

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

Thursday, February 14, 1935.

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

Prayer by the Rev. Mr. Mayhew of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act to provide uniform return days of municipal courts and their jurisdiction, S. P. 420, L. D. 514.

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

In the House, on motion by Mr. Chase of Baring, referred to the committee on Judiciary in non-concurrence.

From the Senate: Bill an act relating to costs in suits for collection of taxes.

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

In the House, on motion by Mr. Chase of Baring referred to the committee on Judiciary in non-concurrence.

Senate Bills in First Reading

S. P. 183, L. D. 133: An act relating to admission to normal schools

S. P. 130, L. D. 51: An act to amend the law relating to school age.

S. P. 133, L. D. 80: An act relating to rules and regulations of the Commissioner of Inland Fisheries and Game.

S. P. 135, L. D. 429: Resolve regulating fishing in Beaver Pond, the tributaries and outlet thereto.

S. P. 147, L. D. 428: Resolve regulating fishing in Silver Lake.

S. P. 134, L. D. 427: Resolve regulating fishing in Pleasant Pond and tributaries.

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

Appropriations and Financial Affairs

Petition of G. W. Q. Perham of Bryants Pond and 58 others in favor of appropriating money to take advantage of all money appropriated to the State by the Federal Government for eradication and control

of Bang's Disease (H. P. 1399) (Presented by Mr. Flanders of Auburn)

Education

Petition of Amy T. Kensell of Whitefield and 307 others in favor of L. D. 56 relating to educational program (H. P. 1400) (Presented by Mr. Carleton of Alna)

Petition of Marion E. Brown of Somerville and 72 others in favor of same (H. P. 1401) (Presented by same gentleman)

Petition of Geo. W. Hinkley of Chelsea and 224 others in favor of same (H. P. 1402) (Presented by Mr. Kendrick of Litchfield)

Petition of L. C. Upton of Milbridge and 65 others in favor of same (H. P. 1403) (Presented by Mr. Shaw of Milbridge)

Petition of Antoine Sirois of Frenchville and 205 others in favor of same (H. P. 1404) (Presented by Mr. Lausier of Frenchville)

Petition of Albert Sinclair of St. Agatha and 266 others in favor of same (H. P. 1405) (Presented by same gentleman)

Petition of Cecile Gervais of Madawaska and 340 others in favor of same (H. P. 1406) (Presented by same gentleman)

Petition of Arthur A. Tarr of Castle Hill and 54 others in favor of same (H. P. 1407) (Presented by Mr. Ellis of Castle Hill)

Petition of Samuel S. Cotis of Vassalboro and 110 others in favor of same (H. P. 1408) (Presented by Mr. Crosby of Vassalboro)

Petition of W. A. Marriner of Vassalboro and 110 others in favor of same (H. P. 1409) (Presented by same gentleman)

Inland Fisheries and Game

Remonstrance of F. Philip Foley of Winterport and 35 others against any increase in hunting and fishing license for residents (H. P. 1410) (Presented by Mr. Crowell of Weston)

Remonstrance of P. M. Johnson of Robbinston and 25 others against same (H. P. 1411) (Presented by Mr. Clarke of Cooper)

Legal Affairs

Remonstrance of 64 members of Stanton Bird Club of Lewiston and Auburn against the Donovan bill to permit Sunday hunting within the State (H. P. 1412) (Presented by Mr. Flanders of Auburn)

Orders

On motion by Mr. Mason of Mechanic Falls, it was

Ordered, that the use of the hall of the House be granted for the afternoon of Thursday, March 7, beginning at 1.30 P. M. to the committees on Education and Taxation jointly.

Mr. Fowles of Pittston presented the following order and moved its passage:

Ordered, that the Controller be directed to furnish the members of the House of Representatives with a summary of all the charges and expenses of the officials and employees of the Department of Inland Fisheries and Game.

Mr. THOMPSON of Chelsea: Mr. Speaker, I move to table the order.

A viva voce vote being doubted,

A division of the House was had, Sixty-four voting in the affirmative and 51 in the negative, the motion to table the order prevailed.

