

# 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, February 20, 1935.

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

Prayer by the Rev. Mr. Bessom of Hallowell.

Journal of the previous session read and approved.

Paper from the Senate disposed of in concurrence.

**COMMUNICATION FROM THE  
DEPARTMENT OF FINANCE  
STATE OF MAINE**

Department of Finance  
Augusta

February 19, 1935.

To the Honorable Members of the House of Representatives:

In accordance with House Order dated February 14, 1935, I am enclosing comparative statement of expenditures for the Inland Fisheries and Game Commission which covers the period ending June 30, 1933 and June 30, 1934

Respectfully submitted

(Signed) William A. Runnells,  
State Controller

Communication read, and communication accompanying papers ordered placed on file.

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

**Appropriations and Financial Affairs**

Resolve in favor of Samuel Dana, Representative of the Passamaquoddy Tribe of Indians (H. P. No. 1443) (Presented by Mr. Stoddard of Eastport)

Resolve in favor of John S. Nelson, Representative of the Penobscot Tribe of Indians (H. P. No. 1444) (Presented by Mrs. Latno of Old Town)

On motion by Mr. Fortin of Lewiston, it was

Ordered, that the Sergeant-at-Arms be directed to make available the House piano for the use of Kenneth Fields for an informal vocal recital this afternoon at three o'clock for the entertainment of members of the House.

On motion by Mr. Carswell of Gorham, it was

Ordered, that the Commissioner of Inland Fisheries and Game be requested to furnish each member of the House with the names and locations of the waters which have been stocked with trout and salmon and the number of trout and salmon placed in each during the year 1934.

On motion by Mr. Crowell of Weston, it was

Ordered, that there be printed 500 additional copies of H. P. 1414, L. D. 632, an act creating a Milk Control Board.

Mr. Tupper of Calais presented the following order and moved its passage:

Ordered, that if he is unable to furnish at a cost of not exceeding fifteen cents per pair distinctive automobile number plates to members of the House, the Clerk of the House and Assistant Clerk of the House, pursuant to the House Order passed January 22nd, the Secretary of State be, and hereby is, directed to disregard the order passed in the House on January 22nd providing for such number plates.

Mr. EVELETH of Portland: Mr. Speaker, it seems to me, in view of the fact that there is no compulsion on the part of anybody to take these plates, that they would cost in the vicinity of forty-three cents per pair, and that if everyone did not take them they would cost slightly more, and that as the State has gone to the expense, as I understand, of preparing printed registration notes of some kind,—it seems to me that, as all this has been started, those who are willing to pay the extra amount over fifteen cents should be permitted to get them.

Mr. CLARKE of Cooper: Mr. Speaker, I move that the order lie on the table.

A viva voce vote being doubted, A division of the House was had. Seventy-one voting in the affirmative and 53 in the negative, the motion to table prevailed.

**Reports of Committees**

Mr. Clarke from the Committee on Agriculture reported ought not to pass on bill an act concerning the production and distribution of

milk, Creating a Milk Marketing Board and defining its powers and duties (H. P. No. 289) (L. D. No. 71) as subject matter is covered by another bill.

Mr. Hescok from the Committee on Inland Fisheries and Game on bill an act relating to the transportation of moose, elk and caribou (H. P. No. 560) (L. D. No. 156) reported that legislation is inexpedient due to the fact that there are no elk in the State.

Mr. Patterson from the Committee on Appropriations and Financial Affairs reported ought not to pass on bill an act relating to abatement of taxes in Thomaston (H. P. No. 1115) (L. D. No. 306)

Mr. Thompson from the Committee on Inland Fisheries and Game reported same on resolve relating to fishing for salmon in Penobscot River (H. P. No. 12) (L. D. No. 6)

Same gentleman from same Committee reported same on resolve in favor of the town of Frankfort (H. P. No. 13) (L. D. No. 5)

Mr. Weatherbee from the Committee on Judiciary reported same on bill an act to establish the Brewer Municipal Court (H. P. No. 835) (L. D. No. 282)

