

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Sixth Legislature

OF THE

STATE OF MAINE

Special Session, December 4, 1933

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Thursday, December 14, 1933.

Senate called to order by the President.

Prayer by the Rev. Herbert E. P. Pressey of Augusta.

Journal of yesterday read and approved.

The following remonstrance was received and on recommendation by the committee on reference of bills was referred to the following committee:

Temperance

Mrs. Gay of Lincoln presented remonstrance of Beryl Hodgkins of Jefferson and vicinity and thirty-nine others against liquor and saloons. (S. P. 66)

Sent down for concurrence.

Orders

Mr. Jackson of Cumberland presented the following order:

Ordered, the House concurring, that there is hereby created a commission on revision of the tax laws to be composed of not more than fifteen members who shall be appointed as follows: one member from the Senate, by the President thereof; two members from the House, by the Speaker thereof; and twelve who shall not be members of the Eighty-sixth Legislature, to be appointed by the Governor with the advice and consent of the Council. Such commissioners shall serve without pay but shall be reimbursed for their actual expenses incurred while engaged in the duties of such commission. They shall meet as soon as convenient after their appointment at such place as they select, and shall choose one of their members to be Chairman, and they may employ a competent clerk. Such commission shall study and consider the laws relating to taxation and, with such technical assistance as is necessary, shall prepare such legislation as they deem advisable for consolidating, revising and amending all laws relating to taxation in the state and the method of assessment and collection thereof. Such commission shall, on or as near February 10th, 1934 as possible, make a written report to the Governor and Council which report shall be transmitted to the Clerk of the House of Representatives at special session or on the organization of the Eighty-seventh Legisla-

ture and shall include such recommendation for legislation as the commission shall adopt with the draft for such legislation as may be suggested. The sum of five thousand dollars shall be provided for the purpose of carrying out the provisions of this order.

Thereupon, on motion by Mr. Jackson of Cumberland, the order was referred to the committee on taxation.

Sent down for concurrence.

Reports of Committees

Mr. Page of Somerset for the committee on banks and banking on bill an act authorizing savings banks to acquire and hold securities not authorized by law to avoid loss (S. P. 18, L. D. 100) reported the same inexpedient and that it ought not to pass.

The same Senator for the same committee on bill an act relating to the authority of bank commissioner over trust companies (S. P. 19, L. D. 99) reported the same inexpedient and that it ought not to pass.

The same Senator for the same committee on bill an act limiting loans and investments by trust companies on mortgages on real property (S. P. 20, L. D. 98) reported the same inexpedient and that it ought not to pass.

The same Senator for the same committee on bill an act providing for annual examination of trust companies by directors (S. P. 21, L. D. 97) reported the same inexpedient and that it ought not to pass.

The same Senator for the same committee on bill an act restricting the ownership of realty by trust companies (S. P. 22, L. D. 96) reported the same inexpedient and that it ought not to pass.

The same Senator for the same committee on bill an act relating to filing of financial statements by application for loans (S. P. 24, L. D. 94) reported the same inexpedient and that it ought not to pass.

The same Senator for the same committee on bill an act relating to adjustment and disposition of loans and investments of trust companies (S. P. 27, L. D. 91) reported the same inexpedient and that it ought not to pass.

The same Senator for the same committee on bill an act providing for the merger or consolidation of

banks (S. P. 31, L. D. 90) reported the same inexpedient and that it ought not to pass.

Mr. Page for the committee on banks and banking on bill an act relating to liquidation of banks (S. P. 30, L. D. 101) reported that the same be referred to the 87st Legislature.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Schnurle for the committee on inland fisheries and game on bill an act relating to closed seasons in the several waters of the State (S. P. 56, L. D. 124) reported that the same ought not to pass.

(On motion by Mr. Viles of Kennebec, laid on the table pending acceptance and especially assigned for after the first recess today.)

Mr. Page from the Committee on Banks and Banking on bill An Act authorizing loan and building associations to assign or exchange home mortgages for bonds issued by Home Owners' Loan Corporation (S. P. 1, L. D. 7) reported that the same ought to pass.

The same Senator from the same Committee on bill An Act to amend the law relating to savings banks investments (S. P. 2, L. D. 8) reported that the same ought to pass.

