

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-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, January 24, 1935.

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

Prayer by the Rev. Mr. Gesner of Augusta.

Journal of the previous session read and approved.

At this point a communication was received from the Senate, through its Secretary, proposing a Joint Convention of the two branches of the Legislature to be held forthwith in the hall of the House of Representatives for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and make such communication thereto as he sees fit.

The SPEAKER: The House hears the message.

From the Senate: Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, January 29th, at 4.30 o'clock in the afternoon.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

On motion by Mr. Ellis of Rangeley, it was voted that the House signify to the Senate its concurrence in the proposal of the Senate that a Joint Convention of both branches be held to listen to a message from His Excellency, the Governor, on the budget, and that the House, through its Clerk, signify to the Senate such concurrence.

Thereupon the Clerk conveyed to the Senate the concurrence of the House, subsequently reporting that he had performed the duty with which he was charged, which report was accepted.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act relating to the office of Sheriff (S. P. 156) (L. D. 87).

Comes from the Senate referred to the committee on Legal Affairs.

In the House:

Mr. HILL of South Portland: Mr. Speaker, I move that this bill be referred to the committee on Judiciary in non-concurrence. A bill on the

same subject was referred yesterday to the committee on Judiciary, and as these bills involve the same question, I think they should both go to the same committee.

The motion prevailed, and the bill was referred to the committee on Judiciary in non-concurrence.

The following bills, resolves and petitions were received and upon recommendation of the committee on Reference of Bills, were referred to the following committees:

Agriculture

An act to authorize the Farm Lands Loan Commission to make certain funds available for the Commissioner of Agriculture (H. P. No. 419) (Presented by Mr. Clarke of Cooper)

(500 copies ordered printed)

Banks and Banking

An act relating to regulation of loans (H. P. No. 420) (Presented by Mr. Connolly of Portland)

(500 copies ordered printed)

An act relative to the amount of loan and rate of interest (H. P. No. 421) (Presented by Mr. Willey of Falmouth)

(500 copies ordered printed)

Claims

Resolve to reimburse the town of Guilford for support of Harold A. Walker and family, having no settlement in the State (H. P. No. 422) (Presented by Mr. Austin of Parkman)

(Resolve in favor of the town of Princeton for pauper supplies (H. P. No. 423) (Presented by Mr. Chase of Baring)

Resolve in favor of the city of Bangor, for pauper supplies (H. P. No. 424) (Presented by Mr. Eddy of Bangor)

Resolve in favor of Charles H. Cutter Coal Company, of Boston (H. P. No. 425) (Presented by Mr. Fortin of Lewiston)

Resolve in favor of the Winterport Ferry Company (H. P. No. 426) (Presented by Mr. Harriman of Prospect)

Resolve in favor of Verna Earley of Ellsworth (H. P. No. 427) (Presented by Mr. Higgins of Ellsworth)

Resolve in favor of Paul D. Tapley of Ellsworth (H. P. No. 428) (Presented by same gentleman)

Resolve in favor of Merle Bunker of Ellsworth, Hancock County (H.

P No. 429) (Presented by same gentleman)

Resolve in favor of Howard Dillard of Ellsworth, Hancock County (H. P. No. 430) (Presented by same gentleman)

Inland Fisheries and Game

An act relative to bounty on bobcats, loupcevriev and Canada lynx (H. P. No. 431) (Presented by Mr. Burgess of Rumbord)
(500 copies ordered printed)

An act relative to bounty on bears (H. P. No. 432) (Presented by same gentleman)

(On motion by Mr. Crowell of Weston tabled pending reference and 500 copies ordered printed)

An act relative to open season on moose (H. P. No. 433) (Presented by Mr. Payson of Brooks)
(500 copies ordered printed)

Resolve relative to the taking of smelts for food purposes from the Crooked and Congo Rivers (H. P. No. 434) (Presented by Mr. Proctor of Naples)
(500 copies ordered printed)

An act relating to taking of white fish in Mattawamkeag Lake (H. P. No. 435) (Presented by Mr. Palmer of Island Falls)

