

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

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## SENATE

Wednesday, March 24, 1943

The Senate was called to order by the President.

Prayer by the Reverend John Graichen of Gardiner.

Journal of yesterday read and approved.

### From the House

Bill "An Act Relating to Search for Lost persons." (H. P. 1257) (L. D. 759)

(In the Senate on March 12th, passed to be engrossed, in concurrence.)

Comes from the House, passed to be engrossed having been reconsidered; House Amendment "A" read and adopted, and the bill passed to be engrossed as so amended in non-concurrence.

In the Senate, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, and House Amendment A was read.

Thereupon, on motion by Mr. Hanold of Cumberland, the bill was laid upon the table pending adoption of House Amendment A in concurrence and was especially assigned for tomorrow morning.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Hunting of Bear," (H. P. 311) L. D. 229) reported that the same ought to pass.

Comes from the House, indefinitely postponed.

In the Senate, the bill was indefinitely postponed in concurrence.

The Committee on Legal Affairs on Bill "An Act Relating to the Assessment of Taxes on Real Estate," (H. P. 324) (L. D. 221) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report, and referred to the 92nd Legislature.

In the Senate, the bill was substituted for the report and referred to the 92nd Legislature in concurrence.

### House Committee Reports

The Committee on Claims on "Resolve in Favor of David Malon-

son, of Bernard and General Insurance Corporation, of Portland," (H. P. 1082) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Francis Green, of Whiting," (H. P. 401) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of Dr. Victor Roy, of Millinocket and the General Insurance Corporation, of Portland," (H. P. 1079) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Gideon P. Brillard, of Waterville and the General Insurance Corporation, of Portland," (H. P. 1080) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of Harry L. Dow, of Saco and the General Insurance Corporation, of Portland," (H. P. 527) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of the City of Hallowell," (H. P. 332) reported that the same ought not to pass as the matter is taken care of otherwise.

The same Committee on "Resolve in Favor of Mary W. Greenleaf, of Monmouth, and the General Insurance Corporation, of Portland," (H. P. 530) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of the George Green Estate," (H. P. 532) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Paul Moreau of Masardis," (H. P. 772) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Joseph W. Huckins, of Bangor, and the General Insurance Corporation, of Portland," (H. P. 526) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Nelson A. Hall, of Brownfield, and the General Insurance Corporation, of Portland," (H. P. 555) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of The Forks," (H. P. 525) reported that the same ought not to pass.

The Committee on Education on Bill "An Act Relating to Teachers' Pensions," (H. P. 177) (L. D. 120) reported that the same ought not to pass.

(On motion by Mr. Peters of Androscoggin, tabled pending acceptance of the report in concurrence.)

The same Committee on Bill "An Act Amending the Teachers' Pension Law," (H. P. 176) (L. D. 121) reported that the same ought not to pass.

(On motion by Mr. Bishop of Sagadahoc, tabled pending acceptance of the report in concurrence.)

The Committee on Inland Fisheries and Game on Bill "An Act Permitting the Extension of the Open Season on Deer," (H. P. 543) (L. D. 310) reported that the same ought not to pass.

The Committee on Labor on Bill "An Act Relating to Employees of Private Employers," (H. P. 1130) (L. D. 595) reported that leave be granted to withdraw the same.

The Committee on Federal Relations on Bill "An Act Relating to Disqualification for Benefits under the Unemployment Compensation Law," (H. P. 1129) (L. D. 594) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Permitting Towns to Use Absentee Ballots in Primary Elections," (H. P. 1119) (L. D. 584) reported that the same ought not to pass.

The Committee on Labor on Bill "An Act Relating to Hours of Labor of Minors," (H. P. 554) (L. D. 294) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Charges for Treatment of Tubercular Persons," (H. P. 953) (L. D. 494) reported that the same ought not to pass.

The same Committee on Bill "An Act to Increase and Stimulate Business and the Sale of Merchandise by Means of Trade Cards or Trade Boards," (H. P. 1137) (L. D. 602) reported that the same ought not to pass.

