

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

Tuesday, March 5, 1935.

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

Prayer by the Rev. Mr. Dunnack of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bill in First Reading

S. P. 230, L. D. 193: An act relating to the salary of the clerks of Courts for Waldo county.

From the Senate: Report of the committee on Judiciary, reporting ought to pass on bill an act relating to persons maintaining licensed homes for children, S. P. 194, L. D. 143.

Comes from the Senate, report read and accepted and the bill passed to be engrossed as amended by Senate Amendment A.

In the House, report read and accepted in concurrence, the bill received its two several readings, Senate Amendment A read and adopted in concurrence, and tomorrow assigned for its third reading.

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

Education

Petition of Geo. G. League of Warren and 10 others in favor of L. D. 56 relating to Educational Program (H. P. No. 1544) (Presented by Mr. Ayer of Union)

Petition of John C. Carroll of Washington and 19 others in favor of same (H. P. No. 1545) (Presented by same gentleman)

Petition of C. R. Buswell of Exeter and 29 others in favor of same (H. P. No. 1546) (Presented by Mr. Austin of Exeter)

Petition of Allan Chase of Mapleton and 49 others in favor of same (H. P. No. 1547) (Presented by Mr. Cambridge of Westfield)

Petition of L. C. Fowles of Orneville and 31 others in favor of same (H. P. No. 1548) (Presented by Mr. Chase of Sebec)

Petition of Earl R. Daggett of Manchester and 13 others in favor

of same (H. P. No. 1549) (Presented by Mr. Cole of West Gardiner)

Petition of Elizabeth D. Sweetsir of Mexico and 303 others in favor of same (H. P. No. 1550) (Presented by Mr. Dorr of Mexico)

Petition of F. N. Flaherty of Centerville and 28 others in favor of same (H. P. No. 1551) (Presented by Mr. Drisko of Jonesboro)

Petition of E. B. Holden of Oxford and 61 others in favor of same (H. P. No. 1552) (Presented by Mr. Heald of Lovell)

Petition of A. A. Knowles of Shirley and 9 others in favor of same (H. P. No. 1553) (Presented by Mr. Hescocock of Monson)

Petition of Wesley Seekings of St. Albans and 17 others in favor of same (H. P. No. 1554) (Presented by Mr. Lancaster of Canaan)

Petition of C. H. Webber of Hartland and 43 others in favor of same (H. P. No. 1555) (Presented by same gentleman)

Petition of Vesta R. Williams of Jackman and 22 others in favor of same (H. P. No. 1556) (Presented by Mr. MacKenzie of Jackman)

Petition of Hazel H. Cole of Mt. Vernon and 10 others in favor of same (H. P. No. 1557) (Presented by Mr. Newton of Readfield)

Petition of Fred A. Leavitt of Readfield and 33 others in favor of same (H. P. No. 1558) (Presented by same gentleman)

Petition of Frank Hayes of Silver Ridge and 25 others in favor of same (H. P. No. 1559) (Presented by Mr. Palmer of Island Falls)

Petition of Ray R. Stevens of Island Falls and 29 others in favor of same (H. P. No. 1560) (Presented by same gentleman)

Petition of L. H. Qualey of Benedicta and 28 others in favor of same (H. P. No. 1561) (Presented by same gentleman)

Petition of Robert V. Hunter of Freeport and 172 others in favor of same (H. P. No. 1562) (Presented by Mr. Patterson of Freeport)

Petition of George B. Hodsdon of Pownal and 33 others in favor of same (H. P. No. 1563) (Presented by same gentleman)

Petition of A. A. Olson of Stockholm and 21 others in favor of same (H. P. No. 1564) (Presented by Mr. Phair of Caswell)

Petition of A. A. Barnes of Caswell and 36 others in favor of same (H. P. No. 1565) (Presented by same gentleman)

Petition of Lyston Frost of Alex-

ander and 13 others in favor of same (H. P. No. 1566) (Presented by Mr. Pike of Eastport)

Petition of Mollie P. Pingree of Denmark and 66 others in favor of same (H. P. No. 1567) (Presented by Miss Stickney of Brownfield)

Petition of Horace F. Priest of Lowell and 30 others in favor of same (H. P. No. 1568) (Presented by Mr. Weatherbee of Lincoln)

Petition of Edgar G. S. Mace of Passadumkeag and 38 others in favor of same (H. P. No. 1569) (Presented by same gentleman)

Legal Affairs

Petition of Albert Cadorette of Biddeford and 323 others in favor of passage Biddeford Charter Bill (H. P. No. 1570) (Presented by Mr. Belaire of Biddeford)

Orders

Mr. Demers of Sanford, presented the following order and moved its passage:

STATE OF MAINE

In House March 5, 1935.

Whereas, there is now pending in the Legislature of the State of Maine a bill providing for a representative town meeting in the town of Sanford; and

Whereas, said bill provides for the division of said town by the selectmen into not less than five nor more than ten districts; and

Whereas, said bill further provides that each district shall elect a certain number of representatives known as town meeting members, to wit, one town meeting member for a designated number of registered voters therein or a fractional part thereof, the elective town meeting membership, however, to be in no case less than one hundred fifty members nor more than two hundred members, with the further provision for membership of certain town officials ex officio; and

Whereas, said act further provides that the town shall have the capacity to act through and to be bound by its town meeting members who shall, when convened from time to time, constitute representative town meeting; and the representative town meetings shall exercise all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in

town meetings shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all of the voters of the town as organized and conducted before the establishment in the town of representative town meeting government; and

Whereas, said act provides that the town officers, other than town meeting members, shall be balloted upon by all of the voters of the town, but that each district shall elect the number of town meeting members to which it is entitled, based upon the number of registered voters therein as above set forth; and

Whereas, said bill further provides that each district shall vote at such voting place as the selectmen in the warrant shall designate; and

Whereas, said bill further provides that such voting place may or may not be within the territory of the district, and the only difference in the ballot of the respective districts being that the names of the town meeting members to be elected from any district appear on the ballot of that district only;

And it appearing to the House of Representatives that important questions of law have arisen in the determination of the constitutionality of said bill and that the occasion is a solemn one;

It is Ordered, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives of the State of Maine, according to the provisions of the Constitution in this behalf, their opinion of the following questions, viz:

Question No. 1. Has the Legislature authority under the Constitution to authorize the establishment of a town government where-in authority to vote upon any business transacted at a town meeting is given to a limited number of representatives elected by the voters of the town and to such ex officio members as the town may designate?