An act relating to smelt fishing in St. Croix River (H. P. No. 436) (Presented by Mr. Tupper of Calais)

Resolve relative to the screening of Rangeley Lake in the county of Franklin (H. P. No. 437) (Presented by Mr. Ellis of Rangeley)

Resolve relative to the screening of Tufts Pond (H. P. No. 438) (Presented by same gentleman)

Resolve for screening the outlet of Pleasant Pond in Turner, in the county of Androscoggin (H. P. No. 439) (Presented by Mr. Mason of Mechanic Falls)

Judiciary

An act relating to forcible entry and detainer (H. P. No. 440) (Presented by Mr. Davis of Fairfield)
(500 copies ordered printed)

An Act relative to qualifications of applicants for admission to the bar (H. P. No. 441) (Presented by Mr. Carswell of Gorham)
(500 copies ordered printed)

An act relating to responsibility for accidents to passengers in motor vehicles (H. P. No. 442) (Presented by Mr. Philbrick of Cape Elizabeth)
(500 copies ordered printed)

An act relating to applications for

licenses (H. P. No. 443) (Presented by Mr. Young of York)

(500 copies ordered printed)

An act relating to public records (H. P. No. 444) (Presented by Mr. Burnham of Kittery)

(On motion by Mr. Burnham of Kittery referred to the committee on Legal Affairs and 500 copies ordered printed)

An act relating to recognition of political parties on ballots (H. P. No. 445) (Presented by Mr. Sleeper of Rockland)
(500 copies ordered printed)

Legal Affairs

An act to amend the charter of the York Village Beach Village Corporation (H. P. No. 447) (Presented by Mr. Young of York by request)
(500 copies ordered printed)

An act relating to hunting on Sunday (H. P. No. 448) (Presented by Mr. Willey of Falmouth)

(On motion by Mr. Ellis of Rangeley, tabled pending reference and 500 copies ordered printed)

An act amending the duty of innkeepers (H. P. No. 449) (Presented by Mr. Philbrick of Cape Elizabeth)
(500 copies ordered printed)

An act to change the name of Maine Home for Friendless Boys to Maine Home for Boys (H. P. No. 450) (Presented by same gentleman)
(500 copies ordered printed)

An act relative to the granting of licenses for certain businesses and purposes by the city of Bangor (H. P. No. 451) (Presented by Mr. Smith of Bangor)
(500 copies ordered printed)

Maine Publicity

An act designating a certain road as the "Moosehead Trail" (H. P. No. 452) (Presented by Mr. Payson of Brooks)
(500 copies ordered printed)

Pensions

Resolve providing for an increase in State pension for Alice Chadwick of Somerville (H. P. No. 453) (Presented by Mr. Carleton of Alna)

Resolve providing for a State pension for Mace L. Hall of Alna (H. P. No. 454) (Presented by same gentleman)

Resolve providing for a State in State pension for William S. Smith of Alna (H. P. No. 455) (Presented by same gentleman)

Resolve providing for a State pension for Jennie P. Whitney of

Gorham (H. P. No. 456) (Presented by Mr. Carswell of Gorham)

Resolve providing for a State pension for Julia A. Cloutier of Lewiston (H. P. No. 457) (Presented by Mr. Donovan of Lewiston)

Resolve providing for a State pension for Winfield Gallagher of Gardiner (H. P. No. 458) (Presented by Mrs. Forbes of Dover-Foxcroft)

Resolve for State pension for Mrs. Libby of Gardiner (H. P. No. 459) (Presented by Mr. Harriman of Gardiner)

Resolve providing for a State pension for Emma A. Church of Gardiner (H. P. No. 460) (Presented by same gentleman)

Resolve providing for a State pension for Daniel Keleher of Frankfort (H. P. No. 461) (Presented by Mr. Harriman of Prospect)

Resolve providing for a State pension for Berger H. Shorey of Mechanic Falls (H. P. No. 462) (Presented by Mr. Mason of Mechanic Falls)