The same Committee on Bill "An Act Creating an Advisory Council to Municipalities," (H. P. 1220) (L. D. 707) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Listing of Mortgagees with Town Clerks," (H. P. 1138) (L. D. 603) reported that the same ought not to pass.

The Committee on Bill "An Act Relating to Reckless Driving," (H.

P. 1142) (L. D. 607) reported that the same ought not to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to Clerk Hire in the Lincoln Municipal Court," (H. P. 205) (L. D. 130) reported that the same ought not to pass.

The Committee on Towns on Bill "An Act to Divide the Town of Ashland and to Create Sheridan Plantation," (H. P. 347) (L. D. 196) reported that the same ought not to pass.

Which reports were severally read and accepted, in concurrence.

The Committee on Judiciary on Bill "An Act Relating to Membership in the Jointly-Contributory Retirement System for State Employees, Except Teachers," (H. P. 16) (L. D. 21) reported the same in a new draft (H. P. 1286) (L. D. 809) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Sale of Tax Acquired Land," (H. P. 1113) (L. D. 578) reported the same in a new draft (H. P. 1287) (L. D. 810) under the same title, and that it ought to pass.

(On motion by Mr. Dunbar of Washington, tabled pending acceptance of the report in concurrence.)

The same Committee on Bill "An Act Relating to Stolen Property," (H. P. 791) (L. D. 420) reported the same in a new draft (H. P. 1288) (L. D. 811) under the same title, and that it ought to pass.

The same Committee to which was recommended Bill "An Act Relating to the Reciprocal Enforcement of Violations of Fishing Laws in Boundary Waters Between Maine and New Hampshire," (H. P. 590) (L. D. 373) reported the same in a new draft (H. P. 1289) (L. D. 812) under the same title, and that it ought to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Taxation of Motor Vehicles," (H. P. 804) (L. D. 385) reported the same in a new draft (H. P. 1290) (L. D. 813) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relative to Enforcing the

Collection of Real Estate by the Alternative Method," (H. P. 457) (L. D. 260) reported the same in a new draft (H. P. 1291) (L. D. 814) under the same title and that it ought to pass.

(On motion by Mr. Farris of Kennebec, tabled pending first reading.)

The same Committee on Bill "An Act Authorizing the Withholding of the Federal Victory Tax," (H. P. 1203) (L. D. 686) reported the same in a new draft (H. P. 1292) (L. D. 816) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Ordinances Covering Public Assemblage, etc.," (H. P. 1135) (L. D. 599) reported the same in a new draft (H. P. 1293) (L. D. 815) under the same title, and that it ought to pass.

The same Committee on Bill "An Act Relating to Records of De-organized Towns," (H. P. 1139) (L. D. 604) reported the same in a new draft (H. P. 1294) (L. D. 817) under the same title, and that it ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salaries of Clerks in County Offices in Oxford County," (H. P. 1217) (L. D. 697) reported the same in a new draft (H. P. 1295) (L. D. 818) under a new title, Bill "An Act Relating to the Salaries of Clerks in County Offices in Oxford and Penobscot Counties," and that it ought to pass.

Which reports were severally read and accepted in concurrence, the bills severally read once, and tomorrow assigned for second reading.

The Committee on Temperance on Bill "An Act Relating to Sale of Liquor by Summer Hotels," (H. P. 973) (L. D. 501) reported the same in a new draft (H. P. 1260) (L. D. 757) under the same title, and that it ought to pass.

Comes from the House passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and accepted in concurrence, and the bill was given the first reading. House Amendment A was read and adopted in concurrence, and the Bill as so amended was

tomorrow assigned for second reading.

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Sunday Hunting," (H. P. 805) (L. D. 387) reported that the same ought not to pass.

(Signed)

Senators:

Sanborn of Cumberland  
Dunbar of Washington  
Peters of Androscoggin

Representatives:

Anderson of New Sweden  
Ward of Millinocket  
Haskell of Portland

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

(Signed)

Representatives:

Donahue of Biddeford  
Bartlett of Portland  
Sichol of Lisbon  
Payson of Portland

Comes from the House, the Majority Report, "Ought Not to Pass" read and accepted.