The same Senator for the same Committee on bill An Act to amend the law relating to acquiring of stock, bonds and other securities by savings banks, institutions for saving, trust companies and loan and building association (S. P. 3, L. D. 9) reported that the same ought to pass.

The same Senator for the same Committee on bill An Act to incorporate the Consolidated Mortgage Company (S. P. 5, L. D. 13) reported that the same ought to pass.

The same Senator from the same Committee on bill An Act to provide for issuing capital notes and debentures by mutual savings banks and institutions for savings (S. P. 25, L. D. 93) reported that the same ought to pass.

Which reports were read and accepted under suspension of the rules, the bills were read twice and passed to be engrossed.

Sent down for concurrence.

The same Senator for the same Committee on bill An Act to provide for the authority of a receiver in possession (S. P. 23, L. D. 95) re-

ported that the same ought to pass.

Which report was read and accepted and the bill given its first reading.

Thereupon on motion by Mr. Littlefield of York the bill was laid upon the table pending assignment for second reading and especially assigned for after the first recess today.

Mr. Page for the Committee on Banks and Banking on bill An Act to provide for issuance of preferred stock by trust companies (S. P. 26, L. D. 92) reported the same in a new draft (S. P. 67) under the same title and that it ought to pass.

Mr. Story for the Committee on Public Health on bill An Act for the regulation of the practice of hairdressing and beauty culture (S. P. 47, L. D. 118) reported the same in a new draft (S. P. 68) under the same title and that it ought to pass.

Which reports were read and accepted and the bills laid on the table for printing under joint rules.

Orders of the Day

The President laid before the Senate, Report of the Committee on Judiciary on bill An Act to create a board of emergency municipal finance (L. D. 89), the report of the committee being that the same be referred to the next Legislature, which was tabled yesterday by Mr. Viles of Kennebec pending acceptance of the report; and on motion by that Senator the bill and the report were recommitted to the Committee on Judiciary.

Sent down for concurrence.

On motion by Mr. Weeks of Somerset, the rules were suspended and that Senator presented, out of order, the following resolution and moved its adoption:

WHEREAS, air mail service is now furnished to 43 states and is being used to an increasing extent for business and other communications, and

WHEREAS, the citizens of Maine are placed at a disadvantage in the conduct of their business and personal affairs by the absence of such facilities, and

WHEREAS, airplanes are now operated upon regular schedules for the transportation of persons and properties between points in this

state and Boston in the commonwealth of Massachusetts.

RESOLVED, that the Postmaster General of the United States be requested to give consideration to the extension of air mail service to this state by means of such regular and dependable airplane operations as are now or may be hereafter established; and that the Governor be authorized and requested to negotiate with the Postmaster General for the accomplishment of this result.

The resolution was adopted.

Sent down for concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, bill, "An Act to provide for the authority of a receiver in possession" (S. P. 23, L. D. 95), tabled by that Senator earlier in today's session pending assignment for second reading and assigned for later in today's session; and on further motion by the same Senator the rules were suspended and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Weeks of Somerset,

Recessed, until eleven-thirty this morning.

After Recess

The Senate was called to order by the President.

Papers from the House, out of order, disposed of in concurrence.

Reports of Committees

(Out of Order)

Mr. Hathaway for the Committee on Ways and Bridges on Bill "An Act to repeal the special road appropriation" (S. P. 36, L. D. 104) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Farnsworth for the Committee on Interior Waters on Bill "An Act to incorporate Michael Stream Log Driving Company" (S. P. 13, L. D. 83) reported that the same ought to pass.

Which report was read and accepted and under suspension of the rules the bill was given its two sev-

eral readings and passed to be engrossed.

Sent down for concurrence.

Mrs. Gay for the Committee on Public Health on Bill "An Act relative to marathon and other competitive dances" (S. P. 48, L. D. 119) reported the same in a new draft (S. P. 69) under a new title "An Act relative to marathon dances and similar competition" and that it ought to pass.

Which report was read and accepted and the bill laid on the table for printing under joint rule.

Passed to Be Enacted

(Out of Order)

"An Act to Amend an Act entitled," An Act to Incorporate Dexter P. Cooper, Incorporated, for the Purpose of Developing and Utilizing the Power of the Tides in the Bay of Fundy and Waters Adjacent Thereto," (H. P. 14) (L. D. 29).

On motion by Mr. Weeks of Somerset,

Recessed, until four-thirty o'clock this afternoon.