Mr. Vaughan from same Committee reported same on bill an act relating to the placing of political advertisements upon automobiles (H. P. No. 834) (L. D. No. 242)

Mr. Davis from the Committee on Legal Affairs reported ought not to pass on bill an act to amend the charter of the York Beach Village Corporation (H. P. No. 447) (L. D. No. 124)

Same gentleman from same Committee reported same on bill an act relating to use of materials in construction of public projects (H. P. No. 598) (L. D. No. 174)

(On motion by Mr. Sleeper of Rockland, tabled pending acceptance of the report)

Mr. Crowell from the Committee on Taxation reported ought not to pass on bill an act relating to the exemptions of estates from taxation. H. P. No. 610, L. D. No. 181.

Reports read and accepted and sent up for concurrence.

Mr. Allan from the committee on Taxation reported ought not to pass on bill an act relating to rebate on gasoline tax to lobster fishermen. H. P. 228, L. D. 70.

Report read and accepted.

On motion by Mr. Drisko of Jonesboro, the House voted to reconsider its action whereby the report of the committee was accepted; and on further motion by the same gentleman the report was tabled, pending acceptance.

#### First Reading of Printed Bills and Resolves

(H. P. No. 601) (L. D. No. 644) An act relating to temporary loans by Penobscot County Commissioners.

(H. P. No. 9) (L. D. No. 645) Resolve in favor of O. L. Veague of Castine.

(H. P. No. 567) (L. D. No. 646) Resolve relative to closing Goddard, Little.

(H. P. No. 569) (L. D. No. 648) Resolve relating to closing Goddard Brook, Big.

(H. P. No. 1439) (L. D. No. 649) Resolve in favor of Havener Webster of Orland.

(H. P. No. 1440) (L. D. No. 647) Resolve in favor of Roscoe L. York of Medway, Maine.

(H. P. No. 1441) (L. D. No. 650) Resolve for screening Lake Thompson in the county of Oxford.

#### Passed to be Engrossed

(S. P. No. 155) (L. D. No. 486) An act to confirm the organization of University of Maine Foundation and to define its powers.

(H. P. No. 330) (L. D. No. 630) An act relating to the taking of cusk.

(H. P. No. 341) (L. D. No. 110) An act to extend the rights, powers, and privileges of the Sabattus Water and Sewer District.

(H. P. No. 449) (L. D. No. 125) An act amending the duty or innkeepers.

(H. P. No. 595) (L. D. No. 159) An act authorizing the town of Bar Harbor to erect and maintain a municipal wharf or pier.

(H. P. No. 1370) (L. D. No. 631) An act relating to Superintendents of Schools.

(H. P. No. 194) (L. D. No. 634) Resolve relative to regulating fishing in Olamon Stream.

Resolve regulating fishing in Attean Pond, Big Wood Pond, Little Wood Pond, so-called Mud Pond (H. P. No. 195) (L. D. No. 635)

#### Passed to be Enacted

(Emergency Measure)

H. P. 419, L. D. 112: An act to authorize the Farm Lands Loan Commission to make certain funds

available for the Commissioner of Agriculture.

Mr. CLARKE of Cooper: Mr. Speaker, as this is an emergency measure, I think it due to the members of the House to make a brief outline of the history of this bill, and in a brief way I will try and give it to you.

As you all know, the winter of 1934 was very hard on the orchards of Maine and many of the orchards were practically destroyed. At a meeting of the orchardists, the Department of Agriculture and the Pomological Society, headed by the Governor, in Auburn early last spring, the matter was gone into quite thoroughly as to the manner in which they might possibly receive relief. At a later meeting, attended by the same people, the matter was still further discussed, and the Governor said at that time that there were two things the Federal Government might do, namely, to remove the trees and furnish money to replace them with new ones. The remark or promise was given in good faith. The trees were pulled up, and the Department of Agriculture, through its representatives, and the Pomological Society, ordered trees to replace the destroyed ones, which trees are now being held by the nurseries. When it came to the point of the Federal Government giving money to replace these trees, it said, in effect, that the orchardists in order to get their money must pauperize themselves by signing some paper that they are in absolute distress. Naturally the orchardists of Maine, like the rest of the people of Maine, are more or less independent. While they were not able, perhaps, to purchase those trees, yet they did not wish to practically pauperize themselves by following out these conditions.