In the Senate, on motion by Mr. Sanborn of Cumberland, the Majority Report "Ought Not to Pass" was read and accepted in concurrence.

### Order

On motion by Mr. Hall of Franklin, it was

ORDERED, that the Secretary of the Senate be directed to furnish a floral tribute for the funeral service of J. Blaine Morrison of Philips, former President of the Senate.

### First Reading of a Printed Bill

Bill "An Act Relating to Medical Examiners," (S. P. 460) (L. D. 823)

On motion by Mr. Farris of Kennebec, the bill was laid upon the table pending first reading.

### Senate Committee Reports

Mr. Dorr from the Committee on Claims on "Resolve to Reimburse H. W. Brooks, of Portland," (S. P. 92) reported the same in a new draft, (S. P. 462) under the same title, and that it ought to pass.

Mr. Bragdon from the same Committee on "Resolve in Favor of Northeast Airlines Inc.," (S. P. 187) (L. D. 269) reported the same in a new draft (S. P. 463) under the same title, and that it ought to pass.

Mr. Sanborn from the Committee on Legal Affairs on Bill "An Act Permitting Bowling on Sunday," (S. P. 359) (L. D. 643) reported the same in a new draft (S. P. 464) under the same title, and that it ought to pass.

Which reports were severally read and accepted, and the bills laid upon the table for printing under the joint rules

Mr. Dunbar from the same Committee on Bill "An Act Amending the Charter of the City of Lewiston," (S. P. 117) (L. D. 43) reported the same in a new draft (S. P. 465) under the same title and that it ought to pass.

On motion by Mr. Boucher of Androscoggin, the bill was laid upon the table pending acceptance of the report.

Mr. Dorr from the Committee on Claims on "Resolve in Favor of Kennebec Journal Print Shop," (S. P. 208) (L. D. 321) reported that the same ought to pass.

Which report was read and passed, the resolve read once, and tomorrow assigned for second reading.

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Appointment of Police Commission for City of Lewiston," (S. P. 54) (L. D. 777) reported that the same ought not to pass.

(signed) Senators:

Sanborn of Cumberland  
Dunbar of Washington  
Peters of Androscoggin

Representatives:

Anderson of New Sweden  
Bartlett of Portland  
Haskell of Portland  
Payson of Portland  
Ward of Millinocket

The Minority of the same Committee on the same subject matter, reported the same in a new draft, (S. P. 466) under the same title, and that it ought to pass.

Representatives:

(signed)  
Donahue of Biddeford  
Sichol of Lisbon

On motion by Mr. Boucher of Androscoggin, the bill and accompanying reports were laid upon the table pending acceptance of either report.

The Majority of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Lewiston," (S. P. 177) (L. D. 238) reported the same in a new draft "A" (S. P. 467) under the same title, and that it ought to pass.  
(signed) Senators:

Sanborn of Cumberland  
Dunbar of Washington  
Peters of Androscoggin

Representatives:

Payson of Portland  
Anderson of New Sweden  
Ward of Millinocket  
Bartlett of Portland  
Haskell of Portland

The Minority of the same Committee on the same subject matter reported the same in a new draft "B," (S. P. 468) under the same title, and that it ought to pass.

(signed)

Representatives:

Sichol of Lisbon  
Donahue of Biddeford

On motion by Mr. Boucher of Androscoggin, the bill and accompanying reports were laid upon the table pending acceptance of either report.

