

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

# Ninetieth Legislature

OF THE

STATE OF MAINE



1941

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AUGUSTA, MAINE

**SENATE**

Wednesday, April 9, 1941.

The Senate was called to order by the President.

Prayer by the Reverend John W. Poole of Gardiner.

Journal of yesterday read and approved.

**House Committee Reports****Ought Not to Pass**

The Committee on Claims on "Resolve in Favor of the City of Eastport," (H. P. 1320) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Newport for Pauper Supplies," (H. P. 1061) reported that the same ought not to pass.

The same Committee on "Resolve Reimbursing the Town of Newport for Pauper Supplies," (H. P. 1063) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Lincoln for Expenses of a State Pauper," (H. P. 1076) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Palmyra," (H. P. 1074) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Newport for Supplies Furnished to Paupers," (H. P. 1064) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Alton K. Curtis, M. D., of Danforth," (H. P. 929) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Dr. G. D. Nowland of Ashland," (H. P. 1056) reported that the same ought not to pass.

The same Committee on "Resolve in favor of Dr. Joseph A. Donovan, of Houlton," (H. P. 1078) reported that the same ought not to pass.

The Committee on Education on Bill "An Act Relating to State Aid on Agriculture, Mechanic Arts or Domestic Science in High Schools or Academies," (H. P. 788) (L. D. 388) reported that the same ought not to pass as covered by other legislation.

The Committee on Judiciary on Bill "An Act Relating to the Publication of Legal Notices," (H. P. 1438)

(L. D. 753) reported that the same ought not to pass.

The Committee on Labor on Bill "An Act Relating to the Safety of Workers in Building Construction," (H. P. 1431) (L. D. 748) reported that the same ought not to pass as covered by other legislation.

The Committee on Motor Vehicles on Bill "An Act Relating to Short Period Registration of Trucks," (H. P. 1591) (L. D. 944) reported that the same ought not to pass.

The Committee on Sea and Shore Fisheries on Bill "An Act Relative to Taking Salmon in Penobscot River," (H. P. 1468) (L. D. 744) reported that leave be granted to withdraw the same.

The Committee on Taxation on Bill "An Act Imposing a Sales Tax," (H. P. 1476) (L. D. 609) reported that the same ought not to pass.

The same Committee on Bill "An Act Providing for the Levy of an Excise Tax on Sales of Manufactured Tobacco Products," (H. P. 112) (L. D. 65) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Excise Taxes on Malt Liquors," (H. P. 688) (L. D. 243) reported that the same ought not to pass.

The same Committee on Bill "An Act Exempting the Real Property of Persons over Sixty-five Years of Age from Taxation," (H. P. 1596) (L. D. 915) reported that the same ought not to pass.

The Committee on Temperance on Bill "An Act Relating to the Enforcement of the Liquor Laws," (H. P. 356) (L. D. 145) reported that the same be referred to the 91st Legislature.

Which reports were severally read and accepted in concurrence.

**Ought to Pass**

The Committee on Mines and Mining on Bill "An Act Relative to Mines and Minerals," (H. P. 1537) (L. D. 876) reported the same in a new draft (H. P. 1895) (L. D. 1119) under the same title and that it ought to pass.

The Committee on Sea and Shore Fisheries on "Resolve Relating to the Taking of Clams in the Town of Kennebunk," (H. P. 1634) (L. D. 981) reported the same in a new draft (H. P. 1898) (L. D. 1122) under a new title, Bill "An Act Relating to the Taking and Sale of Clams in the Town of Kennebunk" and that it ought to pass.

The same Committee on "Resolve Relating to the Taking of Clams in the Town of Kennebunkport," (H. P. 1631) (L. D. 978) reported the same in a new draft (H. P. 1897) (L. D. 1121) under a new title, Bill "An Act Relating to the Taking of Clams in the Town of Kennebunkport," and that it ought to pass.

The same Committee on "Resolve Relating to the Taking of Clams in the Town of Scarborough," (H. P. 1630) (L. D. 977) reported the same in a new draft (H. P. 1896) (L. D. 1120) under a new title, Bill "An Act Relating to the Taking and Sale of Clams in Town of Scarborough," and that it ought to pass.

Which reports were severally read and accepted on concurrence, the bills in new draft given their first reading and under suspension of the rules read a second time and passed to be engrossed in concurrence.

