) (L. D. 586) reported that the same ought to pass.

Which report was read and accepted in concurrence and the bill given its first reading. Under suspension of the rules the bill was then given its second reading and passed to be engrossed in concurrence.

The Committee on Legal Affairs on Bill "An Act to Provide Better Government for the Town of Bar Harbor," (H. P. 645) (L. D. 281) reported that the same ought to pass.

(On motion by Mr. Hodgkins of Hancock the bill was laid upon the table pending acceptance of the report in concurrence.)

The same Committee on Bill "An Act to Amend the Charter of the Ogunquit Village Corporation," (H. P. 1180) (L. D. 478) reported that the same ought to pass.

Which report was read and accepted in concurrence and the bill given its first reading. Under suspension of the rules the bill was then given its second reading and passed to be engrossed in concurrence.

The same Committee on Bill "An Act Relating to Gambling," (H. P. 1446) (L. D. 578) reported the same in a new draft (H. P. 1857) (L. D. 1070) under the same title, and that it ought to pass.

Which report was read and accepted in concurrence and the bill given its first reading. Thereupon on motion by Mr. Chamberlain of Penobscot, under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

The Committee on Salaries and Fees on Bill "An Act Relating to Town Clerks," (H. P. 1463) (L. D. 739) 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 given its first reading. Committee Amendment "A" was read and adopted in concurrence, and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended, in concurrence.

First Reading of a Printed Bill

Bill "An Act Relating to Indication on Motor Vehicles of Their Weight," (S. P. 522) (L. D. 1075)

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

Sent down for concurrence.

Senate Committee Reports Ought Not to Pass

Mr. Boothby from the Committee on Inland Fisheries and Game on "Resolve for Fish Hatchery in Washington County," (S. P. 236) (L.

D. 399) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Farris from the Committee on Labor on Bill "An Act Relating to Hours of Employment," (S. P. 342) (L. D. 638) reported the same in a new draft (S. P. 524) 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.

At this point the President resumed the Chair, Mr. Elliot of Knox surrendering the gavel, amidst the applause of the Senate.

Passed to be Enacted

Bill "An Act Relating to Apportionment of School Funds," (S. P. 143) (L. D. 195)

Bill "An Act Relative to Rabbits in Waldo County," (S. P. 240) (L. D. 395)

Bill "An Act Relative to Stations for Weighing Trucks," (S. P. 317) (L. D. 880)

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

Bill "An Act Relating to Aid to Needy Children," (S. P. 367) (L. D. 681)

Bill "An Act Relating to Preservation of the Records of the Department of Health and Welfare," (S. P. 509) (L. D. 1034)

Bill "An Act Relating to the Business of Letting or Leasing for Hire of Motor Vehicles to be Used by any other person, Firm or Corporation," (S. P. 511) (L. D. 1035)

Finally Passed

"Resolve Granting a Pension to Eva Mae McShea," (S. P. 122) (L. D. 1038)

"Resolve in Favor of Certain Agricultural Societies," (S. P. 183) (L. D. 1039)

"Resolve in Favor of the Estate of Charles H. Scott," (S. P. 496) (L. D. 1023)

Passed to be Enacted

Bill "An Act Relating to Apportionment of School Funds." (H. P. 463) (L. D. 201)

Bill "An Act Relating to the Town Manager Form of Government for the Town of Houlton." (H. P. 646) (L. D. 282)

Bill "An Act to Amend the Milk Control Law." (H. P. 1246) (L. D. 530)

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 Relating to the Sale of Nursery Stock." (H. P. 1334) (L. D. 792)

Bill "An Act Relative to Daily Limit on Pickerel." (H. P. 1356) (L. D. 702)

Bill "An Act Relative to Hunting of Game Birds." (H. P. 1357) (L. D. 703)

Bill "An Act Relating to Revocation of Hunting and Fishing Licenses." (H. P. 1363) (L. D. 709)

Bill "An Act Authorizing Cities and Towns to Appropriate Money and Acquire Lands for Use as Public Parking Places." (H. P. 1390) (L. D. 571)

Bill "An Act Relating to Absentee Ballots." (H. P. 1401) (L. D. 779)

Bill "An Act Relating to Election Returns." (H. P. 1423) (L. D. 588)

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)

Bill "An Act Relating to Pasteurized Milk." (H. P. 1509) (L. D. 853)