After Recess

The Senate was called to order by the President.

Additional papers from the House, out of order, disposed of in concurrence.

From the House, out of order

The committee on public utilities on bill an act relating to power service in Lubec, Trescott and Whiting Village (H. P. 32, L. D. 47) reported that the same ought to pass.

In the House, the report was read and accepted, and under suspension of the rules, the bill was given its three several readings and passed to be engrossed.

In the Senate, the report was read and accepted, and under suspension of the rules the bill was given its two several readings and passed to be engrossed in concurrence.

From the House, out of order

The committee on Maine publicity on bill an act to designate the state highway from Waterville to Bar Harbor as "Acadia Trail" (H. P. 29, L. D. 44) reported that the same be referred to the 87th Legislature

In the House, recommitted to the committee on Maine publicity.

In the Senate, on motion by Mr. Harmon of Hancock, tabled pending consideration and especially assigned for later in this afternoon's session.

First Reading of Bills

(Out of order)

An act to provide for issuance of preferred stock by trust companies. (S. P. 67, L. D. 170)

An act relating to the practice of hairdressing and beauty culture. (S. P. 68, L. D. 171)

Which bills, under suspension of the rules, were given their two several readings and passed to be engrossed.

Sent down for concurrence.

An act relative to marathon dances and similar competitions. (S. P. 69, L. D. 173)

(On motion by Mr. Weatherbee of Penobscot, tabled pending first reading, and especially assigned for the end of the calendar today.)

Reports of Committees

(Out of order)

Mrs. Gay from the Committee on Education on Resolve in favor of Elsie T. McKenney of Waterville (S. P. 55) reported that the same ought not to pass.

Mr. Bissett from the Committee on Temperance on Resolve proposing a modification of the twenty-sixth amendment to the Constitution relating to intoxicating liquors by repealing the amendment as it now stands and substituting in place thereof a new amendment (S. P. 38, L. S. 106) reported that the same ought not to pass.

Mr. Holman of Franklin for the Committee on Judiciary on bill an act relating to drivers' licenses (S. P. 7, L. D. 10) reported that the same ought not to pass.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Kitchen from the Committee on Ways and Bridges on bill an act to amend the state highway fund law providing assurance to the federal government for the repayment of loans (S. P. 40, L. D. 108) reported the same in a new draft (S. P. 70) under a new title "An act authorizing the State Highway Department to cooperate with the Federal Government" and that it ought to pass.

Which report was read and ac-

cepted and the bill laid upon the table for printing under the joint rules.

Mrs. Gay of Lincoln, out of order, presented Remonstrance signed by Cleone H. Hatch of Damariscotta and twenty-three others against the modification of the repeal of the prohibitory law (S. P. 71)

Which was placed on file.

Sent down for concurrence.

Reports of Committees

(Out of order)

Mr. Page from the Committee on Banks and Banking in behalf of that committee presented its final report.

Mr. Weatherbee from the Committee on Claims in behalf of that committee presented its final report.

Mrs. Gay from the Committee on Education in behalf of that committee presented its final report.

Mr. Towle from the Committee on Maine Publicity in behalf of that committee presented its final report.

Mr. Page from the Committee on State Lands and Forest Preservation in behalf of that committee presented its final report.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Kitchen from the Committee on Ways and Bridges in behalf of that committee presented its final report.

Mr. KITCHEN of Aroostook: Mr. President, I don't know but that has been handed in a little too soon. There is one bill in the hands of the committee unreported as yet. I move that this final report be laid upon the table pending receipt of the last report from the committee.

The motion to table prevailed.

The PRESIDENT: The Chair might say at this time, with the permission of the Senate, that some of us have been in conference this afternoon with members of both houses, including the clerical officers, and we have satisfied ourselves that by proper attention to duties tomorrow and Saturday, this special session of the Legislature can adjourn without day on Saturday. We have a good many final reports here and the Chair would like to express the hope that tomorrow morning will see every bill in the hands of every committee reported in some form.

Mr. Jackson for the Committee on Taxation on Joint Order creating a tax law revision commission reported the same in a new draft (S. P. 72) under the same title and that it ought to pass.

