

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

Monday, April 7, 1941.

The Senate was called to order by the President.

Prayer by the Reverend Louis Staples of Gardiner.

Journal of Saturday, April 5th, 1941 read and approved.

From the House:

Bill "An Act Relative to Standish Game Preserve." (S. P. 519) (L. D. 1084)

(In the Senate, on April 4th that Body voted to insist on its former action whereby the bill in New Draft "A" was passed to be engrossed and asking for a Committee of Conference.)

Comes from the House, bill in New Draft "B" formerly passed to be engrossed in non-concurrence, and the House now joining in the Committee of Conference, the Speaker having appointed as members of such a committee:

Messrs. Hanold of Standish
Welch of Chapman
LaFleur of Portland

From the House:

Bill "An Act Relating to Pauper Settlements." (S. P. 93) (L. D. 99)

(In the Senate on April 4th that Body voted to insist on its former action whereby the bill was passed to be engrossed, and asked for a Committee of Conference.)

Comes from the House, formerly passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto, in non-concurrence, and now joining in the Committee of Conference, the Speaker having appointed as members of such a committee:

Messrs. Slosberg of Gardiner
Payson of Portland
Donahue of Biddeford

From the House:

Bill "An Act to Provide Better Government for the Town of Bar Harbor." (H. P. 645) (L. D. 281)

(In the Senate on April 4th, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, Senate Amendment "A" indefinitely postponed, and the bill passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Hodgkins of Hancock, the Senate

voted to insist on its former action and ask for a Committee of Conference.

The President appointed as Senate members of such committee, Senators Hodgkins of Hancock, Sanborn of Cumberland, Dow of Oxford.

From the House:

Bill "An Act Relating to Mileage of State Employees." (S. P. 512) (L. D. 1036)

(In the Senate on March 26th passed to be engrossed as amended by Senate Amendment "A".)

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

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

The President appointed as Senate members of such committee, Senators Farris of Kennebec, Stilphen of Lincoln, Emery of Hancock.

From the House:

The Committee on Claims on "Resolve to Reimburse the Town of Washington for Support of Certain State Paupers." (H. P. 42) reported that the same ought not to pass.

Comes from the House, recommitted to the Committee on Claims.

In the Senate, on motion by Mr. Dow of Franklin, that Body voted to accept the "Ought Not to Pass" report of the committee in non-concurrence.

Sent down for concurrence.

From the House:

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 to pass.

Comes from the House, bill and report indefinitely postponed.

In the Senate, the bill and report were indefinitely postponed in concurrence.

House Committee Reports Ought to Pass

The Committee on Temperance on Bill "An Act Relating to Restaurants and Locations of Restaurants Handling Malt Beverages." (H. P. 1490) (L. D. 736) reported the same in a new draft (H. P. 1890) (L. D. 1087) under the same title and that it ought to pass.

The Committee on Ways and Bridges on "Resolve in Favor of the City of Eastport," (H. P. 1322) (L. D. 1088) reported that the same ought to pass.

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

The Committee on Education on Bill "An Act Relating to School Tax in Unorganized Territory," (H. P. 1341) (L. D. 569) reported that the same ought to pass as amended by Committee Amendment "A", submitted herewith.

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

The Committee on Judiciary on Bill "An Act Relating to the Pownal State School," (H. P. 1402) (L. D. 780) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The Committee on Labor on Bill "An Act Relating to Payment of Wages," (H. P. 1432) (L. D. 749) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

The Committee on Legal Affairs on Bill "An Act Relating to Birth Records of Children Proposed for Adoption," (H. P. 1527) (L. D. 866) 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 read once; Committee Amendments "A" were read and adopted in concurrence, and under suspension of the rules the bills as amended were read a second time and passed to be engrossed in concurrence.

Divided Reports

The Majority of the Committee on Judiciary on Bill "An Act Relating to the Collection of a Poll Tax," (H. P. 1412) (L. D. 789) reported that the same ought not to pass.

(signed) Senators:

HARVEY of York
FARRIS of Kennebec

Representatives:

McGLAUFN of Portland
HINCKLEY of So. Portland
GRUA of Livermore Falls
WILLIAMS of Bethel
PAYSON of Portland
BRIGGS of Hampden

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

(signed) Senator:

LAUGHLIN of Cumberland
Representative:
MILLS of Farmington

In the House, the Majority Report read and accepted.

In the Senate, on motion by Mr. Farris of Kennebec, the Majority Report "Ought Not to Pass" was accepted in concurrence.

From the House:

The Majority of the Committee on Taxation on Bill "An Act Imposing an Income Tax," (H. P. 1473) (L. D. 568) reported that the same ought not to pass.

(signed) Senators:

FELLOWS of Kennebec
CHAMBERLAIN of Penobscot

Representatives:

MORRISON of Winter Harbor
TOZIER of Fairfield
DORSEY of Fort Fairfield
JORDAN of Saco
WORTH of Stockton Springs
WARREN of Westbrook

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

(signed) Senator:

BOOTHBY of York

Representative:

RICHARDSON of Strong

In the House, the Majority Report read and accepted.

