

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

Saturday, April 5, 1941.

The Senate was called to order by the President.

Prayer by the Reverend Gordon Washburn of Hallowell.

Journal of yesterday read and approved.

Order**(Out of Order)**

Out of order and under suspension of the rules.

On motion by Mr. Friend of Somerset, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 7th, 1941, at 4:00 o'clock in the afternoon. (S. P. 538) Sent down for concurrence.

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

From the House:

"Remonstrance of J. H. Smith and 16 others of Penobscot County against L. D. 125) a Tax on Soft Drinks." (S. P. 530)

(In Senate on April 3rd referred to Committee on Taxation.)

Comes from the House, ordered placed on file in non-concurrence.

In the Senate that Body voted to recede and concur with the House and the remonstrance was ordered placed on file in concurrence.

Bill "An Act Creating a Department of Motor Vehicles, (S. P. 77) (L. D. 45) Majority Report, "Ought to Pass."; Minority Report, "Ought Not to Pass."

(In the Senate on April 4th, Majority Report "Ought to Pass" read and accepted, and the bill passed to be engrossed.)

Comes from the House, Minority Report "Ought Not to Pass" read and accepted in non-concurrence.

In the Senate, on motion by Mr. Elliot of Knox, that Body voted to insist on its former action and ask for a Committee of Conference.

Subsequently the President appointed as Senate members of such committee: Senators Elliot of Knox, Laughlin of Cumberland, Libby of Cumberland.

**House Committee Reports
Ought Not to Pass**

The Committee on Claims on "Resolve in Favor of the City of Ban-

gor." (H. P. 914) reported that the same ought not to pass.

The same Committee on "Resolve Reimbursing the Town of Newport for Aid Furnished to Percy Brown." (H. P. 1062) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Anson," (H. P. 292) (L. D. 102) reported that the same ought not to pass.

The same Committee on "Resolve Reimbursing the Town of Rangeley for Money Expended in Certain Case," (H. P. 763) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Hampden," (H. P. 581) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Anson," (H. P. 293) (L. D. 103) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Lubec for Expenses Incurred by State Pauper." (H. P. 594) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Fairfield for Expense Incurred in Case of Milford Jones," (H. P. 604) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Freedom," (H. P. 1068) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Madison for Support Furnished a State Pauper," (H. P. 759) reported that the same ought not to pass.

The same Committee on "Resolve Reimbursing the Town of Merrill for Medical Aid Furnished State Pauper," (H. P. 1101) reported that the same ought not to pass.

The same Committee on "Resolve Reimbursing the Town of Hudson for Medical Aid Furnished State Pauper," (H. P. 1084) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Bridgewater," (H. P. 1252) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Anson," (H. P. 294) (L. D. 104) reported that the same ought not to pass.

The same Committee on "Resolve Reimbursing Carroll Plantation for Pauper Supplies," (H. P. 579) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Easton for Certain Expenses," (H. P. 930) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Anson," (H. P. 291) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act to Provide a Legislative Commission to Revise Certain Statutes in the Event Governor's Council is Abolished," (H. P. 103) (L. D. 58) reported that the same ought not to pass.

The same Committee on "Resolve Proposing an Amendment to the Constitution Abolishing the Governor's Council," (H. P. 104) (L. D. 59) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Eminent Domain for Water Companies and Water Districts, and Other Public Service Corporations," (H. P. 1622) (L. D. 973) reported that the same ought not to pass.

The Committee on Library on "Resolve for the Purchase of One Hundred Copies of 'History of the Town of Bucksport,'" (H. P. 1183) reported that the same ought not to pass.

The same Committee on "Resolve for the Purchase of One Hundred Copies of 'History of Oxford County,'" (H. P. 834) reported that the same ought not to pass.

The Committee on Mines and Mining on Bill "An Act to Authorize Mining Activities under Hid Pond in Franklin County," (H. P. 1590) (L. D. 943) reported that the same ought not to pass.

The Committee on Motor Vehicles on Bill "An Act Exempting from the Payment of Excise Taxes Residents of States which Grant Reciprocal Privileges to Residents of this State," (H. P. 1185) (L. D. 480) reported that the same ought not to pass.

The same Committee on Bill "An Act to Improve Safety on the Highways," (H. P. 1550) (L. D. 839) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to No Parking upon Paved or Improved Portion of Ways; Exceptions," (H. P. 1541) (L. D. 833) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Non-Resident Vehicles and Operators," (H. P. 1435) (L. D. 824) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the Safety of Highways," (H. P. 1546) (L. D. 894) reported that the same ought not to pass.

The Committee on Pensions on Bill "An Act Relating to Old Age Assistance," (H. P. 106) (L. D. 60) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Pensions," (H. P. 1459) (L. D. 737) reported that the same ought not to pass.

