

# 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 27, 1935.

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

Prayer by the Rev. Mr. Bickmore of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Majority report of the committee on Judiciary reporting ought not to pass on Resolve proposing an amendment to the Constitution relating to the election of the Attorney-General (S. P. 244, L. D. 206)

Report was signed by the following members: Messrs. Burkett of Cumberland, Burns of Aroostook—of the Senate. Messrs. Willey of Palmouth, Philbrick of Cape Elizabeth, Gray of Presque Isle, Weatherbee of Lincoln, Hill of South Portland, Jacobson of Portland, Vaughan of South Berwick—of the House.

Minority report of the same committee reporting ought to pass on same bill.

Report was signed by the following member: Mr. Fernald of Waldo—of the Senate.

Comes from the Senate the majority report read and accepted.

In the House, on motion by Mr. Philbrick of Cape Elizabeth, the majority report was accepted in concurrence.

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

**Education**

Petition of Medville H. Colbath of Vassalboro and 23 others in favor of L. D. 56 relating to Educational Program (H. P. No. 1429) (Presented by Mr. Crosby of Vassalboro)

Petition of W. H. Pressley of Haynesville and 38 others in favor of same (H. P. No. 1490) (Presented by Mr. Crowell of Weston)

Petition of Mrs. H. O. Crosby of Bangor and 15 others in favor of same (H. P. No. 1491) (Presented by Mrs. Currier of Bangor)

Petition of Frederick Jagger of Sanford and 34 others in favor of same (H. P. No. 1492) (Presented by Mr. Demers of Sanford)

Petition of Abbie E. Reed of

Bucksport and 25 others in favor of same (H. P. No. 1493) (Presented by Mr. Devereux of Penobscot)

Petition of M. H. Emerson of Addison and 27 others in favor of same (H. P. No. 1494) (Presented by Mr. Drisko of Jonesboro)

Petition of S. E. Hyler of Cushing and 49 others in favor of same (H. P. No. 1495) (Presented by Mr. Elliot of Thomaston)

Petition of J. O. Ellis of Castle Hill and 10 others in favor of same (H. P. No. 1496) (Presented by Mr. Ellis of Castle Hill)

Petition of D. J. Davis of Rockland and 20 others in favor of same (H. P. No. 1497) (Presented by Mr. Fogg of Rockland)

Petition of Mrs. Theo Theriault of Winterport and 53 others in favor of same (H. P. No. 1498) (Presented by Mr. Harriman of Prospect)

Petition of Theo A. Nickerson of Greenville and 37 others in favor of same (H. P. No. 1499) (Presented by Mr. Hesccock of Monson)

Petition of Harry W. Wing of Monson and 74 others in favor of same (H. P. No. 1500) (Presented by same gentleman)

Petition of Sara R. Young of Camden and 62 others in favor of same (H. P. No. 1501) (Presented by Mr. Hobbs of Hope)

Petition of Verna Watts of Roque Bluffs and 12 others in favor of same (H. P. No. 1502) (Presented by Mr. Lindsey of East Machias)

Petition of Harry Seavey of Crawford and 23 others in favor of same (H. P. No. 1503) (Presented by same gentleman)

Petition of Sandy M. Gould of Kingman and 53 others in favor of same (H. P. No. 1504) (Presented by Mr. McKay of Drew)

Petition of G. Elmer Mossman of Scarborough and 231 others in favor of same (H. P. No. 1505) (Presented by Mr. Philbrick of Cape Elizabeth)

Petition of F. C. Littlefield of Albion and 69 others in favor of same (H. P. No. 1506) (Presented by Mr. Sennett of Albion)

Petition of Mary C. Robinson of Bangor and 7 others in favor of same (H. P. No. 1507) (Presented by Mr. Smith of Bangor)

Petition of Antoine Beaulieu of Grand Isle and 97 others in favor of same (H. P. No. 1508) (Presented by Miss Smith of Van Buren)

Petition of John B. Micaud of Van Buren and 109 others in favor of same (H. P. No. 1509) (Presented by same member)