The Committee on Ways and Bridges on Bill "An Act Creating the Maine Turnpike Authority," (H. P. 1601) (L. D. 917) reported that the same ought to pass.

On motion by Mr. Bridges of Washington, the bill was laid upon the table pending acceptance of the report in concurrence.

From the House:

The Committee on Judiciary on Bill "An Act Relating to the Time of Opening and Closing of Polls," (H. P. 1152) (L. D. 452) reported that the same ought not to pass.

In the House, the bill substituted for the report and passed to be engrossed as amended by House Amendment "B".

In the Senate, on motion by Mr. Chamberlain of Penobscot, the bill was laid upon the table pending acceptance of the report.

#### Divided Reports

Report "A" of the Committee on Legal Affairs on Bill "An Act Relating to Caucuses in the City of Waterville," (H. P. 1609) (L. D. 950) reported the same in a new draft (H. P. 1856) under the same title, and that it ought to pass.

(signed)

Representatives

SOUTHARD of Augusta  
SYLVIA of Danforth  
DWINAL of Camden  
SLOSBERG of Gardiner  
DONAHUE of Biddeford

Report "B" of the same Commit-

tee on the same subject matter reported that the same ought not to pass.

(signed)

Senators:

SANBORN of Cumberland  
MORSE of Waldo  
DOW of Oxford

Representatives:

SHESONG of Portland  
LaFLEUR of Portland

In the House, Report "A" read and accepted, and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Boucher of Androscoggin, Report A "Ought to Pass" was accepted in concurrence and the bill was given its first reading; House Amendment A was read and adopted in concurrence and under suspension of the rules, the bill as amended was given its second reading and passed to be engrossed in concurrence.

The Majority of the Committee on Judiciary on Bill "An Act Declaring Municipal Airports to be Agencies of the State," (H. P. 1418) (L. D. 727) reported that the same ought to pass.

(signed) Senators:

HARVEY of York  
FARRIS of Kennebec

Representatives:

PAYSON of Portland  
GRUA of Livemore Falls  
HINCKLEY of South Portland  
McGLAUFLIN of Portland  
BRIGGS of Hampden  
MILLS of Farmington

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed) Senator:

LAUGHLIN of Cumberland

Representative:

WILLIAMS of Bethel

In the House, the Majority Report read and accepted, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Farris of Kennebec, the Majority Report was read and accepted in concurrence by a viva voce vote, the bill was given its first reading and under suspension of the rules was given its second reading and passed to be engrossed.

The Majority of the Committee on Legal Affairs on Bill "An Act to

Provide for the Surrender by the Ogunquit Beach District of Its Organization," (H. P. 1181) (L. D. 479) reported that the same ought not to pass.

(signed) Senators:  
MORSE of Waldo  
DOW of Oxford

Representatives:  
SOUTHARD of Augusta  
SHESONG of Portland  
DONAHUE of Biddeford  
SLOSSBERG of Gardiner  
SYLVIA of Danforth

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

(signed) Senator:  
SANBORN of Cumberland

Representatives:  
LaFLEUR of Portland  
DWINAL of Camden

In the House, the Minority Report read and accepted and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate:

Mr. SANBORN of Cumberland: Mr. President, I move that the Minority Report "Ought to Pass" be accepted in concurrence and in making this motion it is my understanding that the House Amendment which has been adopted takes care of objections which were the foundation for the other report, an error which was corrected.

Thereupon, the Minority Report "Ought to Pass" was accepted in concurrence and the bill was given its first reading; House Amendment A was read and adopted in concurrence and under suspension of the rules the bill as so amended was given its second reading and passed to be engrossed.

#### First Reading of a Printed Bill

Bill "An Act to Provide for Reissuance of State Highway Bonds." (S. P. 542) (L. D. 1126)

Which bill was 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 Report

Mr. Finden from the Committee on Agriculture submitted its Final Report.

Which report was read and accepted.

#### Withdrawn

Mr. Stilphen from the Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Gathering of Kelp and Sea Moss," (S. P. 460) (L. D. 935) reported that leave be granted to withdraw the same.

Which report was read and accepted.

Sent down for concurrence.