There is a certain amount of money in the Farm Lands Loan Commission which is not being used at the present time. The head of the Department of Agriculture conferred with the Governor, and together they thought that this plan perhaps might be the best to make available certain funds which, as I recall it, will aggregate practically eleven thousand dollars to the Department of Agriculture to pay for those trees. The trees must be taken immediately if they are to be purchased at the low price. The

nurseries holding them are sending telegrams all the time to the Department of Agriculture to find out for sure whether those trees are to be taken or not. Naturally they are interested. The price of trees has gone up and they could sell them at greater advantage now to other buyers. Now it seems to me that the proposition is a good one. I may say that I am no orchardist and I do not stand to gain by the passage of this bill, and, so far as I know, none of my friends do. It seems to me, to boil it down, that it amounts to this: It keeps the faith of the Governor of Maine, the Department of Agriculture and the Pomological Society with the orchardists of Maine. I understood further that in order to hold those trees the Governor, yesterday, sent a telegram that the State would take the trees. Now I presume that if this did not pass he would find some means of taking and paying for the trees, but he is in favor of this measure. I will not go into further details now and I think I have made plain to you the main issue. If there are any questions that require answering, and I can answer them, I will be glad to do so. I hope the bill will pass and I think it should pass.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire membership of the House. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted, and the monitors will make and return the count.

A division was had,

One hundred and thirty-one voting in the affirmative and none in the negative, the bill was passed to be enacted.

#### Passed to be Enacted

(S. P. No. 130) (L. D. No. 51) An act to amend the law relating to school age

(S. P. No. 133) (L. D. No. 80) An act relating to rules and regulations of the Commissioner of Inland Fisheries and Game

(S. P. No. 183) (L. D. No. 133) An act relating to admission to Normal Schools

(H. P. No. 217) (L. D. No. 422) An act to regulate the taking of clams in the town of Winter Harbor

(H. P. No. 1110) (L. D. No. 320) An

act relating to corporations without capital stock

(H. P. No. 1196) (L. D. No. 378)  
An act to provide a Town Council and Manager Form of Government for the town of Ashland, in the county of Aroostook

(Tabled by Mr. Ellis of Castle Hill, pending passage to be enacted)

#### Finally Passed

Resolve regulating fishing in Pleasant Pond Tributaries (S. P. No. 134) (L. D. No. 427)

Resolve regulating fishing in Beaver Pond, the tributaries and outlet thereto (S. P. No. 135) (L. D. No. 429)

Resolve regulating fishing in Silver Lake (S. P. No. 147) (L. D. No. 428)

Resolve regulating fishing in Mousam Lake tributaries (H. P. No. 197) (L. D. No. 441)

Resolve regulating smelt fishing in Swan Lake (H. P. No. 299) (L. D. No. 443)

#### Orders of the Day

Mr. SCATES of Westbrook: Mr. Speaker, I would like to call the attention of the members of the House to a matter without making a motion.

The SPEAKER: The gentleman has permission, if there is no objection.

Mr. SCATES: Mr. Speaker, of course our Calendar is not very congested at the present time, but it will be later. It seems to me that every member of the House should have the privilege of tabling a matter, but, at the same time, I think, wherever it is possible, that he should assign a day to take the matter up for the reason that, later on, with so many matters on the table, our Calendar will be congested and we cannot give, perhaps, the bills their due consideration; and, so far as possible, I hope that every member who tables a matter will assign some day certain for its consideration.

The SPEAKER: We are still proceeding under Orders of the Day.

On motion by Mr. Hill of South Portland, it was voted to take from the table the fifth unassigned matter, remonstrance against Sunday hunting, H. P. 1390, which was referred to the committee on Legal Affairs in the House on February 13th, and which came from the Senate referred to the committee on Inland Fisheries and Game in non-

concurrence, and which was tabled by that gentleman February 15th, pending further consideration.