Petition of R. E. Stevens of Dyer Brook and 22 others in favor of same (H. P. No. 1510) (Presented by Mr. Sprague of Oakfield)

Petition of Charles E. Cobb of Oakfield and 85 others in favor of same (H. P. No. 1511) (Presented by same gentleman)

Petition of Mattie M. Holmes of Eastport and 33 others in favor of same (H. P. No. 1512) (Presented by Mr. Stoddard of Eastport)

### Orders

On motion by Mr. Desmond of Portland, it was

Ordered, that there be printed 500 additional copies of each of the following documents:

H. P. 1298, L. D. 611, resolve authorizing the Governor and Council to acquire the site of the former postoffice in Portland from the Federal Government.

H. P. 1063, L. D. 403, an act relating to the charter of the city of Portland.

On motion by Mr. Chase of Baring, it was

Ordered, that there be printed 500 additional copies of H. P. 1331, L. D. 539, an act relating to State planning and development.

On motion by Mr. Sewall of Bath, it was

Ordered, that an official delegate of the House of Representatives of the State of Maine to the Second Interstate Assembly to be held in Washington, D. C., on February 28th, 1935, to consider means for harmonizing Federal and State tax systems, be appointed by the Speaker.

The SPEAKER: The Chair will announce the appointment later.

Mr. Sewall of Bath presented, out of order, a Memorial addressed to the Honorable Secretary of Commerce of the United States relative to the installation of certain navigational aids on airways between Portland and Bangor stations, and moved its adoption, as follows:

#### MEMORIAL TO THE HONORABLE SECRETARY OF COMMERCE OF THE UNITED STATES

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the 87th Legislative session assembled, most respectfully present and petition the Honorable Secretary of Com-

merce of the United States as follows:

Whereas, it is in the interest of national defense that a completely integrated system of airways be developed throughout the nation, and

Whereas, it is in the interest of the people of the State of Maine that improved air transport service be made available, and

Whereas, it is the function of the Department of Commerce of the United States to promote the safety of air navigation by installing and maintaining route lights, radio beacons and other navigational aids along established civil airways; now therefore, be it

Resolved: That we, your Memorialists, the Senate and House of Representatives of the State of Maine in Legislature assembled, do hereby respectfully petition and urge that adequate navigational facilities be promptly established along the airway between Portland, Augusta, Waterville and Bangor; and be it further

Resolved: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Secretary of Commerce of the United States and to the proper officers and committees of the United States Senate and House of Representatives, and to each of the Representatives and Senators representing the State of Maine in the United States Congress.

Mr. SAWYER of Brunswick: Mr. Speaker, it has previously been decided by this House, on the motion of my colleague from Brunswick (Mr. Lebel) on a similar Memorial, that it was improper to address too many of these Memorials to our National Government, affecting functions entirely within their discretion and which are adequately taken care of by our Congress. I therefore move that the Memorial be indefinitely postponed.

Mr. SEWALL of Bath: Mr. Speaker, in the matter of this particular Memorial, I would like to say that it does not urge further legislation on the part of the National Government; it is merely a suggestion, or a plea if you may, from the State of Maine, to the effect that we would like the Secretary of Commerce to give as prompt attention as possible to the duty which he already has of establishing air navigational aids, night fly-

ing lights along the airways. In other words, once an air route has been opened and authorized for the carrying of the United States mails, it becomes an authorized route, and as such falls in the same category as sea navigation, or harbors and rivers, where the Federal Government's duty is to install and maintain such navigational aids. I therefore feel it is acting within the proper limits of this body to send this suggestion to Washington. I am sure that it will help Maine.

After all, I will call the attention of this body to the fact that Maine is on the very end of the National Airways System. As such our service will require a good deal of night flying, particularly during the coming summer, when tourists are coming into Maine. They undoubtedly will leave New York and Boston in the late afternoon, and they will want to arrive at their destination. Without these aids, they cannot do it. On out-going mail the same condition obtains, on account of the late closing hour. So, with these reasons in mind, I urge that this Memorial have a passage.

The SPEAKER: The question before the House is on the indefinite postponement of the Memorial. Is the House ready for the question? All those in favor of the indefinite postponement will say aye; those opposed no.