Question No. 2. Is it necessary under the Constitution of the State of Maine that the voters of the whole town have an opportunity to vote for each representative or town meeting member, or may the Legislature authorize a division of

the town into districts, each district being entitled to elect one representative or town meeting member for a designated number of registered voters therein or fractional part thereof, with authority in such town meeting members and such ex officio members as the town may designate, to bind the town at any town meeting in the same manner as if the meeting had been open to all of the voters of the town?

The SPEAKER: Under the Rules of the House this order will lie on the table until tomorrow before the House takes action.

Reports of Committees

Mr. Sleeper from the Committee on Mercantile Affairs and Insurance on resolve creating a Recess Committee on compulsory liability insurance for motor vehicles (H. P. No. 207) (L. D. No. 67) reported that same be referred to the Committee on Judiciary.

Report was read and accepted and the bill referred to the Committee on Judiciary and sent up for concurrence.

Mr. MacKenzie from the Committee on Inland Fisheries and Game reported ought to pass on resolve relating to fishing in tributaries to Walker's Pond (H. P. No. 787)

Mr. Ryder from same Committee reported same on resolve to open for fishing three brooks in the town of Prentiss (H. P. No. 792)

Reports read and accepted and the resolves ordered printed under the Joint Rules.

Mr. Philbrick from the Committee on Judiciary reported ought to pass on bill an act relating to corporations without capital stock (H. P. No. 1213) (L. D. No. 460)

Report read and accepted and the bill having already been printed was read twice under suspension of the rules.

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, I offer House Amendment A and move its adoption. This is a committee amendment and is offered to correct the omission of one sentence in the printed bill. It is done in this way to avoid the expense of a reprint.

House Amendment A to H. P. 1213, L. D. 460, bill an act relating to corporations without capital stock.

Amend said bill by inserting in

the seventh line thereof after the word "one" the words "or anyone", and after the word "corporations" the words "or a new corporation under the laws of this State to be formed by means of such consolidation."

On motion by Mr. Willey of Falmouth the bill and amendment were tabled, pending the adoption of the amendment.

First Reading of Printed Bills and Resolves

(H. P. No. 106) (L. D. No. 675)
An act for placing the word "Vacationland" on all number plates on motor vehicles.

(H. P. No. 1542) (L. D. No. 679)
An act relating to taxation of trust and banking companies.

(H. P. No. 829) (L. D. No. 676)
Resolve changing the name of Corinna Bog and Stream.

Passed to be Engrossed

(S. P. No. 458) (L. D. No. 657)
An act relating to temporary loans by County Commissioners.

(H. P. No. 600) (L. D. No. 671)
An act to repeal the organization of the plantation of Lang.

(Tabled by Mr. Wright of Madison, pending third reading.)

(H. P. No. 852) (L. D. No. 296)
An act relating to Islesboro Transportation Company.

(H. P. No. 1177) (L. D. No. 383)
An act relating to law court briefs.

(H. P. No. 1529) (L. D. No. 674)
An act to amend the city charter of Bangor.

(H. P. No. 1527) (L. D. No. 672)
Resolve in favor of Samuel Dana, Representative of the Passamaquoddy Tribe of Indians.

(H. P. No. 1528) (L. D. No. 673)
Resolve in favor of John S. Nelson, Representative of the Penobscot Tribe of Indians.

Orders of the Day

On motion by Mr. Ellis of Rangeley, it was voted to take from the table the fourth unassigned matter, bill an act relating to small loan agencies, S. P. 406, L. D. 656, tabled on February 26th by that gentleman pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the committee on Banks and Banking in concurrence.

On motion by Mr. Thompson of Belfast, it was voted to take from

the table the sixth unassigned matter, bill an act to assure proper branding of potatoes, H. P. 1459, L. D. 655, tabled by that gentleman on February 26th pending second reading; and on further motion by the same gentleman the bill had its second reading.

Mr. FINDLEN of Fort Fairfield: Mr. Speaker, I offer House Amendment A and move its adoption, as follows:

House Amendment A to Legislative Document No. 655, bill an act to assure proper branding of potatoes. Strike out the last sentence of Sec. 1, and substitute therefor the following:

"No potatoes shall be offered for sale, had in possession for sale, prepared for sale, exposed for sale, sold, shipped, delivered for sale, or consigned, unless and until said potatoes shall have been graded or packed in conformity to the provisions of this act."

Mr. FINDLEN: Mr. Speaker, for the information of the members I might say that this is almost exactly the same as the sentence in the bill, except that the railroad companies felt that the burden of grading and branding might be placed upon the railroad companies by the word "transported" so we have changed the word "transported" to the word "shipped" and have added in several places, as you can see, the words "for sale." It is just a matter of wording to satisfy the transportation companies.

Thereupon, House Amendment A was adopted, and the bill as amended was tomorrow assigned for its third reading.

On motion by Mr. Bragdon of Wells,

Adjourned until ten o'clock tomorrow morning.