The Committee on State Lands and Forest Preservation on Bill "An Act Authorizing the Forest Commissioner to Convey Certain Land to Maine Peat Moss Inc., of Portland," (H. P. 1212) (L. D. 430) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act Relating to a Tax on Gasoline and Other Products Used for Motor Fuel," (H. P. 1478) (L. D. 614) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act Levying Certain Luxury Taxes," (H. P. 54) (L. D. 39) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Taxation and Providing for a Universal Tax on Gross Incomes," (H. P. 1477) (L. D. 601) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the Taxation of Intangible Personal Property," (H. P. 1471) (L. D. 616) reported that the same ought not to pass.

Leave Granted to Withdraw

The Committee on Temperance on Bill "An Act Relating to Men Enlisting in the Federal Service," (H. P. 1561) (L. D. 850) reported that leave be granted to withdraw the same.

Referred to Next Legislature

The same Committee on Bill "An Act to Regulate the Sale of Wines Produced by Natural Fermentation or Fortified," (H. P. 1489) (L. D. 735) reported that the same be referred to the 91st Legislature.

Which reports were severally read and accepted in concurrence.

Divided Reports

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Provide for the Appointment of the Attorney-general by the Chief Justice of the Supreme Judicial Court" (H. P. 1425) (L. D. 730) reported that the same ought not to pass. (signed) Senators:

LAUGHLIN of Cumberland
FARRIS of Kennebec
HARVEY of York

Representatives:

McGLAUFN of Portland
WILLIAMS of Bethel
GRUA of Livermore Falls
HINCKLEY of South Portland

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

(signed) Representatives:

MILLS of Farmington
BRIGGS of Hampden
PAYSON of Portland

In the House the Majority Report read and accepted.

In the Senate, on motion by Mr. Farris of Kennebec, the Majority Report was accepted in concurrence.

The Majority of the Committee on Judiciary on Bill "An Act Relating to Disclosure Commissioners," (H. P. 1581) (L. D. 932) reported that the same ought not to pass.

(Signed) Senators:

FARRIS of Kennebec
HARVEY of York

Representatives:

GRUA of Livermore Falls
McGLAUFN of Portland
HINCKLEY of South Portland
WILLIAMS of Bethel
PAYSON of Portland
BRIGGS of Hampden
MILLS of Farmington

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

(signed) Senator:

LAUGHLIN of Cumberland

In the House, the majority report, read and accepted.

In the Senate, on motion by Mr. Farris of Kennebec, the bill and accompanying reports were laid upon the table pending acceptance of either report.

Order

On motion by Mr. Elliot of Knox it was

ORDERED, that 650 copies be printed of Report A "Ought to Pass in New Draft under a new title," on bill, An Act Relating to the Weight of Motor Vehicles.

First Reading of Printed Bills

Bill "An Act to Incorporate the Carmel School District." (S. P. 515) (L. D. 1092)

"Resolve Dividing the State into Senatorial Districts." (S. P. 526) (L. D. 1093)

Bill "An Act to Apportion Representatives to Congress." (S. P. 528) (L. D. 1091)

Which bills and resolve were severally read once, and under suspension of the rules read a second time and passed to be engrossed.

Sent down for concurrence.

"Resolve Dividing the State into Executive Councillor Districts." (S. P. 527) (L. D. 1090)

(On motion by Mr. Elliot of Knox, the resolve was laid upon the table pending first reading.)

Bill "An Act Amending the Financial Responsibility Law." (S. P. 531) (L. D. 1094)

(On motion by Mr. Boucher of York, the bill was laid upon the table pending first reading.)

**Senate Committee Reports
(Final Reports)**

Mr. Findlen from the Committee on Counties submitted its Final Report.

Mr. Dorr from the Committee on Mines and Mining submitted its Final Report.

Mr. Dow of Franklin from the Committee on State Lands and Forest Preservation submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Friend from the Committee on Pensions on Bill "An Act Providing for Pensions for Certain County Officers and Employees," (S. P. 48) (L. D. 23) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to a Retirement Pension for Frank P. Washburn of Perry," (S. P. 70) reported that the same ought not to pass.

Mr. Fellows from the Committee on Taxation on Bill "An Act Relating to the Exceptions of the Taxation of Personal Estate," (S. P. 388) (L. D. 653) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Hildreth from the Committee on Maine Publicity on Bill "An Act Relating to Automobile Junk Yards," (S. P. 359) (L. D. 820) reported the same in a new draft (S. P. 539) under the same title, and that it ought to pass.

Mr. Elliot from the Committee on Public Health on Bill "An Act Providing State Services for the Blind," (S. P. 328) (L. D. 954) reported the same in a new draft (S. P. 840) under the same title, and that it ought to pass.