A viva voce vote being taken, the motion failed of passage.

The SPEAKER: The question now before the House is on the adoption of the Memorial. Is it the pleasure of the House to adopt this Memorial? All those in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, the Memorial was adopted and sent to the Senate for concurrence.

On motion by Mr. Tupper of Calais, it was

Ordered, that on Wednesday of each week, beginning with Wednesday, March 6th, all matters placed upon the table during the preceding week, and unassigned, shall be laid before the House by the Speaker, under Orders of the Day in the order in which they were placed upon the table, and until disposed of shall have precedence under Orders of the Day.

### Reports of Committees

Majority Report of the Committee on Legal Affairs reporting ought not to pass on bill an act to permit Sunday movies (H. P. No. 841) (L. D. No. 243)

Report was signed by the following members:

Mr. Blaisdell of Hancock  
Miss Martin of Penobscot  
Mr. Pinansky of Cumberland  
—of the Senate.

Messrs. Chase of Sebec  
Chase of Baring  
Higgins of Ellsworth  
Davis of Fairfield  
Burnham of Kittery  
—of the House.

Minority Report of same Committee reporting ought to pass on same bill.

Report was signed by the following members:

Messrs. Donahue of Biddeford  
Sawyer of Brunswick  
—of the House.

Mr. STILPHEN of Dresden: Mr. Speaker, I move that we accept the majority report, ought not to pass.

On motion by Mr. Bramson of Portland the bill and reports were tabled, pending the motion of the gentleman from Dresden, Mr. Stilphen to accept the majority report.

Mr. Cambridge from the Committee on Claims on resolve in favor of Edith Sloman of Gorham (H. P. No. 1105) reported that legislation is inexpedient as it is taken care of otherwise.

Mr. Newton from the Committee on Education on bill an act relating to admission to Normal Schools (H. P. No. 822) (L. D. No. 237) reported that legislation is inexpedient.

Mr. Bragdon from the Committee on Claims reported ought not to pass on resolve in favor of Archie M. Curtis of Leeds (H. P. No. 1165)

Same gentleman from same Committee reported same on resolve in favor of William J. McLellan and Mary Thompson of Hartland (H. P. No. 764)

Mr. Cambridge from same Committee reported same on resolve in favor of Robert H. W. Lowell (H. P. No. 292)

Mr. Cook from the Committee on Education reported same on bill an act relating to the qualifications of teachers (H. P. No. 1169) L. D. No. 379)

Mr. MacKenzie from the Committee on Inland Fisheries and Game reported same on bill an act

relative to Game Preserve in Hancock County (H. P. No. 565)

Mr. Thompson from same Committee reported same on resolve relative to the taking of smelts for food purposes from Crooked and Songo Rivers (H. P. No. 434) (L. D. No. 117)

(Tabled by Mr. Proctor of Naples, pending acceptance of the report)

Mr. Vaughan from the Committee on Judiciary reported same on resolve proposing an amendment to the Constitution providing for the election of the Governor's Council (H. P. No. 591) (L. D. No. 170)

(Tabled by Mr. Hobbs of Hope, pending acceptance of the report, and specially assigned for Wednesday, March 6th)

Mr. Willey from same Committee reported same on bill an act relating to recognition of political parties on ballots (H. P. No. 445) (L. D. No. 123)

(Tabled by Mr. Sleeper of Rockland, pending acceptance of the report)

Mr. Weatherbee from same Committee reported same on bill an act relating to use of posters at polling places (H. P. No. 588) (L. D. No. 167)

(Tabled by Mr. Connolly of Portland, pending acceptance of the report, and specially assigned for Wednesday, March 6th)

Mr. Chase of Baring from the Committee on Legal Affairs reported same on bill an act relating to gambling (H. P. No. 848) (L. D. No. 245)

Mr. Davis from same Committee reported same on bill an act to authorize and empower the city of Bangor to grant a pension to Edward W. Gray (H. P. No. 838) (L. D. No. 285)

Mr. Chase of Sebec from same Committee reported same on bill an act to incorporate the Kingman Water and Power District (H. P. No. 597) (L. D. No. 162)

Mr. Chase of Baring from same Committee reported same on bill an act in relation to machines or devices for the vending of merchandise (H. P. No. 599) (L. D. No. 175)

Mr. Gleason from the Committee on Public Utilities reported same on resolve pertaining to public utilities (H. P. No. 606) (L. D. No. 178)

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

Mr. Haskell from the Committee on Taxation reported same on bill an act imposing an excise tax upon

the privileges of owning land in this State (H. P. No. 1223) (L. D. No. 439)

Reports read and accepted and sent up for concurrence.