Resolve providing for a State pension for Hattie Brackett of Stacyville Plantation (H. P. No. 463) (Presented by Mr. McKay of Drew)

Resolve in favor of Henry Oban of Chelsea (H. P. No. 464) (Presented by Mr. Thompson of Chelsea)

Resolve in favor of Velzora Ripley of Montville (H. P. No. 465) (Presented by Mr. Woodbury of Morrill)

Resolve providing for a State pension for Frank L. Danforth of Freedom (H. P. No. 466) (Presented by same gentleman)

Taxation

An act to tax games of skill (H. P. No. 467) (Presented by Mr. Willey of Falmouth)

(500 copies ordered printed)

An act relating to credit for excise tax paid (H. P. No. 468) (Presented by Mr. Mason of Mechanic Falls)

(500 copies ordered printed)

Ways and Bridges

Petition of Verner R. Smith and 33 others in favor of an act relating to snow removal on R. F. D. Routes (H. P. No. 362) (Presented by Mr. Russ of Woodstock)

Petition of Dana O. Dudley and 26 others in favor of same (H. P. No. 363) (Presented by same gentleman)

Petition of the selectmen and 29

others in favor of an appropriation for the Andover-Upton Road (H. P. No. 364) (Presented by Mr. Thurston of Andover)

Resolve in favor of city of Biddeford (H. P. No. 365) (Presented by Mr. Belaire of Biddeford)

Resolve in favor of the town of Waldoboro (H. P. No. 366) (Presented by Mr. Carleton of Alna)

Resolve in favor of the town of Somerville (H. P. No. 367) (Presented by same gentleman)

Resolve in favor of the road leading from Sheepscot Village to Newcastle-Damariscotta (H. P. No. 368) (Presented by same gentleman by request)

Resolve in favor of the town of Jefferson (H. P. No. 369) (Presented by same gentleman)

Resolve in favor of the town of Topsfield (H. P. No. 370) (Presented by Mr. Chase of Baring)

Resolve in favor of the town of Baileyville (H. P. No. 371) (Presented by same gentleman)

Resolve in favor of the town of Princeton (H. P. No. 372) (Presented by same gentleman)

Resolve in favor of the town of Plymouth (H. P. No. 373) (Presented by Mr. Clark of Plymouth)

Resolve in favor of the town of Levant (H. P. No. 374) (Presented by same gentleman)

Resolve in favor of the town of Newburg (H. P. No. 375) (Presented by same gentleman)

Resolve in favor of the town of Dixmont (H. P. No. 376) (Presented by same gentleman)

Resolve in favor of the town of Dayton (H. P. No. 377) (Presented by Mr. Deering of Hollis)

Resolve in favor of the town of Buxton (H. P. No. 378) (Presented by same gentleman)

Resolve in favor of the town of Freeman (H. P. No. 379) (Presented by Mr. Ellis of Rangeley)

Resolve in favor of Jerusalem Township (H. P. No. 380) (Presented by same gentleman)

Resolve in favor of the town of Sedgwick (H. P. No. 381) (Presented by Mr. Gray of Brooksville)

Resolve in favor of the town of Bowdoinham (H. P. No. 382) (Presented by Mr. Hagan of Georgetown)

Resolve in favor of the town of Georgetown (H. P. No. 383) (Presented by same gentleman)

Resolve in favor of the town of Georgetown (H. P. No. 384) (Presented by same gentleman)

Resolve in favor of the town of Georgetown (H. P. No. 385) (Presented by same gentleman)

Resolve in favor of a Road in the town of Bowdoin (H. P. No. 386) (Presented by same gentleman)

Resolve in favor of the town of Bowdoin (H. P. No. 387) (Presented by same gentleman)

Resolve in favor of the town of Hancock (H. P. No. 388) (Presented by Mr. Hall of Bar Harbor)

Resolve in favor of the town of Phillips (H. P. No. 389) (Presented by Mr. Hammond of Strong)