Reports of Committees

Mr. Patterson from the committee on Appropriations and Financial Affairs on resolve in favor of Children's Heart Work Society of Maine (H. P. No. 1122) reported ought not to pass as subject matter is taken care of in another bill.

Mr. Bragdon from the committee on Claims reported ought not to pass on resolve in favor of Ralph K. Lothrop of Leeds (H. P. No. 183)

(Tabled by Mr. Campbell of Leeds, pending acceptance of the report)

Same gentleman from same committee reported same on resolve in favor of Ralph E. Luce of Auburn (H. P. No. 185)

Mr. Cambridge from same committee reported same on resolve in favor of H. W. Devereux of Castine (H. P. No. 7)

Same gentleman from same committee reported same on resolve in favor of Paul D. Tapley of Ellsworth (H. P. No. 428)

Mr. Coolidge from same committee reported same on resolve in favor of the heirs of Cyrenus B. Downes (H. P. No. 3)

Same gentleman from same committee reported same on resolve in favor of Verna Earley of Ellsworth (H. P. No. 427)

Mr. Devereux from same committee reported same on resolve in favor of Georgie Bridges of Verona (H. P. No. 322)

Mr. King from same committee reported same on resolve in favor of Guy B. Durrell (H. P. No. 295)

Same gentleman from same committee reported same on resolve in

favor of Merle Bunker of Ellsworth, Hancock County (H. P. No. 429)

Mr. Mosher from same committee reported same on resolve in favor of Howard Dollard of Ellsworth, Hancock County (H. P. No. 430)

Reports read and accepted and sent up for concurrence.

Mr. Chase from the committee on Appropriations and Financial Affairs on bill an act to provide a bonus for the encouragement of agriculture and industry (H. P. No. 1) (L. D. No. 3) reported that same be referred to the committee on Taxation.

Report read and accepted and the bill referred to the committee on Taxation, and sent up for concurrence.

Mr. Devereux from the committee on Claims on resolve in favor of Georgie Bridges of Verona (H. P. No. 293) reported same in a new draft (H. P. No. 1394) under same title and that it ought to pass.

Same gentleman from same committee on resolve in favor of Herbert J. Hopkins of Orland (H. P. No. 10) reported same in a new draft (H. P. No. 1395) under same title and that it ought to pass.

Same gentleman from same committee on resolve in favor of Grace F. Silsby of Holyoke, Mass. (H. P. No. 8) reported same in a new draft (H. P. No. 1396) under same title and that it ought to pass.

Same gentleman from same committee on resolve in favor of Everett Harriman of Orland (H. P. No. 11) reported same in a new draft (H. P. No. 1397) under same title and that it ought to pass

Mr. Philbrick from the committee on Judiciary on bill an act granting special voting rights to Rockwood Plantation (H. P. No. 103) (L. D. No. 31) reported same in a new draft (H. P. No. 1393) under the title of an act creating separate polling district for Rockwood an unorganized place in the county of Somerset and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Wentworth from the committee on Sea and Shore Fisheries reported ought to pass on resolve relating to the taking of alewives from the Bagaduce River (H. P. No. 332) (L. D. No. 102)

Mr. Mason from the committee on Taxation reported same on bill an act relating to credit for excise tax paid (H. P. No. 468) (L. D. No. 132)

Reports read and accepted and the bill and resolve having already been printed, the bill was read twice under suspension of the rules, the resolve read once under suspension of the rules, and tomorrow assigned.

First Reading of Printed Bills and Resolves

(H. P. No. 193) (L. D. No. 618)
An act relating to smelt fishing
(H. P. No. 300) (L. D. No. 619) An act to extend charter of Hinckley Development Company
(H. P. No. 1372) (L. D. No. 620)
An act relating to public records
(H. P. No. 196) (L. D. No. 621)
Resolve regulating fishing in Square Pond Tributaries