Mr. Cambridge from the Committee on Claims on resolve in favor of William C. Boyles of Castle Hill (H. P. No. 61) reported same in a new draft (H. P. No. 1486) under same title and that it ought to pass

Report read and accepted and the new draft ordered printed under the Joint Rules.

Mr. Newton from the Committee on Education reported ought to pass on bill an act relating to equalization of tuition expenses (H. P. No. 1308) (L. D. No. 567)

Mr. Hill from the Committee on Judiciary reported same on bill an act relating to the counting and sealing of ballots (H. P. No. 1181) (L. D. No. 387)

Mr. Doyle from the Committee on Public Utilities reported same on bill an act relative to the Aroostook Valley Railroad Company (H. P. No. 605) (L. D. No. 161)

Mr. Hathorn from same Committee reported same on bill an act relating to leases, consolidations, and mortgages by public utilities (H. P. No. 856) (L. D. No. 248)

Mr. Lancaster from same Committee reported same on bill an act providing penalties for boarding freight trains without right (H. P. No. 857) (L. D. No. 249)

Mr. Webber from same Committee reported same on bill an act relating to wilful or malicious injury to property of any railroad (H. P. No. 858) (L. D. No. 250)

Reports read and accepted and the bills having already been printed were read twice under suspension of the rules and tomorrow assigned.

### First Reading of Printed Bills and Resolves

(H. P. No. 435) (L. D. No. 659)  
An act relating to taking of white fish in Mattawamkeag Lake.

(H. P. No. 566) (L. D. No. 660)  
Resolve relative to closing Petten-gill Stream.

(H. P. No. 568) (L. D. No. 661)  
Resolve relative to closing Cary Brook to all fishing.

(H. P. No. 571) (L. D. No. 662)  
Resolve relative to fishing in the river between Mooselucmeguntic Lake and Upper Richardson Lake.

(H. P. No. 574) (L. D. No. 663)  
Resolve relating to muskrats in Morrill Mill Pond.

(H. P. No. 1487) (L. D. No. 664)  
Resolve appropriating money to complete the fish way at Aroostook Falls.

**Passed to be Engrossed**

(S. P. No. 165) (L. D. No. 639)  
An act relating to the annual sessions of the County Commissioners of Lincoln County.

(S. P. No. 166) (L. D. No. 642) An act to prohibit the dumping or deposit of refuse in the waters of Damariscotta River.

(S. P. No. 253) (L. D. No. 203)  
An act to incorporate the town of Jonesport School District.

(S. P. No. 300) (L. D. No. 263)  
An act to amend an act to incorporate the Guilford and Sangerville Water District.

(H. P. No. 596) (L. D. No. 160)  
An act to provide for the surrender by town of Kingman of its organization.

(H. P. No. 837) (L. D. No. 284)  
An act to make valid the doings of the Harrison Water Company and to define and confirm its powers.

(Tabled by Mr. Richardson of South Portland, pending third reading)

(S. P. No. 181) (L. D. No. 641)  
Resolve in favor of Grace R. Lee of Augusta.

(S. P. No. 212) (L. D. No. 640)  
Resolve relative to fishing in Wentworth and Baker Ponds.

(S. P. No. 452) (L. D. No. 638)  
Resolve compensating bidders on the Howard Memorial.

**Passed to be Enacted**

(Emergency Measures)

H. P. 595, L. D. 159: An act authorizing the town of Bar Harbor to erect and maintain a municipal wharf or pier.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds of all the members elected to the House. All those in favor of the enactment of this bill will rise and stand until counted, and the monitors have returned the count.