### Passed to be Engrossed

Bill "An Act Relating to Vaccination of Animals to Prevent Tuberculosis." (H. P. 922) (L. D. 476)

Bill "An Act Relating to Certificate of Health Upon Sale of Pure-blooded Cattle." (H. P. 923) (L. D. 477)

Bill "An Act Relating to the Protection of Cattle from 'Bang's Disease.'" (H. P. 1066) (L. D. 556)

Bill "An Act Relating to the Qualification and Registration of Voters." (H. P. 1116) (L. D. 581)

Bill "An Act Amending the Unemployment Compensation Law." (H. P. 1131) (L. D. 596)

Bill "An Act Relating to Clerk Hire in the Office of Clerk of Courts for Oxford County." (H. P. 1159) (L. D. 614)

Bill "An Act to Amend the Charter of the City of Rockland by Providing for the Appointment of a

Board of Commissioners of Police and Firemen." (H. P. 1222) (L. D. 709)

Bill "An Act Relating to Payment of Special Legislative Pensions from Appropriations for Same." (H. P. 1283) (L. D. 798)

Bill "An Act Relating to Records of Oaths in the Office of Town Clerks." (H. P. 1285) (L. D. 801)

Bill "An Act Relating to the Salary of the Judge of the Lincoln Municipal Court." (H. P. 206) (L. D. 141)

Bill "An Act Relating to the Bath Municipal Court." (H. P. 249) (L. D. 165)

Bill "An Act Increasing the Salary of Clerks in the Office of Register of Probate of Lincoln County." (H. P. 470) (L. D. 251)

Bill "An Act Creating a Civil Service Commission for the City of Old Town." (H. P. 559) (L. D. 298)

Bill "An Act Relating to Clerk Hire in Office of Clerk of Courts of Lincoln County." (H. P. 825) (L. D. 393)

Bill "An Act Relating to Compensation of County Commissioners of Lincoln County." (H. P. 826) (L. D. 394)

Bill "An Act Relating to Salary of the County Treasurer of Lincoln County." (H. P. 827) (L. D. 395)

Bill "An Act Relating to Compensation of Fire Wardens." (H. P. 829) (L. D. 396)

Bill "An Act Relating to Authority of Clerks of Municipal Courts." (H. P. 941) (L. D. 541)

Bill "An Act Further Amending the Financial Responsibility Law." (H. P. 1122) (L. D. 587)

Bill "An Act Enacting the Consumer's Cooperative Act." (H. P. 1126) (L. D. 591)

Bill "An Act Relating to Compensation of County Commissioners of Aroostook County." (H. P. 1156) (L. D. 611)

Bill "An Act Relating to Compensation of Register of Deeds of the Northern District of Aroostook County." (H. P. 1157) (L. D. 612)

Which bills were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to Sessions of Boards of Registration in Cities." (S. P. 163) (L. D. 178)

Bill "An Act to Make Uniform the Law of Transfer of Shares of Stock in Corporations." (S. P. 287) (L. D. 450)

Bill "An Act Relating to Commitment of Persons of Unsound Mind to the State Hospitals for Observation." (S. P. 320) (L. D. 524)

Bill "An Act Relating to Commitment of the Insane." (S. P. 321) (L. D. 525)

"Resolve Relating to Fire Protection for Baxter State Park." (S. P. 377) (L. D. 803)

"Resolve in Favor of a Bridge Across the Allagash River." (S. P. 456) (L. D. 804)

Bill "An Act Relating to Procuring or Attempting to Procure Abortion or a Miscarriage." (S. P. 457) (L. D. 805)

Bill "An Act Relating to Trial Justices and Judges of Municipal Courts." (S. P. 458) (L. D. 806)

(On motion by Mr. Harvey of York, tabled pending passage to be engrossed.)

Bill "An Act Providing for Experience Rating under Unemployment Compensation Law." (S. P. 459) (L. D. 807)

(On motion by Mr. Peters of Androscoggin, tabled pending second reading.)

Bill "An Act Relating to Bonds of Probation Officers." (S. P. 141) (L. D. 145)

Which bills and resolves were severally read a second time and passed to be engrossed.

Sent down for concurrence.