Mr. Stilphen from the Committee on Sea and Shore Fisheries on Bill "An Act Pertaining to the Regulation of Smelt Fishing," (S. P. 413) (L. D. 647) reported the same in a new draft (S. P. 541) under the same title 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.

Mr. Friend from the Committee on Pensions on Bill "An Act Relating to the Teachers' Retirement System," (S. P. 396) (L. D. 633) reported that the same ought to pass.

Mr. Emery from the Committee on Public Health on Bill "An Act Relating to Veterinary Surgeons," (S. P. 106) (L. D. 147) reported that the same ought to pass.

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

Sent down for concurrence.

Passed to Be Enacted

Bill "An Act Relating to the Personnel Law." (S. P. 74) (L. D. 50)

Bill "An Act Relating to Clerk Hire in the Office of Register of Deeds." (S. P. 400) (L. D. 641)

Bill "An Act Relating to Notices of Caucuses." (S. P. 442) (L. D. 884)

Bill "An Act Relating to Examination of Motor Vehicles by Inspectors and Police Officers." (S. P. 448) (L. D. 902)

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

Bill "An Act Regulating the Expenditures of the Potato Tax." (S. P. 514) (L. D. 106)

Bill "An Act Relative to Crop and Orchard Damage by Deer." (S. P. 516) (L. D. 1069)

Bill "An Act Relating to Duties of Overseers of the Poor." (H. P. 18) (L. D. 13)

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

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

Bill "An Act Relating to Trapping in the Town of Scarborough." (H. P. 617) (L. D. 253)

Bill "An Act to Amend the Charter of the Ogunquit Village Corporation." (H. P. 1180) (L. D. 478)

Bill "An Act Relating to Sellers of Milk and Cream." (H. P. 1336) (L. D. 572)

Bill "An Act Relating to Medical Examiners and Their Duties." (H. P. 1421) (L. D. 586)

Bill "An Act Relating to Town Clerks." (H. P. 1463) (L. D. 739)

Finally Passed

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

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

Bill "An Act Relative to the Regulation of the Use of the Highways by Motor Vehicles Transporting Property and for the Supervision and Control of Such Motor Vehicles." (S. P. 297) (L. D. 507)

(In the Senate on March 25th, passed to be engrossed.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Batchelder of York, the bill was indefinitely postponed in concurrence.

From the House:

Bill "An Act Providing for the Regulation of the Use of the Highways Transporting Property for Hire." (S. P. 501) (L. D. 1032)

(In the Senate, on March 25th passed to be engrossed.)

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

In the Senate, on motion by Mr. Batchelder of York, the Senate 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:

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Trapping Deer on Mt. Desert Island," (H. P. 1364) (L. D. 710) reported the same in a new draft (H. P. 1844) under a new title, bill "An Act Relative to Open Season on Deer on Mt. Desert Island," and that it ought to pass.

In the House, the bill was indefinitely postponed.

In the Senate, on motion by Mr. Hodgkins of Hancock, the bill and report were laid upon the table pending acceptance of the report.

From the House:

The Committee on Public Utilities on Bill "An Act Extending the Exemptions from the Common Carrier Law," (H. P. 116) (L. D. 63) reported the same in a new draft (H. P. 1866) (L. D. 1083) under a new title, Bill "An Act Relating to Common Carriers," and that it ought to pass.

Which report was read and accepted in concurrence, the bill in new draft read once, and under suspension of the rules read a second time and passed to be engrossed in concurrence.

Orders of the Day

On motion by Mr. Stilphen of Lincoln, the Senate voted to take from the table, bill, An Act Relating to Payments of Accounts to the State (H. P. 1287) (L. D. 552) tabled by that Senator on April 4th pend-

ing assignment for second reading; and that Senator presented Senate Amendment "A" and moved its adoption:

Senate Amendment "A" to S. P. 46, L. D. 22, Bill "An Act Relating to Payment of Accounts to the State."

Amend said bill by striking out in the 6th line thereof the words "person, firm," and the words "or corporation" and by inserting after the word "town," in the 6th line the word "or" and by striking out in the 8th line thereof the words "him or", and by striking out the words in the 11th line thereof "person, firm," and the words "or corporation", and by inserting after the word "town," in the 11th line the word "or", and by striking out in the 17th line thereof the words "person, firm," and the words "or corporation" and by inserting after the word "town," in the 17th line the word "or", and by striking out in the 19th line thereof the words "person, firm," and the word "or", and by striking out in the 20th line the word "corporation", and by striking out in the 21st line the words "such person," and by striking out in the 22nd line the word "firm," and the words "or corporation", and by inserting after the word "town," in the 22nd line the word "or".

Thereupon, Senate Amendment "A" was adopted, and under suspension of the rules the bill was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Friend of Somerset

Adjourned until next Monday afternoon, April 7th, at four o'clock.