

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

ERRATA:

**The following errata are
inserted because one or more pages
in this session day have errors
noticed and corrected here.**

ERRATA

- Page 73—An act to empower the County Commissioners of Hancock County to construct a highway and raise money for the same (S. P. 35, L. D. 11)—Should be (S. P. 35, L. D. 9)
- Page 75—Ordered, that there be printed one thousand additional copies each of L. D. No. 28, H. P. No. 39, and L. D. No. 10, H. P. No. 37—should be L. D. 10, S. P. No. 37.
- Page 105—Resolve in favor of the town of Prescott. (H. P. No. 282)—Should be town of Trescott.
- Page 106—Second resolve in favor of the town of Dixmont (H. P. 401)
- Page 114—Resolve to reimburse the town of Solon for support of Mrs. Ernest Cousins having no known settlement in the state.—Should be Salem.
- Page 120—Resolve to reimburse Hamlin Plantation for support and burial expenses of Ephrem Picard, a State Pauper (H. P. No. 895)—Should be (H. P. No. 805)
- Page 128—Resolve in favor of the town of Atkinson (H. P. No. 876)—Should be (H. P. No. 976)
- Page 129—Second resolve in favor of the town of Cornish to be deleted.
- Page 152—Resolve in favor of E. G. Hodgkins of Carmel, H. P. 364, L. D. 197—should be H. P. 364, L. D. 203.
- Page 152—An act relating to health certificates for teachers and janitors S. P. 207, L. D. 295—Should be S. P. 207, L. D. 395.
- Page 153—An act relating to inland fish and game wardens; powers, duties and service of processes, S. P. 193, L. D. 597—Should be S. P. 193, L. D. 397.
- Page 163—Bill "An Act relating to Stamping of Registered Boilers" (H. P. No. 1132)—Should be (H. P. No. 1131)
- Page 163—Bill "An Act relating to Towns and Town Officers" (H. P. No. 1136)—Should be (H. P. No. 1135)
- Page 184—"An act relating to motor vehicles carrying passengers for hire over regular routes" (S. P. 92, L. D. 105)—Should be (S. P. 92, L. D. 104)
- Page 193—An act relating to motor vehicle lights S. P. 217, L. D. 598—Should be S. P. 217, L. D. 398.
- Page 202—(Presented by Mr. Stevens of Pownal)—Should be Mr. Stover.
- Page 246—An act relating to Board of Censors of Maine Pictures—should read Moving Pictures.
- Page 259—Resolve opening Jaquity Pond in Brownville, to ice fishing—Should be Jaquith Pond.
- Page 260—Ordered, that there be printed 500 more copies of H. P. 1082, L. D. 571—Should be H. P. 1083, L. D. 571.
- Page 267—Resolve in favor of John E. Parker of Windsor, for State pension (H. P. 90, L. D. 672)—Should be (H. P. 99, L. D. 672)
- Page 273—Resolve opening Jacquith Pond, in Brownville, to ice fishing—Should be Jaquith Pond.
- Page 315—(H. P. No. 552) (L. D. No. 231) Resolve relating to rabbit hunting in Vinalhaven—Should be (H. P. No. 552) (L. D. No. 221)
- Page 321—An Act relating to partition of real estate (S. P. 327, L. D. 833)—Should be (S. P. 327, L. D. 533)
- Page 341—An Act permitting Dennis Plourde to Dump Sawdust in Wallagrass Stream—Should be Dennis Pluorde.
- Page 343—(H. P. No. 39) (L. D. No. 776)—Should be (H. P. No. 739 (L. D. No. 776)
- Page 343—(H. P. No. 1476) (L. D. No. 778)—Should be (H. P. No. 1486) (L. D. No. 778)
- Page 358—An act to grant a new charter to the city of Rockland, S. P. 486, L. D. 788—Should be S. P. 486, L. D. 798.
- Page 383—An act to amend the banking laws by amending Sec. 91, of Chap. 57 of the Revised Statutes—Should be marked S. P. 548, L. D. 805.
- Page 417—An Act to provide for School Expenses in Towns having a Valuation of Less than \$200,000.00—Should be marked (H. P. 588, L. D. 235)
- Page 437—"An Act to amend Sections 48 to 54 of Chapter 28 of the Revised Statutes" (S. P. 353)—Should read Sections 48 to 51.
- Page 440—Resolve in favor of Henry McCrotty of Farmingdale (H. P. 1502, L. D. 810)—Should be Henry McGroty.
- Page 442—Resolve regulating ice fishing in Tacoma Lakes (H. P. 1465, L. D. 736)—Should be (H. P. 1465, L. D. 756)