#### Ought to Pass

The Committee of Conference on the disagreeing action of the two branches of the Legislature on (S. P. 241) (L. D. 393) bill, An Act Relating to Standish Game Preserve, have had the same under consideration and ask leave to report the said Bill in a New Draft (S. P. 548) under a new title, Bill "An Act Relating to the Game Sanctuary in the Town of Standish, in the County of Cumberland," and that the same ought to pass.

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

The Committee of Conference on the Disagreeing Action of the two branches of the Legislature on (S. P. 93) (L. D. 99) bill, An Act Relating to Pauper Settlements have had the same under consideration and ask leave to report that it agrees that the Senate should recede from its former action and concur with the House in the indefinite postponement of Committee Amendment "A" to Committee Report "C", and that House Amendment "A", as amended by House Amendment "A" hereto be adopted.

Which report was read and accepted.

Thereupon, the Senate voted to recede from its former position whereby Committee Report A was accepted in non-concurrence; Committee Report C "Ought to Pass as Amended by Committee Amendment A" was accepted in concurrence; Committee Amendment A to Committee Report C was indefinitely postponed in concurrence; House Amendment A to House Amendment A was adopted in concurrence and House Amendment A as amended by House Amendment A thereto was adopted in concurrence; and the bill as amended by House Amendment A as amended by House Amendment A thereto was passed to be engrossed in concurrence.

Mr. Hodgkins from the Committee on Sea and Shore Fisheries on "Resolve Relating to the Digging of Clams in the Town of Georgetown," (S. P. 463) (L. D. 955) reported the same in a new draft (S. P. 549) under a new title, Bill "An Act Relating to the Taking and Sale of Clams in the Town of Georgetown," and that it ought to pass.

Which report was read and accepted, and the Resolve laid upon the table for printing under the joint rules.

#### Withdrawn

Mr. Stilphen from the same Committee on Bill "An Act Relating to the Legal Length of Lobsters," (S. P. 461) (L. D. 936) reported that leave be granted to withdraw the same.

Which report was read and accepted.

Sent down for concurrence.

#### Passed to be Enacted

Bill "An Act to Incorporate the Reef Point Gardens Corporation." (S. P. 481) (L. D. 998)

(On motion by Mr. Bridges of Washington the bill was laid upon the table pending passage to be enacted.)

Bill "An Act Relating to Androscoggin Lake Dam." (H. P. 612) (L. D. 250)

Bill "An Act Relative to Hunting of Raccoons." (H. P. 801) (L. D. 314)

Bill "An Act in Regard to New Trials on the Ground of Newly Discovered Evidence." (H. P. 827) (L. D. 341)

Bill "An Act Relating to Gambling" (H. P. 1857) (L. D. 1070)

Bill "An Act Relating to the Pre-emptive Right of Stockholders." (H. P. 1858) (L. D. 1071)

Bill "An Act Relating to the Counting of Ballots." (H. P. 1861) (L. D. 1076)

Bill "An Act Creating the Temple Water Company." (H. P. 1862) (L. D. 1077)

Bill "An Act Relating to Inspection of Motor Vehicles." (H. P. 1863) (L. D. 1078)

Bill "An Act to Incorporate the Milo Water District." (H. P. 1864) (L. D. 1081)

#### Finally Passed

"Resolve Relating to the Building of a Dam at Quantabacook Lake." (H. P. 1577) (L. D. 928)

#### Emergency Measures

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

Which bill being an emergency measure and having received the affirmative vote of 32 members of the Senate, and none opposed was passed to be enacted.

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

Which bill being an emergency measure, and having received the affirmative vote of 32 members of the Senate, and none opposed was passed to be enacted.

#### Orders of the Day

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, Senate Report from the Committee on Judiciary, "Ought Not to Pass" on bill, An Act Requiring Owners of Motor Vehicles to Furnish Security for their Civil Liability on Account of Damage Caused by their Motor Vehicles (S. P. 349) (L. D. 665) tabled by that Senator on March 28th pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Friend of Somerset, the Senate voted to take from the table bill, An Act Relating to Expense of Pauper Support (H. P. 1441) (L. D. 755) tabled by that Senator on March 26th pending passage to be enacted and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Friend of Somerset, the Senate voted to take from the table, House Report from the Committee on Taxation, "Ought to Pass" on bill, An Act Levying a Use Fuel Tax (H. P. 1479) (L. D. 602) tabled by that Senator on April 8th pending acceptance of the report; 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. Friend of Somerset,

Adjourned until tomorrow morning at ten o'clock.