In the Senate, on motion by Mr. Fellows of Kennebec, the Majority Report "Ought Not to Pass" was accepted in concurrence.

First Reading of Printed Bills

"Resolve to Repeal a Resolve Providing for a State Pension for Besie King," (S. P. 401)

"Resolve to Repeal a Resolve Providing for a State Pension for Mary A. Moulton," (S. P. 402) (L. D. 1104)

"Resolve to Repeal a Resolve Providing for a State Pension for Jo-

hanna T. Kelleher." (S. P. 403) (L. D. 1103)

"Resolve to Repeal a Resolve Providing for a State Pension for Amelia Rittal." (S. P. 404) (L. D. 1102)

"Resolve to Repeal a Resolve Providing for a State Pension for Lot Edmund Whitman." (S. P. 405)

"Resolve to Repeal a Resolve Providing for a State Pension for Mary Kane." (S. P. 469) (L. D. 1101)

"Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations, and Classes in the State of Maine." (S. P. 533) (L. D. 1096)

Bill "An Act Relating to Commitment of Feeble-Minded Juvenile Delinquents." (S. P. 534) (L. D. 1097)

Bill "An Act Relating to Surety Bonds." (S. P. 535) (L. D. 1098)

Bill "An Act Relating to Reserved Number Plates." (S. P. 536) (L. D. 1099)

Bill "An Act Relating to Automobile Junk Yards." (S. P. 539) (L. D. 1117)

Bill "An Act Providing State Services for the Blind." (S. P. 540) (L. D. 1115)

Bill "An Act Pertaining to the Regulation of Smelt Fishing." (S. P. 541) (L. D. 1116)

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

Sent down for concurrence.

Senate Committee Reports

Final Reports

Mr. Findlen from the Committee on Maine Publicity submitted its Final Report.

Mr. Stilphen from the Committee on State School for Boys, State School for Girls, and State Reformatories, 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 Ways and Bridges on "Resolve Proposing an Amendment to the Constitution Providing for an Issue of Highway Bonds, and Preventing the Use of Funds Derived from Motor Vehicles Taxation on Other than Highway and Bridge Purposes." (S. P. 179) (L. D. 215) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Passed to be Enacted

Bill "An Act Relating to Pre-marital Medical Examinations." (S. P. 412) (L. D. 637)

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

Orders of the Day

Mr. FRIEND of Somerset: Mr. President, I wish to present a bill and the committee report and to move the acceptance of the report. I will say that this bill was introduced way back in January and had its public hearing and was supposed to be on the calendar today. As we may possibly adjourn by the end of this week, it is important that the bill come before the Senate this afternoon.

Thereupon, out of order and under suspension of the rules, Mr. Friend from the Committee on Ways and Bridges presented Bill An Act to Provide for Re-Issuance of State Highway Bonds, (S. P. 181) (L. D. 216) in new draft, and that it ought to pass.

Thereupon, the report of the committee was accepted and the bill in new draft was laid upon the table for printing under the joint rules.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, "An Act Amending the Financial Responsibility Law (S. P. 531) (L. D. 1094) tabled by that Senator on April 5th pending first reading, and on further motion by the same Senator the 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.

On motion by Mr. Hodgkins of Hancock, the Senate voted to take from the table, House Report from the Committee on Inland Fisheries and Game, "Ought to Pass in New Draft and New Title" on bill, An Act Relative to Trapping Deer on Mt. Desert Island (H. P. 1364) (L. D. 710) tabled by that Senator on April 5th pending acceptance of the report.

Mr. HODGKINS of Hancock: Mr. President, I move that this bill be

indefinitely postponed in concurrence.

Mr. BRIDGES of Washington: Mr. President, as a member of the Committee on Inland Fisheries and Game, I believe it is my duty to explain to the Senate something about this bill. This bill came before the committee, in substance asking the committee to open Mt. Desert Island, which is closed to deer hunting, so that deer might be trapped on the Island and taken to other parts of the state and liberated without any expense to the State of Maine. The committee held the hearing on the bill and interested parties from Mt. Desert Island came. They gave us this view of the situation, that the population of deer upon the Island was so great that something had to be done about it. They wanted some relief. Practically half of Mt. Desert Island is national park. They represented to the committee that the deer were so thick that they were eating the shrubbery from the estates, that they were eating up truck garden products, damaging the orchards on the Island and that something really had to be done. They also said to the committee that they had made up their minds that trapping of the deer and liberating them elsewhere was not practicable. In other words, there were so many deer that they could not trap a sufficient number to be of any benefit to the Island and they asked us to consider another bill by the terms of which a commission was to be appointed, made up of the chief ranger of the park, the commissioner of Inland Fisheries and Game and one or two others.