#### Passed to be Enacted

Bill "An Act to Increase the Salary of the Register of Probate of Washington County." (S. P. 246) (L. D. 765)

Bill "An Act to Increase the Salary of the Clerk of Courts of Washington County." (S. P. 264) (L. D. 470)

Bill "An Act Relating to Report of Controller and its Publication." (S. P. 296) (L. D. 441)

Bill "An Act Relating to Taxation of Trust and Banking Companies." (S. P. 313) (L. D. 521)

Bill "An Act Defining the Word 'Plate' in the Motor Vehicle Laws." (S. P. 344) (L. D. 519)

Bill "An Act Clarifying the Law Relating to Clerk Hire in the Office of Register of Deeds in Washington County." (S. P. 371) (L. D. 633)

Bill "An Act Re-naming Webber Pond, so-called." (H. P. 8) (L. D. 769)

Bill "An Act Relating to Vital Statistics; Birth Certificates of Foundlings." (H. P. 183) (L. D. 137)

Bill "An Act Relative to Fox Hunting in York County." (H. P. 316) (L. D. 224)

Bill "An Act to Establish a Board of Trustees of Public Cemeteries for the City of Waterville." (H. P. 561) (L. D. 299)

Bill "An Act to Amend the Act Providing a Pension for Members of the Police and Fire Departments of the City of Waterville." (H. P. 562) (L. D. 300)

Bill "An Act Relating to the Salary of the Register of Deeds for Knox County." (H. P. 577) (L. D. 344)

Bill "An Act Increasing the Compensation for Clerk of Courts in Knox County." (H. P. 580) (L. D. 347)

Bill "An Act Increasing the Salary of the Sheriff of Knox County." (H. P. 581) (L. D. 348)

Bill "An Act to Amend the Charter of the City of Auburn." (H. P. 759) (L. D. 424)

Bill "An Act to Increase the Salary of the Register of Deeds of Washington County." (H. P. 824) (L. D. 392)

Bill "An Act Granting Increase in Salary to County Commissioners of Washington County." (H. P. 830) (L. D. 397)

Bill "An Act Relating to the Powers of the Court in Juvenile Cases." (H. P. 946) (L. D. 540)

Bill "An Act Relating to Limitation of Use of Vehicles Under Dealers' Registration." (H. P. 960) (L. D. 497)

Bill "An Act Relating to the Salary of the Recorder of the Sanford Municipal Court." (H. P. 976) (L. D. 547)

Bill "An Act Permitting Towns to Raise Money for Hospitals." (H. P. 1202) (L. D. 687)

(On motion by Mr. Varney of York, tabled pending passage to be enacted.)

Bill "An Act to Repeal the Act Creating the Bethel Village Corporation." (H. P. 1261) (L. D. 764)

Bill "An Act Relating to Superintendent of Public Buildings." (H. P. 1262) (L. D. 770)

(On motion by Mr. Emery of Hancock, tabled pending passage to be enacted.)

Bill "An Act Relating to Taking of Soft-Shell Clams or Quahaugs." (H. P. 1262) (L. D. 771)

Bill "An Act Relating to the Taking of Sea Moss from the Shores Bordering the Territorial Waters of the State." (H. P. 1264) (L. D. 773)

Bill "An Act to Incorporate the Kingman Water Power Company." (H. P. 1270) (L. D. 782)

Bill "An Act Relating to Tuition in Secondary Schools." (H. P. 1274) (L. D. 783)

### Finally Passed

"Resolve, Transferring Money from the Sinking Fund Reserve to the Penobscot Indian Trust Fund, the Passamaquoddy Indian Trust Fund, and the Indian Township Administration Fund." (S. P. 85) (L. D. 12)

"Resolve, Designating Part of New Meadows River as New Meadows Lake." (H. P. 89) (L. D. 80)

"Resolve Relating to the Dipping of Alewives in Machias River." (H. P. 1265) (L. D. 772)

"Resolve, Relating to Dredging Quahaugs in Maquoit Bay." (H. P. 1271) (L. D. 781)

### Emergency Measures

Bill "An Act Permitting Men in the Armed Services to Make Valid Transfers of Property." (S. P. 434) (L. D. 752)

Which bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act Permitting Members of the Armed Forces to Retain Motor Vehicle Operators' Licenses Without Paying Additional Fee." (H. P. 109) (L. D. 69)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

### Orders of the Day

On motion by Mr. Emery of Hancock, the Senate voted to take from



the table bill, "An Act Permitting Certain Aliens Who Have Applied for Naturalization Papers to be Eligible for Old Age Assistance" (S. P. 107) (L. D. 76) tabled by that Senator on February 24 pending second reading; and on further motion by the same Senator, the bill was recommitted to the Committee on Welfare.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table bill, "An Act Relating to the Report of the State Auditor" (S. P. 184) (L. D. 270) tabled by that Senator on February 25 pending passage to be enacted.

On motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby this bill was passed to be engrossed.

Thereupon the same Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment 'A' to S. P. 184, L. D. 270, Bill, 'An Act Relating to the Report of the State Auditor.'

Amend said Bill by adding 'Sec. 1.' before the headnote of the 1st paragraph thereof.

Further amend said Bill by adding thereto the following:

"Sec. 2. P. L., 1931, c. 216, Art. VI, sec. 3, amended. Section 3 of Article VI of chapter 216 of the public laws of 1931, as amended by chapter 27 of the public laws of 1941, is hereby further amended by adding at the end thereof a new paragraph to be numbered 7, and to read as follows:

**"7. To have access to whatever records or other data it shall deem pertinent or necessary for the proper examination of any of the matters set forth in the preceding paragraphs."**

Senate Amendment A was read and adopted and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table Joint Order Relating to bills presented to the Governor (H. P. 1298) tabled by that Senator on March 22 pending passage in concurrence; and on further motion by the same Senator, the order received a passage in concurrence.

On motion by Mr. Elliot of Knox, the Senate voted to take from the

table bill "An Act Relating to Signature of State Treasurer," (S. P. 294) (L. D. 443) tabled by that Senator on March 22 pending adoption of Senate Amendment A; and on further motion by the same Senator, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table bill "An Act Revising the Military Law" (H. P. 1244) (L. D. 746) tabled by that Senator on March 22 pending passage to be engrossed.

The same Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment A to H. P. 1245, L. D. 746, Bill, 'An Act Revising the Military Law.'

Amend said Bill by striking out the second paragraph of section 46 therein and inserting the following in place thereof:

**"Sec. 72. Armories to be provided by cities and towns; also places for parade; rent to be allowed by state. Municipal officers shall provide for each company of authorized state military or naval forces within their towns a suitable armory or place of deposit for the arms, equipment and equipage, furnished by the state. They shall also provide a suitable room for the safe-keeping of books, transaction of business, and instruction of officers for each regiment, battalion or other unit of authorized state military or naval forces located within their towns; and suitable places for their parade, target practice, and drill. A reasonable compensation for rent of such armory, headquarters, or place of deposit, may be allowed from funds appropriated for such purposes to the town or city furnishing such armory, headquarters, or place of deposit."**

Mr. ELLIOT of Knox: Mr. President, in explanation of the proposed amendment I would simply like to state that the original bill provides that municipal officers should provide for each company of authorized military or naval forces within their towns a suitable armory, and so forth. The proposed amendment would simply limit the municipal officers to providing for a company authorized by the state, in other

words a state military or naval force, and does away with the towns having to provide suitable armories for federal army or naval forces.

Mr. SANBORN of Cumberland: Mr. President, I fear that I am interfering in something with the subject matter of which I have no concern but I noted the use of the word "equipage" in the reading of the amendment and I am wondering whether or not the Senator intended to use the word "equipment." I am not certain. I have not referred to the dictionary but my impression is that "equipage" may refer to the outfitting of horses. It may or may not. The two words may be synonymous. If so I have no question.

Mr. ELLIOT: Mr. President, in explanation to the Senator from Cumberland, Senator Sanborn, I will say that I simply followed, in Senate Amendment A, the exact wording of the original bill which used the word "equipage".

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 Relating to Age of Children Attending School" (H. P. 535) (L. D. 307) tabled by that Senator on March 17 pending adoption of Senate Amendment A; and that Senator yielded to the Senator from Kennebec, Senator Owen.

Thereupon, on motion by Mr. Owen of Kennebec, Senate Amendment A was adopted in non-concurrence, and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table House Report from the Committee on Judiciary "Ought to Pass as Amended by Committee Amendment A" on bill "An Act Relating to Claims Against Estates" (H. P. 184) (L. D. 123).