On motion by Mr. Burnham of Kittery the House voted to recede and concur with the Senate in the reference of this remonstrance to the committee on Inland Fisheries and Game.

On motion by Mr. Hill of South Portland, it was voted to take from the table the sixth unassigned matter, bill an act relating to practice of optometry, H. P. 1262, L. D. 466, which was referred to the committee on Legal Affairs in the House on February 12th, and which came from the Senate referred to the committee on Judiciary in non-concurrence, and which was tabled on February 15th by that gentleman, pending further consideration.

On motion by Mr. Burnham of Kittery, the House voted to recede and concur with the Senate in the reference of this bill to the committee on Judiciary.

On motion by Mr. Graves of Mt. Desert, it was voted to take from the table the fourth unassigned matter, bill an act relating to the taking of clams in Cranberry Isles, H. P. 73, L. D. 23, tabled by that gentleman February 14th, pending passage to be enacted.

On motion by Mr. Graves, the rules were suspended, and the House voted to reconsider its action whereby this bill was passed to be engrossed.

Mr. GRAVES: Mr. Speaker, this is for the purpose of offering an amendment to correct an error in the new draft as reported by the committee.

Thereupon Mr. Graves offered House Amendment A as follows:

House Amendment A to H. P. 73, L. D. 23, bill an act relating to the taking of clams in Cranberry Isles.

Amend said bill by striking out in the third line of Section two thereof, the following: "one bushel", and inserting in place thereof the following: "five bushels".

The amendment was adopted and the bill was passed to be engrossed in non-concurrence as amended.

On motion by Mr. Lewis of Boothbay, it was voted to take from the table the eighth unassigned matter, bill an act to tax games of skill, H. P. 1415, L. D. 633, tabled by that gentleman February 19th,

pending second reading; and on further motion by the same gentleman the bill had its second reading and tomorrow assigned.

On motion by Mr. Clarke of Cooper, it was voted to take from the table the order tabled by that gentleman earlier in today's session in regard to the purchasing of number plates.

Mr. CLARKE: Mr. Speaker, will the Clerk please read the order once more?

(Order re-read by the Clerk)

Mr. CLARKE: Mr. Speaker and members of the House. It seems, as far as I can learn, that the Senate—

The SPEAKER: The gentleman must not refer here to any action of the other branch.

Mr. CLARKE: Mr. Speaker, I apologize. I have referred to it in various terms here, but I will try and avoid that. Mr. Speaker, if I should refer to "a certain body" would that do? (Laughter)

The SPEAKER: As long as you do not identify the body, I guess it will be all right. (Laughter)

Mr. CLARKE: I do not wish to cast any reflection. I have the deepest respect for a third body. We will say, but it seems as though that third body started out to have special number plates themselves, and when they found that the House was going to be given them and have number plates along the same line, they countermanded their order because they would not be tailing along with this body. (Laughter) That's the way it appears to me. Mr. Speaker, I do not know as it is so and there may be other reasons behind it. I was not so eager for this order in the first place but I am now. (Laughter and applause) I hope that this order will not receive passage, and, if it is in order for me to do so, I will yield to the gentleman from Portland. Mr. Jacobson.

Mr. JACOBSON: Mr. Speaker and members of the House. I am rather surprised at my good friend, Representative Tupper, in that he tried once before in this House to reconsider our vote and we voted that it should not be reconsidered. That, perhaps, should prove that the House is not in favor of same. Now, why should we be selfish in this matter? This is not a political issue. If the members of the House desire plates, let them have them. Those

who do not want them do not have to have them. I understand that the members of the committee on these plates have spent considerable time with the Secretary of State and have received donations from certain members to pay the Secretary of State for the expense incurred. There are many in the House who will get the plates, and I for one am in favor of letting them have them. Therefore, I now move that the order be indefinitely postponed.