Bill "An Act Amending the Charter of the Kittery Electric Light Company." (H. P. 1658) (L. D. 1013)

Bill "An Act Making Unlawful the Deposit of Certain Materials in or on the Banks of the St. John and Fish Rivers." (H. P. 1786) (L. D. 1041)

Bill "An Act Relative to Field Trials and Training Bird or Coon Dogs." (H. P. 1796) (L. D. 1053)

Bill "An Act Relative to Training of Fox, Coon or Rabbit Hounds." (H. P. 1797) (L. D. 1054)

Bill "An Act Relative to Trapping of Bobcats in Aroostook County." (H. P. 1798) (L. D. 1055)

Finally Passed

"Resolve in Favor of Blanche G. Cobb of Lisbon." (H. P. 257) (L. D. 1056)

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

"Resolve in Favor of Ella M. Jude of Ellsworth." (H. P. 672) (L. D. 1057)

"Resolve Relative to Open Season on Pheasants." (H. P. 811) (L. D. 324)

"Resolve Granting a Bonus to Harold E. Seavey, of Phippsburg." (H. P. 1086) (L. D. 1045)

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

"Resolve Appropriating Money for Control of the Fruit and Blueberry Fly in Maine." (H. P. 1118) (L. D. 370)

"Resolve Permitting the Building of a Fish Pond in Madison." (H. P. 1379) (L. D. 808)

"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 A. R. Thompson." (H. P. 1671) (L. D. 1021)

"Resolve in Favor of Olaf Nylander." (H. P. 1784) (L. D. 1047)

"Resolve in Favor of George Soctomah, Representative of the Passamaquoddy Tribe of Indians." (H. P. 1794) (L. D. 1051)

Emergency Measure

Bill "An Act to Exempt Soldiers and Sailors from Poll Taxes." (H. P. 1484) (L. D. 613)

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

Emergency Measure

Bill, "An Act Relating to Elected Officials of the State in Military Service." (H. P. 1705) (L. D. 1028)

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

Orders of the Day

Mr. HASKELL of Penobscot: Mr. President, I ask unanimous consent to address the Senate.

Unanimous consent was granted.

Mr. HASKELL: Mr. President and members of the Senate, a few months ago the town of Patten had the misfortune to lose its town hall by fire. This hall was used for public affairs of the town as well as town offices. It was also used by Patten Academy for all of its public affairs and for its indoor athletics. At the present time they have been talking, the citizens and alumni of the academy about the erection of a much bigger building and have finally gotten together on a plan whereby they feel they can erect a building which will be used not only for a public building for the town and for the academy's indoor athletics, but it will also fill a much needed building for grade schools which are overcrowded now. So the town is asking that this legislature give them authority to form a school district to allow them to issue bonds in sufficient amount to enable them to build this building which they feel they have need. I ask unanimous consent to introduce a bill covering this.

Thereupon, unanimous consent was granted for the introduction of bill, An Act to Incorporate the Patten School District (S. P. 525)

Under suspension of the rules, the bill was then given its two several readings and passed to be engrossed, without reference to a committee.

Sent down for concurrence.

On motion by Mr. Chase of Washington, the Senate voted to take from the table, bill, An Act to Appropriate Monies for the Expenditures of State Government and for other purposes for the Fiscal Years Ending June 30, 1942 and June 30, 1943, (S. P. 488) (L. D. 1014) tabled by that Senator on March 26th pending assignment for second reading; and that Senator presented Senate Amendment "A" and moved its adoption:—

"Senate Amendment 'A' to L. D. 1014. Amend said bill by striking out in the first and second lines of columns of figures, the figures '\$135,000' where they appear opposite the words 'Emergency Aid' in the paragraph headed 'Health and Welfare Department' and substitut-

ing in place thereof the figures '\$90,000.' Further amend said bill by striking out the figures '\$13,278,911.58' and '\$13,393,880.58' where they appear opposite the words 'Total all appropriations' and inserting the following in place thereof: '\$13,233,911.58' and '\$13,348,880.58.'"

Senate Amendment "A" was adopted and the bill as amended, under suspension of the rules was given its second reading and passed to be engrossed.

Thereupon, on motion by Miss Laughlin of Cumberland, the Senate voted to reconsider its action just taken whereby the bill was passed to be engrossed, and on further motion by that Senator, the bill as amended was laid upon the table pending passage to be engrossed.