HOUSE

Friday, February 17, 1933.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Clifford of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act relating to State salaries for persons receiving pay from United States government, H. P. 1152, L. D. 601, which was referred to the committee on Salaries and Fees in the House on February 8th.

Comes from the Senate referred to the committee on Judiciary in non-concurrence.

In the House, on motion by Mr. Sterling of Caratunk, tabled pending further consideration.

From the Senate: Bill an act relating to Board of Censors of Moving Pictures, H. P. 1138, L. D. 563, which was referred to the committee on Legal Affairs in the House on February 8th.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Piper of Bangor that body voted to recede and concur.

From the Senate: Bill an act to prohibit the baiting of wild ducks in Hancock county, H. P. 1097, L. D. 642, which was referred to the committee on Inland Fisheries and Game in the House on February 10th.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, that body voted to recede and concur.

From the Senate: Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, February 21st at five o'clock in the afternoon.

Comes from the Senate, read and passed.

The SPEAKER: The House will note the change in the hour from the usual procedure. Many committees have hearings assigned for Tuesday afternoon, so that it was

felt that in order for them to do their regular work on that day it would be better to hold the session at five o'clock.

Thereupon the House passed the order in concurrence.

From the Senate: Ordered, the House concurring that the State Highway Commission be directed to file with the Secretary of the Senate and with the Clerk of the House, list showing all bridges constructed since January 1, 1929, specifying as to each.

1. The cost of construction.
2. The type of construction.
3. The length of bridge.
4. The approximate height of the bridge floor above the mean level of the water.
5. The shares, if any, contributed to the construction of each from sources outside the state treasury.

That if possible the information be filed before four o'clock on Tuesday, February 21st; (S. P. No. 426).

Comes from the Senate, read and passed.

In the House, on motion by Mr. Farris of Augusta, read and passed in concurrence; and on further motion by the same gentleman it was ordered that the order be immediately returned to the Senate so that a certified copy of the order, which order originated in the Senate, may be immediately sent to the Highway Department.

Further papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Inland Fisheries and Game reporting ought to pass on bill an act relative to the use of pole traps, so-called, S. P. 82, L. D. 652.

Comes from the Senate report read and accepted and the bill passed to be engrossed.

In the House, on motion by Mr. Fernald of Winterport, tabled pending acceptance of report in concurrence.

Senate Bills in First Reading

S. P. 81, L. D. 660: Resolve opening Jaquity Pond in Brownville, to ice fishing.

S. P. 61, L. D. 661: An act to open Little Sebago Lake in Cumberland county to ice fishing.

The following resolve was received and upon recommendation of the committee on reference of bills

was referred to the following committee:

Inland Fisheries and Game

Resolve relating to fishing in Mc-Wain Pond, or Long Pond, so-called. H. P. 1393. (Presented by Mr. Knight of Waterford).

Orders

On motion by Mr. Hussey of Augusta, it was

Ordered, that there be printed 500 additional copies of H. P. 1136, L. D. 644, an act concerning the licensing of motor vehicle junk yards.

On motion by Mr. Hall of Bar Harbor, it was

Ordered, that there be printed 500 additional copies of H. P. 1143, L. D. 565, an act relating to publicity.

