

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, January 30, 1935.

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

Prayer by the Rev. Mr. Lincoln of Gardiner.

Journal of the previous session read and approved.

From the Senate: The following communication: (S. P. 204)

STATE OF MAINE
Department of State

January 24, 1935.

To the Honorable Senate of the Eighty-seventh Legislature of the State of Maine:

I have the honor to herewith transmit proposals of "An act relating to the use of the General Highway Fund, and to prevent diversion thereof."

This measure is in accordance with the provisions of Section 18 of Article XXXI of the Constitution of the State of Maine. The measure is proposed by what is purported to be not less than 12,000 electors, namely 13,080, as shown by the signatures. The date of filing was January 23, 1935.

Very respectfully yours,

LEWIS O. BARROWS,
Secretary of State

By Robinson C. Tobey
Deputy Secretary of State

Bill an act relating to the use of the General Highway Fund, and to prevent diversion thereof. (I. B. 1)

Comes from the Senate referred to the committee on Ways and Bridges.

In the House, on motion by Mr. Scates of Westbrook, tabled pending reference in concurrence and 500 copies ordered printed.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act relating to certain implements and devices prohibited in fishing; penalty. S. P. 189.

Comes from the Senate referred to the committee on Inland Fisheries and Game.

In the House referred to the committee on Inland Fisheries and Game in concurrence, and on mo-

tion by Mr. Hescoek of Monson 500 copies ordered printed.

From the Senate: Bill an act relating to rebate on gasoline tax to lobster fishermen, H. P. 288, L. D. 70, which was referred to the committee on Sea and Shore Fisheries in the House on January 22nd.

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

In the House, on motion by Mr. Ellis of Rangeley, it was voted to recede and concur with the Senate in the reference of this bill to the committee on Taxation.

Senate Bill In First Reading

S. P. 173, L. D. 95: An act to amend the law relating to industrial banks investments.

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

Appropriations and Financial Affairs

An act relating to the sale of intoxicating liquors (H. P. No. 688) (Presented by Mr. Tupper of Calais)

(500 copies ordered printed)

An act relating to aid to libraries, expenses of State Historian, compensation and expenses of Geologist, topographic mapping, and abolishment of grade crossings (H. P. No. 689) (Presented by Mr. Thompson of Belfast)

(500 copies ordered printed)

Claims

Resolve in favor of Mrs. C. K. McNear of Leeds (H. P. No. 654) (Presented by Mr. Campbell of Leeds)

Resolve in favor of Elmo McNear of Leeds (H. P. No. 655) (Presented by same gentleman)

Resolve in favor of H. D. Carter of Etna (H. P. No. 656) (Presented by Mr. Clark of Plymouth)

Resolve in favor of E. G. Hodgkins of Carmel (H. P. No. 657) (Presented by same gentleman)

Resolve in favor of the town of Etna (H. P. No. 658) (Presented by same gentleman)

Resolve to reimburse the town of Eustis for support of John Brown, having no known settlement in the State (H. P. No. 659) (Presented by Mr. Ellis of Rangeley)

Resolve to reimburse the town of Southwest Harbor for expenses of Mrs. Clayton McCarthy, having no known settlement in the State (H. P. No. 660) (Presented by Mr. Graves of Mt. Desert)

Resolve to reimburse the town of Southwest Harbor for support of Curtis R. Davis and family, having no settlement in the State (H. P. No. 661) (Presented by same gentleman)

Resolve providing for a State pension for Eimil Maschino of Gardiner (H. P. No. 662) (Presented by Mr. Harriman of Gardiner)

Resolve in favor of the town of Winterport (H. P. No. 663) (Presented by Mr. Harriman of Prospect)

Resolve in favor of Norris Westcott of Prospect (H. P. No. 664) (Presented by same gentleman)

Resolve in favor of the town of Canton (H. P. No. 665) (Presented by Mr. Parsons of Hartford)

Resolve in favor of the town of Hebron for pauper supplies (H. P. No. 666) (Presented by same gentleman)

Education

An act to amend the law relating to teachers' pensions (H. P. No. 690) (Presented by Mr. Lindsey of East Machias)

(500 copies ordered printed.)