On motion by Mr. Libby of Cumberland, the Senate voted to take from the table, bill, An Act Creating the Caribou Utilities District (S. P. 510) (L. D. 1032) tabled by that Senator on March 26th pending passage to be engrossed; and that Senator yielded to the Senator from Aroostook, Senator Brown.

Thereupon, on motion by Mr. Brown of Aroostook, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, Senate Report from the Committee on Legal Affairs, "Ought Not to Pass" on Bill, An Act Relating to Set-off Between the State and Cities and Towns (S. P. 340) (L. D. 629) tabled by that Senator on March 28th pending acceptance of the report; and on further motion by the same Senator, the "Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

(Emergency Measure)

On motion by Mr. Chase of Washington, the Senate voted to take from the table, bill, "An Act Relative to Increase of the State Debt Limit (H. P. 1706) (L. D. 1026) tabled by that Senator on March 28th pending passage to be enacted.

Thereupon, on further motion by the same Senator, the bill, being an emergency measure and having re-

ceived the affirmative vote of 29 members of the Senate and none opposed, was passed to be enacted.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table, bill, An Act Relating to the Inheritance Tax Law (H. P. 1285) (L. D. 551) tabled by that Senator on March 14th pending passage to be engrossed; and that Senator presented Senate Amendment "A" and moved its adoption. "Senate Amendment 'A'. Amend the second paragraph of said act by inserting after the word 'parent' in the third line from the end thereof the words 'of child or children of a deceased child by representation'."

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

Thereupon, on motion by Mr. Chamberlain of Penobscot, the Senate voted to reconsider its action just taken whereby the bill was passed to be engrossed; and on further motion by the same Senator the bill as amended by Senate Amendment "A" was laid upon the table pending passage to be engrossed and especially assigned for tomorrow.

On motion by Mr. Libby of Cumberland, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to Pass" on bill, An Act Relating to Trapping in the Town of Scarborough (H. P. 617) (L. D. 253) tabled by that Senator yesterday pending acceptance of the report; and that Senator yielded to the Senator from York, Senator Boothby.

Thereupon, on motion by Mr. Boothby, the report of the committee "Ought to Pass" was accepted and the bill was given its first reading. On further motion by the same Senator, the rules were suspended and the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, bill, An Act Relating to Sellers of Milk and Cream (H. P. 1336) (L. D. 572) tabled by that Senator on April 1st

pending adoption of Committee Amendment "A"; and that Senator yielded to the Senator from Aroostook, Senator Findlen.

Mr. FINDLEN of Aroostook: Mr. President, I move we concur with the House in the indefinite postponement of Committee Amendment "A" as the matter is taken care of by other legislation.

Committee Amendment "A" was indefinitely postponed in concurrence and the bill was given its first reading.

Under suspension of the rules the bill was then given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Stilphen of Lincoln, the Senate voted to take from the table, Resolve in Favor of the Town of Charleston (H. P. 1791) (L. D. 1048) tabled by that Senator on March 27th pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

The PRESIDENT: The Chair will at this time announce the Senate members of the Committee of Conference on bill "An Act to Provide Assistance to the Civil Population of England" (H. P. 637) (L. D. 273): the Senator from Cumberland, Senator Laughlin, the Senator from Aroostook, Senator Brown, and the Senator from Waldo, Senator Morse.

Order

(Out of Order)

On motion by Mr. Friend of Somerseset, it was

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention to be held forthwith in the Hall of the House for the purpose of extending an invitation to the Governor to attend the Convention and present such communication as he may be pleased to make.

The Secretary conveyed the message.

Subsequently a message was received from the House, by Mr. Pease, its Clerk, concurring in the foregoing proposition for a Joint Convention.

The Senate then proceeded to the House of Representatives where a Convention was formed.

(For proceedings of Joint Convention see House report.)

In the Senate

The Senate was called to order by the President.

On motion by Mr. Bridges of Washington the Senate voted to take from the table, Report from the Committee on Inland Fisheries

and Game on Resolve Regulating Hunting and Trapping of Muskrats (H. P. 244) (L. D. 83) reporting "Ought to Pass as Amended by Committee Amendment 'A' submitted herewith," tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator the resolve was indefinitely postponed in concurrence.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.