Mr. SANBORN of Cumberland: Mr. President, it is with some reluctance that I make the motion that I am about to make, which is that the bill be indefinitely postponed, and I certainly feel that the Senate is entitled to some word of

explanation for such an unusual motion.

I suppose that all the members of the Senate, whether of the legal fraternity or of the laity, have more or less familiarity with the ordinary procedure in regard to the disposition of a claim or, as we commonly speak of it, a bill which one may have against the estate of a deceased person. The law now provides that claims against the estates of deceased persons may either be proved by filing in the Probate Court under oath or be presented to the personal representative of the estate who may be either an executor or an administrator.

And to clarify another matter that I have frequently found to be obscure in the minds of the laity, we all remember that in ordinary usage, if we have a bill against an individual and no move is made for its collection or no move is made for payment of it for a period of six years, we speak of it as outlawed. That is, after that period an action to enforce the claim will not lie, we have lost our claim. Now, the law comes in, in the case of estates of deceased persons and in order to facilitate the closing of an estate shortens that period of six years to a period of one year by providing that if we have the claim against such an estate we must either file it in the Probate Court or submit it to the administrator within one year. And I suppose that most of the members of the Senate, either having acted as an administrator or having had some claim against an estate, from their own experience probably are more or less familiar with that practice.

Now it is true that, oh, such concerns as the New England Telephone Company, and I think very likely the Central Maine Power Company, corporations, or clients of large and influential legal firms, such parties usually adopt the practice of presenting their claim by filing it in the office of the Register of Probate. This has to be done on a form which has been prescribed by the courts, a form with which the individual is hardly familiar, and unless the form is properly prepared, filled out, executed and sworn to, the act of filing is nullified. One who desires to so establish a claim must of

necessity consult an attorney, have the attorney make out or prepare the proof of claim for him, show him where to sign it, and then the attorney will see that it is filed. Large concerns employ attorneys regularly and do this as a matter of course. But the ordinary individual, and particularly the individual who may have a claim of perhaps four or five or six dollars, such as a grocery bill or the bill of a physician in the neighborhood who has attended in times past members of the family of the deceased and has a small bill, in such cases it seems that it is rather a hardship on the creditor to expect him, as this present bill would provide, to go to an attorney, have a proof of claim made out and filed with the Probate Court, because this bill which is before us—drawing your attention to it now specifically—cuts out the hitherto existing method of submitting the claim to the personal representative of the estate.

Now to illustrate particularly, let us assume a person deceased in a town at a considerable distance from the county seat. To be specific I would suggest the possibility of a person deceasing in the town of Lee in Penobscot County which is at a considerable distance from the county seat. Let us suppose that the Senator from Penobscot, Senator Haskell, who is a general trader there, has a grocery bill or a bill of a dozen or fifteen dollars. The person deceased was a neighbor of his, a well-known citizen. Perhaps the widow or son is the administrator or executor and is probably well known to him. They are aware of the existence of the bill and all he has to do is to hand it to his neighbor the executor and his rights are protected.

Now in that instance it seems to me it would be a hardship to require him to consult an attorney, have him make proof of claim and send it to Bangor to be filed. I would say this, furthermore, to be perfectly fair, there is always a possibility that one who adopts the second method may find himself in a situation of some embarrassment. For instance, it may be at town meeting. A creditor of an estate, anticipating that on town meeting day he will see the executor of the estate against which he

has a claim, makes out a bill and puts it in his pocket. On town meeting day he sees the executor and says to him, "By the way, I have a bill against your father's estate, which I am handing you." The executor puts it in his pocket. Now it may happen that in changing his clothes, because he may have worn a different suit to town meeting than the one he usually wears, the suit is hung in his closet and the bill gets put away. A year elapses and the creditor calls for payment of his bill and wants to know when it will be paid. The executor says, "I have not seen your bill." He says, "Yes, you have. I gave it to you at town meeting." The executor says, "I do not remember it." There is a dispute.