Now, just how serious is the deer situation down there? As viewed by those interested parties, I might say the chief ranger brought in this second solution and it was divided into four parts. First, he wanted the commission to be given authority to trap deer, secondly that the commission should be given authority to kill deer and distribute the carcasses to the hospitals. Those two methods would not be sufficient to reduce the population of deer. So they suggested, third, that the commission be given authority to kill deer and sell the meat, of course in violation of the state law. That would not be sufficient, and to show how serious the deer situation is, they asked that the com-

mission be given authority to kill deer and burn the carcasses.

That is the situation upon Mt. Desert Island. They have been inbreeding. There are white deer and there are gray deer and every other kind, and the size is constantly getting smaller and they wanted relief and the committee decided to give them relief and unanimously passed the report that the Island should be opened up under the general law to take care of the surplus population of the deer. We understand there is a fish and game association on the Island and at the beginning they wanted the deer to increase and they got the increase and there was damage. They wanted tame deer and they are so tame you have to stop your automobile and give them a chance to get out of the road.

We gave what they asked for and gave it unanimously. Now then, they now say, "Let's leave the situation just as it is." It was so serious it took up the time of the committee and time of the legislature, and when we proposed to relieve them and proposed to save the farmers and the crop raisers, the market garden fellows, then they say, "Just never mind. It is all right. Leave it just as it is."

I do not believe that this bill should be indefinitely postponed, and I ask that we do not follow the Senator from Hancock, Senator Hodgkins, in his motion.

Mr. HODGKINS of Hancock: Mr. President, at a mass meeting held last Friday night in Bar Harbor a good representation of the citizens was present and it was voted that rather than to open up the island for a month of shooting they would rather have it continued as it is. It seems to me that they are the parties most interested and if they would be glad to put up with the situation as it is they should be allowed to do so. The first bill called for trapping but the committee didn't seem to want that and wanted to open the island but these people had rather have it remain as it is than to open up the island for shooting.

Mr. EMERY of Hancock: Mr. President, I simply wish to second the motion of my friend, Senator Hodgkins, that the bill be indefinitely postponed in concurrence. I am entirely conversant with this situation and under the circumstances I

feel that this is the best possible solution.

Mr. BRIDGES: Mr. President, I am well aware, and so is the committee, that they asked in their bill to allow them to trap deer but the parties came before the committee and told us that they were convinced that trapping was impracticable.

Now, another feature of the situation. As I have said, they have a large park on the island and they have had a CCC camp down there for a couple or three years and they have had two projects of the members of that encampment and the projects have been to clean up the undergrowth and cut off the lower branches of all the trees and bushes in the park. Now, where are the deer to go, except on the farm to eat up the vegetables and orchards and the garden truck? That is the situation and it is just as bad now as it was when they came before the committee and said, "Give us some relief," and we have given them relief.

Mr. HODGKINS: Mr. President, I think the Senator from Washington, Senator Bridges, has the wrong idea. I don't think he has made much of an investigation. True, there is a CCC camp there with a couple of hundred boys in it and they have done quite a lot of pruning around the park but they have cut out nothing but dead wood and that isn't very good substance for deer to eat. They haven't trimmed up any leaves of trees. Those leaves grow down to the ground just the same as they did.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Hodgkins, that bill An Act Relative to Trapping Deer on Mt. Desert Island be indefinitely postponed. Is the Senate ready for the question?

Mr. EMERY of Hancock: Mr. President, I ask for a division.

Mr. SNOW of Piscataquis: Mr. President, may I ask a question of the Senator from Washington, Senator Bridges, through the Chair?

The PRESIDENT: The Senator

from Piscataquis, Senator Snow may ask a question through the Chair of the Senator from Washington, Senator Bridges, who may answer if he wishes.

Mr. SNOW: Mr. President, I would like to ask Senator Bridges if he knows how much damages the state has had to pay for damage caused by deer on the island?

Mr. BRIDGES: Mr. President, I do not know. I do know that there has been an immense amount of damage but as is the case in other parts of the state they have not seen fit to present their claims for damages because the claims are not satisfactorily settled when they are presented.

Mr. SNOW: I thank the Senator.

The PRESIDENT: Is the Senate ready for the question? The question is on the indefinite postponement of the bill and the Senator from Hancock, Senator Emery has asked for a division.

A division of the Senate was had. Fifteen having voted in the affirmative and eight opposed, the motion to indefinitely postpone in concurrence prevailed.

Mr. FRIEND of Somerset: Mr. President, I would like to inquire if Legislative Document 1046, Resolve in Favor of Wilfred Duquette of Brunswick is in the possession of the Senate?

The PRESIDENT: The Chair will inform the Senator that the bill is in the possession of the Senate.

Thereupon, on motion by Mr. Friend of Somerset, under suspension of the rules, the Senate voted to reconsider its action of April 2nd whereby the resolve was passed to be enacted; and on further motion by the same Senator, the Senate voted to reconsider its action whereby the resolve was passed to be engrossed and the resolve was laid upon the table pending passage to be engrossed.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.