Inland Fisheries and Game

An act relating to hunting foxes in Franklin County (H. P. No. 691) (Presented by Mr. Mosher of Farmington)

(500 copies ordered printed.)

Resolve for the screening of the main inlet of Cobbosseecontee Lake, in the county of Kennebec (H. P. No. 692) (Presented by Mr. Cole of West Gardiner)

Judiciary

An act relating to enforcement of tax liens (H. P. No. 693) (Presented by Mr. Ellis of Castle Hill)

(500 copies ordered printed.)

An act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledges and to make uniform the law with reference thereto (H. P. No. 694) (Presented by Mr. Philbrick of Cape Elizabeth)

(500 copies ordered printed.)

An act concerning the proof of statutes of other jurisdictions and to make uniform the law with reference thereto (H. P. No. 695) (Presented by same gentleman)

(500 copies ordered printed.)

An act to make uniform the law of transfer of shares of stock in corporations (H. P. No. 696) (Presented by same gentleman)

(500 copies ordered printed.)

An act relating to painting of motor vehicles (H. P. No. 697) (Presented by Mr. Webber of Auburn by request)

(500 copies ordered printed.)

Legal Affairs

An act to extend the charter of the Patten Water and Power Company (H. P. No. 698) (Presented by Mr. Davis of Fairfield)

(500 copies ordered printed.)

An act to extend the charter of the Vanceboro Water Company (H. P. No. 699) (Presented by same gentleman)

(500 copies ordered printed.)

An act to authorize the Recorder of the Lewiston Municipal Court to destroy certain writs, complaints, warrants, executions and libels (H. P. No. 700) (Presented by Mr. Donovan of Lewiston)

(500 copies ordered printed.)

Library

Resolve for the purchase of one hundred copies of "The First Century of the Town of Naples" (H. P. No. 701) (Presented by Mr. Proctor of Naples)

Pensions

Resolve providing for a pension for Grace H. Robinson of Carmel (H. P. No. 667) (Presented by Mr. Clark of Plymouth)

Resolve in favor of Fred L. York of Carmel (H. P. No. 668) (Presented by same gentleman)

Resolve in favor of William E. Hughey of Carmel (H. P. No. 669) (Presented by same gentleman)

Resolve providing for a pension for Charles Pullin of Levant (H. P. No. 670) (Presented by same gentleman)

Resolve providing for a State pension for Annie Rice Coffill of Fairfield (H. P. No. 671) (Presented by Mr. Davis of Fairfield)

Resolve providing for a State pension for Edith M. Larrabee of Gardiner (H. P. No. 672) (Presented by Mr. Harriman of Gardiner)

Resolve providing for a State pension for William F. Bartlett of Frankfort (H. P. No. 673) (Presented by Mr. Harriman of Prospect)

Resolve in favor of a State pension for Mrs. E. H. Parsons of

Stockton Springs (H. P. No. 674) (Presented by same gentleman)

Resolve providing for a State pension for Abbie Wiley of Winterport (H. P. No. 675) (Presented by same gentleman)

Resolve providing for a State pension for Fred E. Stevens of Frankfort (H. P. No. 676) (Presented by same gentleman)

Resolve providing for a State pension for Clara M. Harriman of Searsport (H. P. No. 677) (Presented by same gentleman)

Resolve providing for a State pension for Elizabeth King of Mechanic Falls (H. P. No. 678) (Presented by Mr. Mason of Mechanic Falls)

Resolve in favor of Leon R. Webster of Swanville, Maine (H. P. No. 679) (Presented by Mr. Payson of Brooks)

Resolve providing for a State pension for Harry N. Johnson of Brooks (H. P. No. 680) (Presented by same gentleman)

Resolve providing for a State pension for Everett Curtis of Northport (H. P. No. 681) (Presented by Mr. Woodbury of Morrill)

Resolve providing for a State pension for M. A. Benner of Palermo (H. P. No. 682) (Presented by same gentleman)

Resolve providing for a State pension for E. E. Bowen of Morrill (H. P. No. 683) (Presented by same gentleman)

Resolve providing for a State pension for Rosa M. Boynton of Montville (H. P. No. 684) (Presented by same gentleman)

Resolve providing for a State pension for Lillian M. Wing of Auburn (H. P. No. 685) (Presented by Mr. Flanders of Auburn)