Mr. TUPPER of Calais: Mr. Speaker, the gentleman from Portland (Mr. Jacobson) is incorrect. I did not try to do this before, but I did try to kill it and I got the good old Bronx cheer. The next morning my friend, Don Philbrick, tried and he got the raspberry. I do not know exactly where we stand in this matter, but I hate to think of this body of one hundred and fifty men and women, not upholding the dignity of the State of Maine, and having some fancy colored plates. I think this is child's play and horse play, and I hope that this order receives a passage.

Mr. FLANDERS of Auburn: Mr. Speaker, in talking with different members I have found that while many of them do not want these plates themselves, they are willing the other fellow should have them if he wants them. Now why is it necessary for the State of Maine to go to the expense of having these plates made if they are not going to be used?

Mr. TUPPER: Mr. Speaker, one thing about the expense! I understand that a few members of the House have underwritten this proposition, so I do not know whether they are the ones who are opposed to my order or not, but I will say that I will gladly chip in and pay my share of the expense if I can know what it is.

Mr. CLARKE of Cooper: Mr. Speaker, the gentleman from Calais (Mr. Tupper) spoke as though the members of the House might lose their dignity if they attach those colored plates to their automobiles, well, it is my belief that if the members of the House have not lost their dignity before this, this certainly will not cause it. (Laughter and applause)

Mr. HIGGINS of Ellsworth: Mr. Speaker, it seems that everyone who speaks against these plates re-

ceive some kind of fruit or vegetable reception. Perhaps I will receive the proverbial gooseberry; but at least I want to express my sentiment in regard to this order. I hope that the order presented here this morning has passage. I feel that the action of the Legislature proposing these plates is the one action which lays us open to more criticism than anything else to date. It is my conception of the office of a Representative and of a Senator that they come here to legislate for the welfare of the people of the State of Maine. I did not realize that they come here to legislate in particular for their own welfare. So far as these plates are concerned, I have given the matter a little thought and it is impossible for me to see where the people of the State in general gain anything by the Representatives having special plates on their cars. I believe it is a generally accepted fact throughout the forty-eight States that the branch of our government that is looked on with the least favor is the Legislature. That is unfortunate but is true; and I feel that it is just such actions as these that cause us to be looked upon in that way. When we come over to the Legislature and legislate to have some fountain pens or some trinkets put upon our cars, that is what causes us to be in disfavor, and that is the reason why I should like to see this order passed. (Applause)

Mr. JILLSON of Anson: Mr. Speaker, I understand that an expense of approximately twenty-one cents has already been incurred, and, if the members of the House do not pass this order, this must be borne by the State.

Mr. KING of Orono: Mr. Speaker, I move the previous question.

The SPEAKER: In order for the previous question to be put one-third of the members present must rise and signify their desire that the previous question be put. All those in favor of the previous question will rise and stand in their places until counted and the monitors will make and return the count.

A division was had.

The SPEAKER: More than one-

third of the members obviously having arisen, the previous question is ordered. The question now before the House is shall the main question be now put. As many as are in favor of the Chair putting the main question now will say aye; contrary-minded, no.

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The question now before the House is on the indefinite postponement of the order. Do you all understand the question?

Mr. EVELETH of Portland: Mr. Speaker, I ask for a division of the House.

The SPEAKER: The question now before the House is on the indefinite postponement of the order, introduced this morning by the gentleman from Calais, Mr. Tupper. The gentleman from Portland, Mr. Eveleth, has requested a rising vote. All those who are in favor of the indefinite postponement of this order will rise and stand until counted and the monitors will make and return the count.

A division being had,

Fifty-six voting in favor of the indefinite postponement of the order and 67 against, the motion failed of passage.

The SPEAKER: The question now is upon the passage of the order. Are you ready for the question?

A viva voce vote being doubted,

A division of the House was had,

Seventy-five voting in the affirmative and 44 in the negative, the order received passage.

Mr. BRAMSON of Portland: Mr. Speaker, I move that the order lie on the table.

The SPEAKER: The Chair will inform the gentleman from Portland, Mr. Bramson, that the order has been finally disposed of and can only be tabled by a motion to reconsider the vote.

The Chair rules that the gentleman's motion is out of order.

On motion by Mr. Clarke of Cooper,

Adjourned until ten o'clock tomorrow morning.