The Secretary read the order:

"Ordered, the House concurring,

WHEREAS, under the terms of Chap. 68 of the Private and Special Laws of 1933 a commission on the revision of the tax laws was created, and

WHEREAS, it seems desirable to enlarge such commission and more particular define its functions.

Now, Therefore, be it

ORDERED, that a commission that shall consist of fifteen members, five of whom shall be the members heretofore named under chap. 68 of the Private and Special Laws of 1933 and the additional members of the commission to be appointed by the Governor with the advice and consent of the Council; such commission shall serve without pay but shall be reimbursed for the actual expenses incurred while engaged in the duties of such commission; they shall meet as soon as convenient after their appointment, at such place as they select, and shall choose one of their members to be chairman, and they may employ a competent clerk. Such commission shall study and consider the laws relating to taxation; shall be empowered to summons and examine witnesses, and with such technical assistance as necessary shall prepare such legislation as they may deem advisable for the consolidating, revising and amending all laws relating to taxation in the state and the method of assessment and collection thereof. Such commission shall, on or before February 20th, 1934, make a written report to the Governor and Council, which report shall include such recommendations for legislation as the commission shall adopt with the draft of such legislation as may be suggested. To carry out the provisions of this order the sum of five thousand dollars shall be provided for the purpose thereof, which shall be in lieu of any funds provided in chap. 268 of the Private and Special Laws of 1933."

Thereupon, the report was read and accepted and the order received a passage.

Sent down for concurrence.

Mr. Page of the Committee on Legal Affairs on "Resolve in favor of the establishment of a ferry between Islesboro and Northport" (S. P. 15, L. D. 52) reported that the same ought not to pass.

Mr. Blaisdell of the same Committee on Bill "An Act to incorporate the Islesboro Transportation Company" (S. P. 16, L. D. 51) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act to incorporate the Atlantic Seaboard Association" (S. P. 9, L. D. 14) reported that the same be referred to the next Legislature.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Farnsworth from the Committee on Legal Affairs on Bill "An Act to incorporate the Presque Isle Water District" (S. P. 33), reported that the same ought to pass.

Which report was read and accepted and the bill laid on the table for printing under the Joint rules.

Mr. Weeks of the Committee on Judiciary on Bill "An Act authorizing the sale and conveyance of certain school lots" (S. P. 10, L. D. 15) reported legislation inexpedient.

Mr. Holman for the same Committee on Bill "An Act to empower the United States of America to acquire lands in the State of Maine by purchase, gift or condemnation for national forests, and granting to the United States all rights necessary for establishment, control and administration of such forests" (S. P. 11, L. D. 16) reported legislation inexpedient.

Which reports were read and accepted.

Sent down for concurrence.

On motion by Mr. Weeks of Somerset,

Recessed, until 5:15 o'clock this afternoon.

After Recess

The Senate was called to order by the President.

The PRESIDENT: While waiting for papers from the House, with the consent of the Senate we will take up the matters tabled and especially assigned for consideration at the end of the calendar today.

Thereupon, the President laid before the Senate, House Report from the Committee on Maine Publicity on bill, An Act to designate the state highway from Waterville to Bar Harbor as "Acadia Trail" (H. P. 29, L. D. 44) reporting that the same be referred to the 87th Legislature; which was laid upon the table earlier in today's session by Mr. Harmon of Hancock pending consideration and assigned for the end of the calendar this afternoon.

The PRESIDENT: The Chair will state that the pending question is acceptance of the committee report in non-concurrence or substituting the bill for the report in concurrence.

Thereupon, on motion by Mr. Harmon of Hancock the report of the committee was accepted in non-concurrence.

Sent down for concurrence.

The President laid before the Senate New Draft, bill, An Act relative to marathon dances and similar competitions (S. P. 69, L. D. 173), tabled by Mr. Weatherbee of Penobscot earlier in today's session pending first reading and especially assigned for the end of today's calendar; and the Chair recognized that Senator.

Mr. WEATHERBEE of Penobscot: Mr. President, I will say that the original bill which was presented to the Committee on Public Health read as follows. (Here the Senator read the bill). Now, the chairman of the committee, Dr. Hathaway, and the other two Senate members state that this does not carry out their intentions at all and it is for that reason that I ask that the original bill may be substituted for the new draft, and after the substitution, if it shall be had, I would like to offer an amendment which will meet the objections in the old draft of the Senator from Lincoln, Mrs. Gay, and of Miss Laughlin of the House. So, Mr. President, I move that the original draft be substituted for the new draft.