Resolve providing for a State pension for Carrie Groves of Auburn (H. P. No. 685) (Presented by same gentleman)

Resolve in favor of Fannie Pike Bean of Oakland (H. P. No. 687) (Presented by Mr. Martin of Oakland)

Salaries and Fees

An act relating to clerk hire in county offices in Oxford county (H. P. No. 702) (Presented by Mr. Russ of Woodstock)

(500 copies ordered printed)

Sea and Shore Fisheries

An act relating to the propagation and cultivation of quahaugs

(H. P. No. 703) (Presented by Mr. Allan of Topsham by request) (500 copies ordered printed)

Ways and Bridges

An act relating to roadside improvement. (H. P. No. 611). (Presented by Mr. Wentworth of Kennebunk).

(500 copies ordered printed).

Resolve in favor of the town of Durham (H. P. No. 612). (Presented by Mr. Campbell of Leeds).

Resolve in favor of the town of Kenduskeag (H. P. No. 613). (Presented by Mr. Clark of Plymouth).

Resolve in favor of the city of Rockland (H. P. No. 614). (Presented by Mr. Fogg of Rockland).

Resolve in favor of the town of Bridgton (H. P. No. 615). (Presented by Mr. Gleason of Bridgton).

Resolve in favor of the town of Avon (H. P. No. 616). (Presented by Mr. Hammond of Strong).

Resolve in favor of town of Madrid (H. P. No. 617). (Presented by same gentleman).

Resolve in favor of the town of Starks (H. P. No. 618). (Presented by Mr. Jillson of Anson).

Resolve in favor of the town of Embden (H. P. No. 619). (Presented by same gentleman).

Resolve in favor of the town of Roque Bluffs (H. P. No. 620). (Presented by Mr. Lindsey of East Machias).

Resolve in favor of the town of Lexington (H. P. No. 621). (Presented by Mr. Mackenzie of Jackman).

Resolve in favor of the town of Bingham (H. P. No. 622). (Presented by same gentleman).

Resolve in favor of The Forks Plantation (H. P. No. 623). (Presented by same gentleman).

Resolve in favor of the town of Fayette (H. P. No. 624). (Presented by Mr. Newton of Readfield).

Resolve in favor of the town of Mt. Vernon (H. P. No. 625). (Presented by same gentleman).

Resolve in favor of the town of Rome (H. P. No. 626). (Presented by same gentleman).

Resolve in favor of the town of Mount Vernon (H. P. No. 627). (Presented by same gentleman).

Resolve in favor of the town of Unity (H. P. No. 628). (Presented by Mr. Payson of Brooks).

Resolve in favor of the town of Monroe (H. P. No. 629). (Presented by same gentleman).

Resolve in favor of the road connecting Morrill Village with Route No. 137, in Waldo (H. P. No. 630). (Presented by same gentleman).

Resolve in favor of the town of Sumner (H. P. No. 631). (Presented by Mr. Parsons of Hartford).

Resolve in favor of the town of Hebron (H. P. No. 632). (Presented by same gentleman).

Resolve in favor of the town of Naples (H. P. No. 633). (Presented by Mr. Proctor of Naples).

Resolve in favor of the town of Naples (H. P. No. 634). (Presented by same gentleman).

Resolve in favor of the town of Milbridge (H. P. No. 635). (Presented by Mr. Shaw of Milbridge).

Resolve in favor of the town of Steuben (H. P. No. 636). (Presented by same gentleman).

Resolve in favor of the town of Harrington (H. P. No. 637). (Presented by same gentleman).

Resolve in favor of the town of Milbridge (H. P. No. 638). (Presented by same gentleman).

Resolve in favor of the town of Columbia (H. P. No. 639). (Presented by same gentleman).

Resolve in favor of the town of Cherryfield (H. P. No. 640). (Presented by same gentleman).

Resolve in favor of the town of Addison (H. P. No. 641). (Presented by same gentleman).

Resolve in favor of the town of Kennebunk (H. P. No. 642). (Presented by Mr. Wentworth of Kennebunk).

Resolve in favor of the town of Montville (H. P. No. 643). (Presented by Mr. Woodbury of Morrill).