Now, certainly I freely admit the passage of this bill would forestall those instances. If you file your claim in probate court it is a matter of record and there is no question about its being filed.

I talked with the judge of probate in my own county Monday morning of this week, regarding this bill. His observation was this, "The passage of the act would greatly increase the work of the clerks in our office if we had to collect, record and take care of all proofs of claim in all estates in this county. It would be a burden." "But," he said, "it would obviate the possibility which does exist of misunderstanding growing out of presentation of a claim by a creditor to an executor, and the claim not being presented by him." I asked him how many such instances he had known in our county since his incumbency. I think he has been there six years. He said he had known of one such instance.

I suspect, members of the Senate, that would be in accord with your own observation and experience, such as you may have had. Now, it seems to me the enactment of this bill would deprive the ordinary creditor of taking advantage of a practice and custom which has been universal ever since the state was founded, well understood, well known, simple and direct, and remitting him to a new method with which he is not acquainted and which would necessarily entail more or less expense and trouble. For that reason

I am submitting the proposition to your own good sense and judgment to say whether you think, as members of the Senate, that this legislation perhaps better not be enacted.

My only hesitation in making this motion grows out of my high regard and personal friendship for the member of the House who introduced it, a young man of ability, a young man for whom if he sees fit to return and continue his legislative experience, I predict a brilliant future, a future of fine service to the state. I will say I hesitated to run counter to his proposition but I believe he, himself, after having more years of experience, would agree with me that this legislation might be inexpedient at this time.

Mr. FARRIS of Kennebec: Mr. President, I want to go on record in favor of the motion of the Senator from Cumberland, Senator Sanborn. I will say the Judiciary Committee reported this out with an amendment and we were not satisfied with it and we expected this move on the floor of the Senate. We have another matter on the table before the Committee which involves this same section. We are working on it and other amendments which we are trying to report out. I am in favor of the motion to indefinitely postpone this particular bill.

Mr. McGLAUFILIN of Cumberland: Mr. President, I, too, am opposed to this measure. The members of the Judiciary Committee know that I opposed it before the Committee and intended to oppose it on the floor of the Senate. I did not see fit to sign the minority report when the committee passed favorably on the bill. My objection to it is based upon my opinion that I think it puts an unnecessary hardship on the public. I have served as executor of many estates. I am executor of one at the present moment and I have had perhaps 20 bills presented in the estate for which I have recently been appointed executor. Now, those bills I am paying just as fast as they are presented because I am satisfied that the money is due and I have the money with which to pay the bills and I can see no reason for a delay. If you pass this bill, under like circumstances I should feel it was my duty as executor to

wait until those bills had been proved in court, and until they had proved them properly to refuse to pay them.

I want to tell you it is a very technical thing to prove a claim in the probate court and I know what I am talking about because I have now several claims, myself, where they failed to prove them according to law.

At the present time, as Judge Sanborn has stated, the public knows that if the executor fails to pay in the course of a few months after he has filed his bill, he can go to the probate court and get a lawyer and prove the bill is right. But in the ordinary case it is entirely unnecessary. You have a claim and what you do is send it to the executor, and nine times out of ten it is paid.

Another fault is that the ordinary layman doesn't know how to prove a case in the probate court. He knows that the law says that he must prove his claim. What does he do? He sends his bill to the probate court. That isn't a proof of claim. It has got to set forth in detail what the claim is. It has got to be sworn to. There must be an affidavit with each claim. If the ordinary layman fails to comply with all those things, he fails to prove his claim. If it goes beyond the period of a year, then he is just out of luck. I also second the motion to indefinitely postpone this bill.

Mr. HARVEY of York: Mr. President as the remaining member of the Judiciary Committee I wish to say that the points have been well covered. I had the same feeling at the time I was considering the matter in the Judiciary Committee and I hope the motion of my good colleague the Senator from Cumberland Senator Sanborn will prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Sanborn, to indefinitely postpone Legislative Document 123, bill "An Act Relating to Claims Against Estates."

Thereupon, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Bragdon of Aroostook

Adjourned until tomorrow morning at ten o'clock.