A division being had,

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

H. P. 1414, L. D. 632: An act to create a Milk Control Board.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of

two-thirds of all the members elected to the House. All those in favor of the enactment of this bill will rise and stand until counted, and the monitors have returned the count.

A division being had,

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

H. P. 332, L. D. 102: Resolve relating to taking of alewives from the Begaduce river.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds of all the members elected to the House. All those in favor of the final passage of this resolve will rise and stand until counted, and the monitors have returned the count.

A division being had,

One hundred and thirty-two voting in the affirmative, and none in the negative, the resolve was finally passed.

**Passed to Be Enacted**

(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. 73) (L. D. No. 23) An act relating to the taking of clams in Cranberry Isles.

(H. P. No. 193) (L. D. No. 618)  
An act relative to smelt fishing.

(H. P. No. 300) (L. D. No. 619)  
An act to extend charter of Hinckley Development Company.

(H. P. No. 329) (L. D. No. 100) An act relating to number of lines permitted in ice fishing.

(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 of innkeepers.

(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.

(H. P. No. 468) (L. D. No. 132) An act relating to credit for excise tax paid.

(H. P. No. 831) (L. D. No. 239) An act relating to the Society of Friends.

(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.

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

(H. P. No. 1398) (L. D. No. 625)  
An act creating separate polling district for Rockwood, an unorganized place in the county of Somerset.

#### Finally Passed

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

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

(H. P. No. 196) (L. D. No. 621)  
Resolve regulating fishing in Square Pond tributaries.

(H. P. No. 1394) (L. D. No. 626)  
Resolve in favor of Georgie Bridges of Verona.

(H. P. No. 1395) (L. D. No. 627)  
Resolve in favor of Herbert J. Hopkins of Orland.

(H. P. No. 1396) (L. D. No. 628)  
Resolve in favor of George F. Silsby of Holyoke, Mass.

(H. P. No. 1397) (L. D. No. 629)  
Resolve in favor of Everette Harri-  
man of Orland.

#### Orders of the Day

The SPEAKER: The Chair calls the attention of the House to the first matter specially assigned for today, and recognizes the gentleman from Newfield, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I move that this be taken from the table.

The SPEAKER: The Chair will state that the matter is already before the House without any motion. The Chair recognizes the gentleman from Portland, Mr. Jacobson.

Thereupon, on motion of Mr. Jacobson, the order received passage.

The SPEAKER: The Chair now recognizes the gentleman from Calais, Mr. Tupper.

Mr. TUPPER: Mr. Speaker, I wish to rise to a point of personal privilege.

The SPEAKER: The gentleman has permission to address the House, if there is no objection.

Mr. TUPPER: Mr. Speaker, the Appropriations Committee wishes to call attention of all members of the House to what we consider a very serious condition. As you know, the budget for the next two years was built up on a seven and one-quarter mill basis. Now for the next year, 1935-6, requests have been made for, in round figures, \$2,700,000 more than the budget provides. For the next year, 1936-7, requests amounting to \$2,300,000 have been made more than the budget provides. This, Mr. Speaker, is approximately an increase of over four mills on your tax rate, which is about fifty to sixty percent more than your present State tax.

We are calling this to your attention with the idea that the committees will use their best judgment in granting these requests. Further, if we should pass any old age pension bill, you could figure as a minimum one and a half million dollars to start with, which would be in addition to what I have pointed out.

On motion by Mr. Ellis of Rangeley, it was voted to take from the table the fourth unassigned matter. House report ought not to pass of the committee on Inland Fisheries and Game on bill an act relating to fishing in Carrabassett River, H. P. 563, tabled by that gentleman February 20th, pending acceptance.

Mr. ELLIS: I would ask the Speaker to recognize the gentleman from Oakfield, Mr. Sprague.

The SPEAKER: The Chair recognizes the gentleman from Oakfield, Mr. Sprague.

On motion by Mr. Sprague, the bill and report were recommitted to the committee on Inland Fisheries and Game.

On motion by Mr. Bushey of Waterville,

Adjourned until ten o'clock tomorrow morning.