Resolve in favor of the town of West Bath (H. P. No. 644). (Presented by Mr. Hagan of Georgetown).

Resolve in favor of the town of North Haven (H. P. No. 645). (Presented by Mr. Wheeler of St. George).

Resolve in favor of the town of North Haven (H. P. No. 646). (Presented by same gentleman).

Resolve in favor of the town of Vinalhaven (H. P. No. 647). (Presented by same gentleman).

Resolve in favor of the town of St. George (H. P. No. 648). (Presented by same gentleman).

Resolve in favor of the town of Vassalboro (H. P. No. 649). (Presented by Mr. Crosby of Vassalboro).

Resolve in favor of the town of Winslow (H. P. No. 650). (Presented by same gentleman).

Resolve in favor of the town of New Limerick (H. P. No. 651). (Presented by Mr. Sprague of Oakfield).

Resolve in favor of the town of

Oakfield (H. P. No. 652). (Presented by same gentleman).

Resolve in favor of the town of Smyrna Mills (H. P. No. 653). (Presented by same gentleman).

First Reading of Printed Bills and Resolves

H. P. 63, L. D. 152: An act to extend the charter granted to the Sandy River & Rangeley Lakes Railroad Company.

Passed to Be Engrossed

S. P. 86, L. D. 14: An act to amend the law relating to savings banks investments.

Orders

On motion by Mr. Cook of Pittsfield, it was

Ordered, that the use of the hall of the House be granted for the afternoon of Wednesday, February 27th, to the committees of Education and Taxation jointly.

On motion by Mr. Mace of Augusta, it was

Ordered, that the Controller furnish each member of the House with a copy of the salary and expenses of the Council, the same as furnished to each member of the Senate.

Orders of the Day

On motion by Mr. Tupper of Calais, it was voted to take from the table the fifth unassigned matter, House Order relative to fountain pens for members of the Legislature, tabled by that gentleman January 29th, pending passage; and on further motion by the same gentleman, a viva voce vote being taken, the order was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Mace.

Mr. MACE: Mr. Speaker, I move that we take from the table H. P. 95, a bill relating to the protection of elk. While this is not parliamentary, knowing the courtesy of the Speaker, I hope he will recognize my friend from Sebago, Dr. Dennett.

Mr. DENNETT: Mr. Speaker and members of the House: When we are thinking of adding a new animal to our wild life in the State, we should be very sure that the elk would be an asset and not a liability. There have been some mis-

takes made in the past in regard to introducing certain things into our State or into the United States. The starling, we were told, would be a very fine bird to have here, but we have learned a little bit about the starling. We were also told that the English sparrow would solve many of our troubles in regard to bugs, but we now know what a nuisance that bird has become, especially around and in some of our public buildings. The orange hawk weed is said to be a very pretty weed, they call it the devil's paint brush. I guess the devil did have something to do with it considering the damage it has done. Down in Florida they have a grass, called Natalgrass, which they said was very fine for cattle. They introduced that and the cattle will not eat it. Out in the Hawaiian Islands they had the myna bird that came from Australia, and he was going to eat up all the cut worms. While I do not know just how many cut worms there are left there—I didn't count them when I was there the last time—but anyhow he drove all the song birds up into the mountains and now they wish they had not introduced the myna bird.

I would like to read to you from "Our National Elk Herds," Department Circular No. 51 of the United States Department of Agriculture, by Henry S. Graves, Forester: "The elk problem is a land problem. Because the elk is a grazing animal it must have grass and herbage to support it. It is a gregarious animal, running in bunches and herds, particularly in spring, fall and winter. It therefore requires feed in considerable quantities. Owing to its wandering and migratory habits the elk moves over a wide territory during the year, with special needs for forage during each of the four seasons." They go as far as two hundred miles in a very short time. "The elk is not like the mountain sheep, moose and white-tailed deer, able to find feed in the mountains and forests to maintain it during the winter." Now this, I think, is very important. "It needs during much of the year the same kind of feeding grounds as domestic stock. We have, therefore, the problem of furnishing to the elk herds of the Yellowstone region enough land on which they can find adequate forage during the different seasons."