The PRESIDENT: The Senator from Penobscot, Senator Weatherbee, moves that the Senate reconsider its action whereby it accepted the report of the committee "ought to pass in new draft" in concurrence with the House. Is this the pleasure of the Senate?

The motion to reconsider pre-

vailed; and on further motion by the same Senator the bill was substituted for the report, and given its first reading.

Mr. WEATHERBEE: Mr. President, in looking over the amendment which I had prepared I see that there should have been added a further amendment. It will only take a moment or two to prepare that, or I can prepare and present it tomorrow morning.

The PRESIDENT: The Senator from Penobscot, Senator Weatherbee, moves that this matter be laid upon the table pending consideration and especially assigned for the end of today's calendar.

The motion prevailed.

The President laid before the Senate, Report from the Committee on Inland Fisheries and Game, "ought not to pass" on bill, An Act relating to close seasons in the several waters of the state (L. D. 124), tabled earlier in today's session by Mr. Viles of Kennebec pending acceptance of the committee report and especially assigned for consideration this afternoon; and on motion by that Senator the bill was retabled and tomorrow assigned.

From the House, out of order,

Report of the Committee on Judiciary on Bill "An Act relating to chauffeurs badges" (H. P. 17, L. D. 32) reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its three several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Judiciary on Bill "An Act authorizing and empowering the Register of Deeds for the County of Knox to make a true copy of contents of Volume 24 and of Volume 30 of the Knox County Records of Deeds and to certify that the same are true copies of said records." (H. P. 13, L. D. 28) reported that the same ought to pass.

In the House, the report was

read and accepted, the bill given its three several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Legal Affairs on Bill "An Act relating to the term of office of the police department of the City of Bangor" (H. P. 27, L. D. 42) reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its three several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted, the bill given its three several readings under suspension of the rules and passed to be engrossed.

From the House, out of order,

Report of the Committee on Legal Affairs on Bill "An Act to provide a town council and manager form of government for the town of Baileyville in the County of Washington" (H. P. 25, L. D. 40) reported that the same ought to pass.

In the House, the report was read and accepted, and the bill was given its first reading, House Amendment "A" was adopted and under suspension of the rules the bill was given its second and third reading and 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 its first reading, House Amendment "A" was read and adopted in concurrence, and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by House Amendment "A" in concurrence.

From the House, out of order,

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to kindling of fires of non-residents" (H. P. 91, L. D. 114) reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its three several readings under sus-

pension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Judiciary on Bill "An Act relating to notice on defaulting trustees" (H. P. 111, L. D. 143) reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its three several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Judiciary on Bill "An Act to ratify and confirm the reduction of the capital of Libby, McNeill & Libby" (H. P. 21, L. D. 36) reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its three several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Judiciary on Bill "An Act permitting the building of a bridge between Southport and Capitol Island" (H. P. 22, L. D. 37) reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its three several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Pub-

lic Health on Bill "An Act for the regulation of cosmetics" (H. P. 30, L. D. 45) reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its three several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to a retirement pension for Howard Wood of Patten" (H. P. 88), reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its three several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

From the House, out of order,

Report of the Committee on Banks and Banking on Bill "An Act regulating pledge of assets by Trust Companies" (H. P. 55, L. D. 67) reported that the same ought to pass.

In the House, the report was read and accepted, the bill given its three several readings under suspension of the rules and passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

Additional papers from the House, out of order, disposed of in concurrence.

The President laid before the Senate, bill, An Act relative to Marathon Dances and Similar Competitions (S. P. 48, L. D. 119), tabled earlier in today's session by Mr. Weatherbee of Penobscot pending second reading; and the Chair recognized that Senator.

Thereupon, the same Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to Senate Paper 48, Legislative Document 119, entitled 'An Act relative to marathon and other competitive dances.' Amend said bill by striking out wherever they appear in said bill the words 'female or minor' and substituting in place therefor the word 'person.'"

Senate Amendment "A" was adopted, and on further motion by the same Senator the rules were suspended and the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A."

Sent down for concurrence.

The PRESIDENT: Is there any further business to come before the Senate before adjournment for the day?

On motion by Mr. Weeks of Somerset,

Adjourned, until tomorrow morning at 9.30 o'clock.