Resolve in favor of the city of Saco (H. P. No. 390) (Presented by Mr. Hearn of Saco)

Resolve in favor of the town of Surry (H. P. No. 391) (Presented by Mr. Higgins of Ellsworth)

Resolve in favor of the town of Bluehill (H. P. No. 392) (Presented by same gentleman)

Resolve in favor of the city of Ellsworth (H. P. No. 393) (Presented by same gentleman)

Resolve in favor of the town of South Bristol (H. P. No. 394) (Presented by Mr. Lewis of Boothbay)

Resolve in favor of the town of Bristol (H. P. No. 395) (Presented by same gentleman)

Resolve in favor of town of Southport (H. P. No. 396) (Presented by same gentleman)

Resolve in favor of the town of Springfield (H. P. No. 397) (Presented by Mr. Mallett of Lee)

Resolve in favor of the town of Winn (H. P. No. 398) (Presented by same gentleman)

Resolve in favor of the town of Mechanic Falls (H. P. No. 399) (Presented by Mr. Mason of Mechanic Falls)

Resolve in favor of the town of Minot (H. P. No. 400) (Presented by same gentleman)

Resolve in favor of the town of Chesterville (H. P. No. 401) (Presented by Mr. Mosher of Franklin)

Resolve in favor of the town of Mariaville (H. P. No. 402) (Presented by Mr. Noyes of Franklin)

Resolve in favor of the town of Sullivan (H. P. No. 403) (Presented by same gentleman)

Resolve in favor of the town of Otis (H. P. No. 404) (Presented by same gentleman)

Resolve in favor of a road leading from Sherman to Stacyville (H. P. No. 405) (Presented by Mr. Palmer of Island Falls)

Resolve in favor of the town of

Swanville (H. P. No. 406) (Presented by Mr. Payson of Brooks)

Resolve in favor of the town of Brooks (H. P. No. 407) (Presented by same gentleman)

Resolve in favor of the town of Unity (H. P. No. 408) (Presented by same gentleman)

Resolve in favor of the town of Waldo (H. P. No. 409) (Presented by same gentleman)

Resolve in favor of repair of Route No. 7 in Waldo County (H. P. No. 410) (Presented by same gentleman)

Resolve in favor of the town of Jackson (H. P. No. 411) (Presented by same gentleman)

Resolve in favor of Townships C and D (H. P. No. 412) (Presented by Mr. Thurston of Andover)

Resolve in favor of the town of Kennebunk (H. P. No. 413) (Presented by Mr. Wentworth of Kennebunk)

Resolve in favor of the town of Kennebunkport (H. P. No. 414) (Presented by same gentleman)

Resolve in favor of the town of Falmouth (H. P. No. 415) (Presented by Mr. Wille of Falmouth)

Resolve in favor of the town of Montville (H. P. No. 416) (Presented by Mr. Woodbury of Morrill)

Resolve in favor of the town of Palermo (H. P. No. 417) (Presented by same gentleman)

Resolve in favor of the town of Charleston (H. P. No. 418) (Presented by Mr. Worthen of Corinth)

ORDERS OF THE DAY

On motion by Mr. Tupper of Calais, it was voted to take from the table the first unassigned matter, House Order relative to efficiency of Portland Liquor Store, tabled by that gentleman January 9th, the pending motion being that of the gentleman from Kittery, Mr. Burnham, to indefinitely postpone.

At this point the Senate came in and a Joint Convention was formed.

IN CONVENTION

The President of the Senate in the Chair.

On motion of Senator Burkett of Cumberland, it was

Ordered, that a committee be appointed to wait upon His Excellency, Governor Louis J. Brann, and inform him that the two branches of the Legislature are in Convention assembled ready to receive such

communication as he may be pleased to make.

The Chairman thereupon appointed as members of committee on the part of the Senate: Senators Burkett of Cumberland, Pillsbury of Kennebec and Worcester of Washington, and on the part of the House: Representatives Vaughan of South Berwick, McKay of Drew, Cambridge of Westfield, Miss Stickney of Brownfield, Hastings of Bethel, Eveleth of Portland and Drisko of Jonesboro.