Now you know how nice that would be to have a herd of elk

wandering off a couple of hundred miles and getting down into the gardens. You know what a lot of sheep will do in a garden when they get in there. Also it is said that these elk are very apt to have ticks—more so than any of the deer family. There is no question that they are a beautiful animal. You who have seen them in the Canadian Northwest know that; but it seems to me that we had better devote our money and activities to our deer and moose rather than get in an animal about which there is some difference of opinion.

In saying this, I am not saying anything against our Fish and Game Department. I think they have conducted themselves so that we should have nothing but praise for them; but I think this matter should be thoroughly discussed and investigated before we let the elk come in.

Mr. LEONARD of Hampden: Mr. Speaker and members of the Legislature: Reports of the Federal Government show that it is impossible to fence against these elk. Commissioner Stobie says that if fencing is necessary, we do not want them, as the expense would be too great. He also says that a man would have to remain with the herd and that they would have to be fed with hay. It seems to me this would be a difficult and impossible proposition. There would be danger of their destroying crops, and also they also they might run across into New Brunswick or Quebec. I am in favor of having things done that will benefit our State. This experiment would cost several thousand dollars. Commissioner Stobie is doing good work, and I am of the opinion that perhaps he could use this money to better advantage in protecting the game we now have than by bringing in these elk. I am not in favor of this bill.

Mr. MACE of Augusta: Mr. Speaker, this bill came before both bodies early in the session. It passed through both bodies, had its several readings, was engrossed and came to this body to be enacted. I was mistrustful of this gift to the State, and I laid this bill on the table in order that the members of this House might get the necessary information to vote intelligently when it came to a vote.

There are several things to be mentioned in connection with the

elk which I think would be very detrimental to Maine. First their habits. They rove over large territories at certain times of year and are very destructive to our fields and our gardens. No ordinary fence will stop them from getting into our fields and gardens.

Another thing, the male elk is a very vicious animal. If they roam our forests with our deer and moose, I think they might be very destructive to them.

The proposition has been advanced that they would be of great interest to our tourists. The interest of our tourists in our game animals is to have them roam in the forests. There is no person in this House who likes to see the bear chained by the roadside in the heat of summer. There is no person here who would like to see the elk in a small enclosure in the heat of summer. So, for these reasons, I do not think they would be beneficial to Maine.

Another thing which is of great importance is the matter of expense. These animals would come from Yellowstone Park, far, far away. There is no mention of the number that would be imported into Maine, but you take thirty elk—and this bill was to be passed as an emergency measure so that they could be imported into Maine early to take advantage of the offer—you take thirty elk from Yellowstone Park and transport them to the Baxter State Park, with four feet of snow there in the winter time, and it would cost at least forty-five hundred dollars. Now the expense of feeding those elk until the first of May would be three thousand dollars. The expense of labor in looking after them would be fifteen hundred dollars, and I do not think the people of Maine would like to see those elk come from the warm Yellowstone Park up into Northern Maine, with four feet of snow on the ground, with-

out shelter, and this would cost two thousand dollars more—eleven thousand dollars by the first of May and our troubles only begun. Now eleven thousand dollars would pay the additional hunting and fishing licenses of eleven thousand boys in the rural towns of Maine. They contemplate asking them a dollar more for the privilege of fishing and hunting.

I think this is a doubtful proposition with the need of money very urgent everywhere, both for food, clothing and other expenses. Therefore, I move that we indefinitely postpone this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Mace, to indefinitely postpone bill an act relating to the protection of elk. The Chair recognizes the gentleman from Orrington, Mr. Ryder.

Mr. RYDER: Mr. Speaker, as I understood, these elk were to come from the Yellowstone National Park, through Congressman Moran, and he turned the matter over to the Governor. The Governor saw Mr. Stobie and Mr. Stobie authorized the introduction of the bill in the House.

Mr. POULIN of Biddeford: Mr. Speaker, it seems very plain to many of us that if the elk is not the type of animal adapted to this climate, there is no reason why this bill should not be voted down unanimously.

The SPEAKER: Are you ready for the question? All those in favor of the motion of the gentleman from Augusta, Mr. Mace, that this bill be indefinitely postponed will say aye, contrary-minded, no.

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

On motion by Mr. Donahue of Biddeford,

Adjourned until ten o'clock tomorrow morning.