Passed to be Engrossed

(H. P. No. 301) (L. D. No. 73)
An act to amend the charter of the Eliot & Kittery Mutual Fire Insurance Company
(H. P. No. 325) (L. D. No. 96) An act relating to the powers and duties of superintendents
(H. P. No. 327) (L. D. No. 98) An act relating to the exclusion of pupils from school on account of filth or disease
(H. P. No. 340) (L. D. No. 101)
An act relating to the Fryeburg Village Fire Corporation
(H. P. No. 360) (L. D. No. 111)
An act relating to evening schools
(H. P. No. 450) (L. D. No. 126)
An act to change the name of Maine Home for Friendless Boys to Maine Home for Boys
(H. P. No. 451) (L. D. No. 127)
An act relative to the granting of licenses for certain businesses and purposes by the city of Bangor
(Tabled by Mr Smith of Bangor, pending third reading)

Passed to be Enacted

(S. P. No. 88) (L. D. No. 183)
An act to extend the charter of the Quebec Extension Railway Company
(S. P. No. 316) (L. D. No. 268)
An act to correct technical errors in various laws
(H. P. No. 73) (L. D. No. 23) An act relating to the taking of clams in Cranberry Isles
(Tabled by Mr. Graves of Mt. Desert, pending passage to be enacted)
(H. P. No. 201) (L. D. No. 62) An act relating to the transfer of trust funds

Orders of the Day

On motion by Mr. Hill of South Portland it was voted to take from the table the second unassigned matter, bill an act relating to licenses for retail stores, S. P. 375, L. D. 339, tabled by that gentleman February 7th, pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the committee on Taxation in concurrence.

On motion by Mr. Devereux of Penobscot it was voted to take from the table the eighth unassigned matter, resolve for the purchase of salmon from the weir fishermen on Penobscot river, H. P. 1285, L. D. 492, tabled by that gentleman February 12, pending reference; and on further motion by the same gentleman the resolve was referred to the committee on Inland Fisheries and Game.

On motion by Mr. Hill of South Portland it was voted to take from the table House Order relative to appointing House select committee to investigate advisability of establishing county farms, tabled by that gentleman February 7, pending passage; and on further motion by the same gentleman the order was referred to the committee on Rules and Business of the House.

(House at ease)

The SPEAKER: Is it now the pleasure of the House to take up out of order, and under suspension of rules, a paper from the Senate? The motion prevailed.

From the Senate: Resolve relative to fishing in Sebago Lake, S. P. 450.

Whereas the waters of Sebago Lake, in the county of Cumberland, have been recently stocked with a large quantity of mature trout, and

Whereas these trout have not had sufficient time to adjust themselves to their new environment; and

Whereas a large and unusual concentration of fishermen threatens to deplete the mature supply of trout by fishing through the ice before these trout have an opportunity to increase and become an asset and a substantial source of food supply to the inhabitants of the surrounding territory; and

Whereas in the judgment of the

Legislature these facts create an emergency within the meaning of Section 16 of Article XXXI of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety:

Now therefore be it resolved that the Commissioner of Inland Fisheries and Game be, and hereby is, directed to issue a rule and regulation closing the waters of Sebago Lake to all ice fishing except for smelts and cusk, and making it unlawful for any person to have in his possession at any time any kind of fish except smelts and cusk taken through the ice therefrom.

Comes from the Senate received by unanimous consent, read twice in the Senate, amended by Senate Amendment A, and passed to be engrossed without reference to a committee.

In the House:

The SPEAKER: The Clerk will read Senate Amendment A.

Senate Amendment A to S. P. 450, resolve relative to fishing in Sebago Lake.

Amend said resolve by adding at the end thereof the words, "In view of the emergency recited in the preamble, this resolve shall take effect when approved."

The SPEAKER: Is it now the pleasure of the House to receive this resolve by unanimous consent?

Mr. HESCOCK of Monson: Mr. Speaker, it seems very plain from the wording of this resolve that an emergency exists. We know that the Commissioner is trying to build up the fishing in the State, and a large number of these large trout have been planted in Sebago Lake for the purpose of propagation, and it is very evident that this emergency exists. I hope that the resolve will receive the unanimous consent of the House for its passage.

The SPEAKER: Is there any objection to receiving the resolve?