Subsequently, Senator Burkett for the committee reported that the committee had discharged the duty assigned it, and that the Governor was pleased to say that he would attend forthwith.

The report was accepted and the committee discharged.

Thereupon Louis J. Brann, Governor, attended by his Council, entered the hall, the audience rising and applauding, and the Governor addressed the Convention as follows:

To the Members of the Eighty-seventh Legislature:

In accordance with the Code Act, I respectfully submit herewith the biennial State Budget for the fiscal years:

July 1, 1935—June 30, 1936

July 1, 1936—June 30, 1937

By direction of the Code, it contains:

Part I: The financial policy of the ensuing biennium:

A general budget summary showing the relation between total proposed expenditures, and the total anticipated revenues, with the means of financing the budget for each fiscal year, showing also contrasting figures for the last completed fiscal year, and the fiscal year in progress.

Part II: Detailed budget estimate of expenditures and revenues.

Bonded indebtedness of State Government.

The debt redemption requirements.

The debt authorized and unissued. Condition of sinking funds.

Part III. Complete draft of budget bills.

Repeal and suspending acts to make effective proposed budget savings and economies.

The estimates of expenditures of departments and institutions call for the exercise of strict economy.

Consideration has been given to the rise in commodity prices.

The only large increase recommended is the appropriation for welfare where a sum comparable to the estimated expenditures of the present fiscal year is advocated.

In this instance, as in all others, I recognize and appreciate the distinction between the function of the Executive and the responsibilities and prerogatives of the legislator.

It is neither my intention nor desire to assume in the slightest degree your constituted right of deliberation and decision.

I do wish, however, to restate my willingness to cooperate at all times with the Legislature in working out the problems of the State.

Among the subjects this Legislature will consider are:

1. Tax Revision.
2. Old Age Relief.
3. Equalization of State school funds.
4. General relief to municipalities.
5. Spanish War claims.
6. Special appropriations.

If the tax laws of the State are revised an entirely new estimate of State income would necessarily follow.

The President of the United States has recommended that the Federal Government join with the several states in a program of Old Age Relief based upon a contribution of the Federal Government to the States.

Hearings are now being held in Washington to work out the final details of the plan.

Until these provisions are known, we cannot even approach this problem.

A supplementary message will be presented to this Legislature recommending a definite course of action.

The report of the Commission on school finances is before the Legislature.

It proposes:—

1st. To restore towns to the 1930 minimum level, requiring one hundred and sixty-two thousand dollars additional appropriation based on their present local tax rates for education.

This first step affects one hundred and seventeen municipalities.

2nd. To make effective the establishment of a twenty-seven dollar minimum level and a reduction of tax levies in all municipi-

palties to eleven mills for educational requirements.

The above two steps require an appropriation of seven hundred and twenty-five thousand dollars.

Two hundred and ninety-five municipalities are affected, with a reduction in school tax levies in the municipalities ranging from a fraction of a mill to 20½ mills.

3rd. The restoration of State aid to the 1930 level for all municipalities would require an additional one hundred and fifty-five thousand dollars.

The above three steps require an appropriation of eight hundred and eighty thousand dollars.

4th. The granting of one fourth of the ultimate aid as recommended by the Commission would require an additional three hundred and twenty-six thousand dollars.

The four steps would entail a total appropriation of substantially one million, two hundred thousand dollars.

The Legislature is to be highly commended for its prompt and humanitarian action yesterday in appropriating fifty thousand dollars to relieve suffering in certain Maine communities unable, through no fault of theirs, to fulfill their legal obligation to the needy and the distressed.

I recommend a continuance of this humane policy.

In respect to the payment of the Spanish-American War claims, I refer you to the recommendation in the inaugural address.

No estimate of the amount required for special appropriation has been made by the Budget Committee.

The total amount depends upon the action of the Legislature and can not be determined until later in the session.