On motion by Mr. Osgood of Fryeburg, it was

Ordered, that there be printed 500 more copies of H. P. 1082, L. D. 571, an act licensing the operators of creameries or milk distributing plants.

Mr. Piper of Bangor presented the following order and moved its passage, as follows:

Ordered, that there be printed for the use of the House 2,000 additional copies of the list of salaries of State officers and employees as of December 31, 1932 compiled by the Department of Audit.

On motion by Mr. Carleton of Portland, tabled pending passage.

Reports of Committees

Miss Laughlin from the Committee on Judiciary on Bill "An Act Permitting Small Town Polls to Close at five o'clock in Regular Elections" (H. P. No. 611) (L. D. No. 179) reported same in a new draft (H. P. No. 1394) under the same title and that it "Ought to pass."

Mr. Shaw from the Committee on Sea and Shore Fisheries on Bill "An Act relating to Smelts in the Brooks of Steuben, Milbridge, Cherryfield, Harrington, Addison, Columbia and Jonesboro" (H. P. No. 655) (L. D. No. 195) reported same in a new draft (H. P. No. 1390) under title of "An Act relating to the Taking of Smelts" and that it "Ought to pass."

Reports read and accepted and

the new drafts ordered printed under the Joint Rules.

Mr. Blanchard from the Committee on Banks and Banking reported "Ought to pass" on Bill "An Act to provide a Penalty for Circulating False Reports Concerning Banks, Loan and Building Associations and Insurance Companies" (H. P. No. 1025) (L. D. No. 473).

Mr. Tompkins from the Committee on Education reported same on Bill "An Act relating to Superintending School Committees" (H. P. No. 591) (L. D. No. 237).

Miss Laughlin from the Committee on Judiciary reported same on Bill "An Act relating to Commitment of Female Juvenile Delinquents" (H. P. No. 883) (L. D. No. 424)

Same member from same Committee reported same on Bill "An Act relating to Registration of Voters" (H. P. No. 848) (L. D. No. 345).

Mr. Farris from same Committee reported same on Bill "An Act with reference to Dividends" (H. P. No. 855) (L. D. No. 349).

Reports read and accepted and the bills having already been printed were read twice under suspension of the rules and tomorrow assigned.

Mr. Wentworth from the committee on Towns reported ought to pass on bill an act relating to use of automobiles in Islesboro, H. P. 19, L. D. 7.

Mr. WENTWORTH: Mr. Speaker, I move the acceptance of the unanimous report.

Mr. FERNALD of Winterport: Mr. Speaker, I move that this report lie on the table.

A viva voce vote being taken, the motion to table failed of passage.

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunk, Mr. Wentworth, that the report of the committee be accepted. Is this the pleasure of the House?

Mr. FERNALD: Mr. Speaker, I did not intend to speak on this bill this morning, but inasmuch as I introduced the bill and for fear that perhaps somebody will call it a Fernald proposition, I am going to make myself clear on it. I am not prepared to talk on this matter at this time but I think I can talk about it a little while if you are not willing that reasonable courtesy be extended me on this bill.

As a matter of fact I introduced this bill at the request of some of

my constituents in the town of Islesboro. There are two sides to this question and I represent not only the people who are for automobiles but the people who are against automobiles, just the same as in my community I represent Democrats and Republicans; and I do not care whether the Old Guard, or the New Guard, or the Third House, or anybody,—whether they like it or not. I was told as I came into the State House today that I could not table this bill. Well, perhaps I cannot table it but I can talk on it, and if there is anybody here who do not like what I am going to say about it, they can go down in the basement, (Laughter) and that applies to the Third House as well.

I want to make my position plain on this bill. In the first place I have been going to the town of Islesboro for ten years and I have campaigned that town as a Democrat and as a Republican. (Laughter) I have walked its highways and its byways and I have rode on bicycles and in the One Hoss Shay. I think I know as much about conditions in Islesboro as any of the committee on Towns who are trying to jam this bill through because a high pressure lobbyist up here wants them to. Now I am not trying to tell the committee on Towns how they should vote on this bill. During the whole process of this piece of legislation there is not a single member of the committee on Towns who can say that I interviewed him and asked him to vote one way or the other.