Mr. PROCTOR of Naples: Mr. Speaker, I live in the vicinity of Sebago Lake, and while I was at home last week a man came up from Portland and said there were more people there at Sebago Lake than he had ever seen before at one time. Later on a man asked him what they were catching at Sebago Lake and he said they were catch-

ing a lot of salmon. At any rate it would seem to me that this is an emergency measure that ought to pass; but, on hearing this resolve read, it excludes the catching of white perch and pickerel which seems rather unnecessary. I think there should be an amendment to cover this.

The SPEAKER: The resolve may be amended after it is received.

If there is no objection the resolve is received.

There being no objection the resolve was received.

(House at ease during preparation of amendment)

The SPEAKER: Is it now the pleasure of the House, under suspension of the rules and without reference to a committee, to give S. P. 450, resolve relating to fishing in Sebago Lake, its first reading at this time?

Thereupon the resolve had its first reading.

(Senate Amendment A re-read by the Clerk)

Thereupon Senate Amendment A was adopted in concurrence.

Mr. PROCTOR: Mr. Speaker, I now present House Amendment A to S. P. 450.

The SPEAKER: The Clerk will read the Amendment.

House Amendment A to S. P. 450, resolve relative to fishing in Sebago Lake.

Amend said resolve by inserting after the word "smelts" in the fourth and second from the last line thereof, the following, "pickerel."

House Amendment A adopted.

Thereupon the rules were suspended and the resolve, as amended, had its second reading and was passed to be engrossed and sent up for concurrence.

The SPEAKER: The Clerk has receive a communication from the American Legislators' Association which he will read.

Proclamation

Upon Thursday, February 28th, 1935, the second Interstate Assembly will convene in Washington, D. C., to consider means for harmonizing Federal and State tax systems, to receive the first report of the Interstate Commission on Conflicting Taxation and to develop methods for the more effective cooperation between the states in their dealings with each other and with the Federal Government.

This call is issued to the House of Representatives of the State of Maine for official action. Each of the forty-eight states is entitled—and is urged—to send three delegates, one selected by the Senate, one by the House of Representatives and one designated by the Governor.

A prompt response to this invitation is earnestly requested.

THE AMERICAN LEGISLATORS' ASSOCIATION.

By (Sgd) Wm. B. Belknap,
President.

(Sgd) Dr. George Woodward, Vice-President

(Sgd) Henry Parkman, Jr., Vice-President

(Sgd) Henry W. Toll, Executive Director

The Council of State Governments
(Sgd) John G. Winant, President

(Sgd) Leslie A. Miller, Vice-President

(Sgd) Mark Graves, Vice-President and sealed with the seals of the American Legislators' Association and the Council of State Governments.

The **SPEAKER**: Is there any other business under Orders of the Day?

On motion by Mr. Thompson of Chelsea it was voted to take from the table order tabled by that gentleman earlier in the morning's session that the Controller be directed to furnish the members of the House of Representatives with a summary of all the charges and expenses of the officials and employees of the Department of Inland Fisheries and Game; and on further motion by the same gentleman, a viva voce vote being taken, the order received passage.

Unanimous consent was given Mr.

Hill of South Portland to present out of order, the following order:

Ordered, the Senate concurring, that the Clerk of the House prepare a Register of all bills and resolves introduced into both branches of the Legislature to and including February 15th, showing titles, paper numbers, document numbers, names of members introducing the same and the committees to which referred, and that there be printed 500 copies of the same.

The Clerk of the House is hereby authorized, with the approval of the committee on Appropriations and Financial Affairs, to employ the necessary clerical assistance to prepare such Register.

Mr. SCATES of Westbrook: Mr. Speaker, I think that order is all right. I had an experience the other day, perhaps the same as the most of you have had. Someone wanted every bill that was connected with a certain subject and I started in to find them. Now it is some job to run through all the bills that have been introduced here, and this index would be of great assistance, I think, to every member of the House.

Thereupon the order received passage and was sent up for concurrence.

On motion by Mr. Philbrick of Cape Elizabeth it was voted to take from the table the sixth unassigned matter, bill an act relating to cities and towns refunding indebtedness, H. P. 1260, L. D. 491, tabled by that gentleman February 12th, pending reference; and on further motion by the same gentleman the bill was referred to the committee on Judiciary.

On motion by Mr. Harriman of Gardiner,

Adjourned until ten o'clock tomorrow morning.