The Highway estimates are based upon the department being financed from its own income and on a "pay as you go" basis.

The Chief Executive recommended to the Legislature that the income from the State Liquor Commission be utilized to repay the State for money advanced, to build up a working capital, and that the balance be used for Old Age Relief.

The estimated income of the State Liquor Commission has, however, been included in the estimate of the income of the State for the next two fiscal years.

The Budget Committee thought it wise to list the estimated income of the State Liquor Commission as an income of the State, realizing that this entailed an amendment of the existing law.

After we know the amount required for old age relief within the State, I shall, in a special message, recommend the final disposition of the income from the State Liquor Commission.

Recommendations, suggesting the suspension of mandatory provisions of law curtailing State expenditures and in force during the past two years are incorporated in the budget report.

This report represents a balanced budget based upon the existing laws, and the existing system of Government in the State, except in the case of the income derived from the State Liquor Commission which anticipates an amendment to an existing law.

The Budget Committee felt that it was beyond their province to anticipate changes by the Legislature in the present financial set up, even though changes were urged and recommended.

We must at all times, bear in mind our responsibility to the citizens of the State that either directly or indirectly support government.

The State must confine its expenditures in the next two fiscal years to the economical level of the past two years.

In plain words, we can follow no other course than that of not increasing the tax rate and compelling the costs of government to correspond with its income. I thank you. (Applause.)

At the conclusion of the address the Governor and Council withdrew, amid the applause of the Convention.

The purpose for which the Convention was assembled having been accomplished, the Convention was dissolved and the Senate retired to the Senate Chamber, amid the applause of the House.

IN THE HOUSE

The SPEAKER: The pending motion before the House is the motion of the gentleman from Kittery, Mr. Burnham to indefinitely postpone House Order relative to efficiency of Portland Liquor Store,

and the Chair recognizes that gentleman.

Mr. BURNHAM: Mr. Speaker, as I understand this order, it is an attempt to interfere with the execution of the law passed at a previous session of the Legislature. You members here know all that has passed. We have on the Liquor Commission gentlemen whom we all respect, and it seems to be that the matter of hiring a Clerk in the Portland Store is no matter for us here to attempt to dictate, either to the manager of that store, or to the Governor and Council, therefore, I renew my motion that this order be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Desmond.

Mr. DESMOND: Mr. Speaker, relative to this order that I presented, I would say that I have consulted with Controller Runnells relative to the set-up and the service, also with Chairman Woodman of the Commission. Everything possible is being done that can be done with the limited personnel they have to work with. I was shown about the warehouse and everything there is as nearly perfect as possible. One great fault is there inability to get supplies from distributors when ordered and without delay. Every bit of encouragement and assistance should be given these gentlemen and no obstacles thrown in their way. If the citizens of Maine will get behind their liquor stores and mail order department, which is soon to be set up, the treasury of the State of Maine will benefit in income by several hundred thou-

sand dollars. It is a shame for the citizens of Maine, after this mail order set up is in operation, to order their liquors from Massachusetts; it is unpatriotic, I think, considering the financial condition of the State of Maine at this time. I think that all the revenue that can be derived from this source should go into the treasury of the State of Maine, not into the treasury of the State of New Hampshire, Massachusetts, or other states. I believe that this liquor set-up is ideal. I have every confidence in Mr. Runnells and in the Commission, headed by Mr. Woodman. I feel that my service has been fully covered and I am satisfied with those gentlemen handling it. I second the motion to have the order indefinitely postponed.

The SPEAKER: The pending question before the House is the indefinite postponement of the first unassigned matter on the calendar of today. Is it the pleasure of the House that it be indefinitely postponed?

A viva voce vote being taken, the order was indefinitely postponed.

Order

(Out of order)

On motion by Mr. Crowell of Weston, it was

Ordered, that there be printed 1,000 additional copies of bill an act to create a Milk Control Board, H. P. 36, L. D. 9.

On motion by Mr. Brown of Westbrook

Adjourned until Tuesday, January 29, at 4:30 p. m.