As a matter of fact I have always been opposed to automobiles on the island of Islesboro because I thought that that was for the best interests of Islesboro, and I believe the majority of the people in Islesboro feel the same way about it. Two years ago we had a little proposition up here that they tried to jam through on us, the matter of trucks in the construction of highways, and I at that time polled the people of Islesboro by written ballot and 108 people were opposed to it and 33 were in favor.

Since 1913, when the law went into effect that Islesboro should not have automobiles, they have been voting down there back and forth and in every instance except one, they have voted against having automobiles on the island. Well, let

us look at last year. Back in September they had a special town meeting down there at which they voted 115 to 145 to permit the use of automobiles. Now 115 and 145, as my mathematics show me, is 260. Following that in January, the day after I introduced this bill into the Legislature, at the request of the people interested in the September 1932 town meeting, they had another town meeting at which 161 people voted that they did not want automobiles and 134 people voted that they did want them. That makes 295 people voting, and mind you, they voted by check list, whereas in the September, 1932 election they just crowded up like a bunch of sheep and voted. I am not saying that there was anything dishonest but that was the way they voted. At the January meeting 295 of them voted, 161 no and 134 yes. The point is this: That was the largest town meeting ever held in the town of Islesboro and that was the last town meeting held in the town of Islesboro, and they said emphatically, "No, we do not want automobiles" and that was the day after I introduced this bill into the Legislature. Now I am trying to play fair on this matter and I am trying to play square. I have kept out of the thing, I have kept away from the committee. I want the people of Islesboro to have the right to say themselves what they want. I think it is a purely local matter. I wanted to table this matter to put on an amendment. This is the amendment and it is perfectly fair and perfectly square, and it is a perfectly democratic proposition. For the benefit of the Secretary may I say that it is democratic with a small d. Now I wanted to amend this proposition in this way. That this act should go into effect and stay in effect so long as the people at their annual March meeting—no other meeting—should continue the same act in effect. In other words, once a year they would have an opportunity to vote on it.

I am not going to take up your time by explaining the situation. All I want is local option for these people down there. I do not want them to have an opportunity to vote every day on the proposition, just once a year at that March town meeting. Now they say this is just a personal matter with Fernald, just a local matter. That is not so because Islesboro, although a small town, pays

the largest county and State tax of any town in Waldo county, and if this Legislature goes on record as doing something that will affect the economic situation in Islesboro, it will mean that the valuable property there will be of little value, and that will effect the whole county of Waldo because the tax will not be paid by Islesboro to the State and to the county but will have to be borne by the other towns and communities in Waldo county. So this is a matter that has a county aspect and I want to point out right here that two years ago when the proposition of the trucks came up the entire Waldo county delegation were in accord on the matter and that included both Democrats and Republicans. We were opposed to it.

I hope that the motion of the gentleman from Kennebunk, Mr. Wentworth, will not prevail and that we may put on an amendment that will give to the people of Islesboro what they want and when they want it, give them an opportunity to decide it once a year at their annual town meeting. I think I have made myself clear and I hope that the gentleman's motion does not prevail.

Mr. WENTWORTH: Mr. Speaker, the committee heard all this argument that the gentleman from Winterport (Mr. Fernald) has just given and they do not believe in the amendment. In other words it would give the voter down there a chance to have a fight every spring. True, Mr. Fernald did appear before the committee and I think he straddled a little, if I remember right. In other words, I did not know whether he was riding in a Democrat wagon or in an automobile and neither did any other members of the committee. I hope that my motion prevails.

Mr. FERNALD: Mr. Speaker, we cannot let these fellows get away with too much around here. They have called me a Democrat and now they say I straddled. Just what did I say at that hearing? This is what I said and this is going into the Record and if it is not what I said there are seven people here in the House who heard me and they can disagree with me. I said this: That for ten years I have been campaigning in Islesboro and going up and down its roads and that I had always felt that it was wrong to have automobiles on Islesboro, and that two years ago, in 1931, I

opposed the trucks for the construction of highways, but at this time at this hearing I was willing and wanted to hear the evidence on both sides and if there was something new I was willing to be shown. In other words, I was not of the mind that because for ten years I had felt that a certain proposition was correct, I would not in the future change my mind. I have not reached the point where I cannot change my mind and that is more than certain politicians that I know of cannot do. That is all right with me but that is my proposition.

The SPEAKER: The pending question is the motion of the gentleman from Kennebunk, Mr. Wentworth, that the ought to pass report of the committee on Towns on bill an act relating to the use of automobiles in Islesboro, H. P. 19, L. D. 7, be accepted. Is the situation clear to everybody? All those in favor of the motion will say aye; contrary minded no.

A viva voce vote being taken, the report ought to pass was accepted; and on further motion by the same gentleman the rules were suspended and the bill was given its two readings and the next legislative day assigned.

First Reading of Printed Bills and Resolves

(H. P. No. 76.) (L. D. No. 691) Resolve in favor of Charles L. Lindsey.

(H. P. No. 440) (L. D. No. 692) Resolve in favor of the Somerset Co-operative Telephone Company of Norridgewock.

(H. P. 1388) (L. D. No. 693) Resolve in favor of Henry Moor, of Township No. 28.

(H. P. No. 1389) (L. D. 694) Resolve in favor of Ernest C. Brown of Gorham.

Passed to be Engrossed

(S. P. No. 115) (L. L. No. 610) An act relating to the incorporation of the Hebron Water Company.

(H. P. No. 226) (L. D. No. 127) An act relating to quarantine of indigent cases.

(H. P. No. 843) (L. D. No. 420) An act relating to the South Portland Municipal Court.

(H. P. No. 884) (L. D. No. 353) An act relating to appeals in non-support cases.

(H. P. No. 1008) (L. D. No. 352) An act relating to bail in Municipal Courts.

(H. P. No. 1064) (L. D. No. 492)

An act authorizing cremation of bodies of the dead.

(H. P. No. 1380) (L. D. No. 685)
An act relating to the shipping and transporting of clams beyond the limits of the State during closed time.

(H. P. No. 1379) (L. L. No. 686)
Resolve relating to the taking of smelts from certain waters of Penobscot Bay, Blue Hill Bay and Union River.

Orders of the Day

The SPEAKER: The Chair understands that the gentleman from Winterport, Mr. Fernald, has something to say with reference to the Maine Veterans' Legislators' Association, and the Chair recognizes that gentleman.

Mr. FERNALD: Mr. Speaker, I think this is a poor time for me to try to say anything. Acting again for somebody else, and having no personal interest in it, I have been requested by the Maine Veterans' Legislators' Association, who have placed on your desks a card with a picture of the State House and so forth on it to say that this Association is appealing to the newer members of the House and

asking them to join with us. The cost is one dollar, and on March 8, 1933, we will have another banquet here in the State House and some time in the near future you will be approached by myself or somebody else—I think perhaps somebody else—(laughter) and requested to donate a dollar to the Veterans' Legislators Association. I thank you very much for the privilege of speaking. (Laughter and applause).

On motion by Mr. Hall of Bar Harbor, it was voted to take from the table the sixth unassigned matter, House report ought not to pass of the committee on Judiciary on bill an act relating to licensing of persons maintaining Children's homes, H. P. 617, L. D. 243, tabled by that gentleman February 16, pending acceptance of the report; and on further motion by the same gentleman, the report was accepted.

On motion by Mr. Friend of Skowhegan,

Adjourned until Tuesday, February 21 at five o'clock in the afternoon.