

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

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**HOUSE**

Thursday, March 7, 1935.

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

Prayer by the Rev. Mr. Dunn of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills in First Reading**

S. P. 461, L. D. 682: An act relating to proceedings in the Probate Court.

S. P. 462, L. D. 680: An act to provide for the investigation of divorce cases in which the custody of children is involved.

From the Senate: Bill an act relative to smelt fishing, H. P. 193, L. D. 618, which was passed to be engrossed in the House on February 15th, and passed to be enacted on February 27th.

Comes from the Senate recommended to the committee on Inland Fisheries and Game in non-concurrence.

In the House, on motion by Mr. Hescoc of Monson that body voted to recede and concur with the Senate in the recommitment of this bill to the committee on Inland Fisheries and Game.

**Resolve Requiring Reference**

Resolve authorizing the Forest Commissioner to sell lands in Penobscot County. (H. P. No. 1630) (Presented by Mrs. Latno of Old Town)

Mrs. LATNO of Old Town: Mr. Speaker, this resolve is concerning a man from Milford who bought a certain piece of property in 1929 and received a quit claim deed of the property. He has not received a bill of taxes since 1929, therefore he wrote to the State Tax Commissioner, Mr. Holley, and asked him the reason for not receiving this bill of taxes, and Mr. Holley replied that the reason he had not received it was due to the fact that the man who sold the land to him had no right to do so, because from 1923 to 1929 this man had paid no taxes on the property; therefore it became the property of the State.

Mr. Madden now wants to start lumbering operations on this land, and he is willing to pay the back taxes on the property; so I am asking that this resolve be referred to the proper committee, with the permission of the House.

We know that the State is trying to balance its budget, and I think, if there is any available money that the State may acquire, we all want the State to get it.

Under suspension of the rules and by unanimous consent the resolve was received and referred to the committee on State Lands and Forest Preservation.

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

**Education**

Petition of Alice N. Neal of Danforth and 23 others in favor of L. D. 56 relating to Educational Program (H. P. No. 1609) (Presented by Mr. Chase of Baring)

Petition of Harry Hill of Lime- rick and 30 others in favor of same (H. P. No. 1610) (Presented by Mr. Chase of Limington)

Petition of Florence G. Norton of Parsonsfield and 134 others in favor of same (H. P. No. 1611) (Presented by same gentleman)

Petition of J. A. Spencer of Brewer and 114 others in favor of same (H. P. No. 1612) (Presented by Mr. Churchill of Brewer)

Petition of Bertha M. Harvey of Hallowell and 54 others in favor of same (H. P. No. 1613) (Presented by Mr. Cole of West Gardiner)

Petition of H. L. Goodrich of Palmyra and 30 others in favor of same (H. P. No. 1614) (Presented by Mr. Cook of Pittsfield)

Petition of Frank Bean of Shap- leigh and 57 others in favor of same (H. P. No. 1615) (Presented by Mr. Davis of Newfield)

Petition of Clayton E. Jewett of East Somerset Pomona and 23 others in favor of same (H. P. No. 1618) (Presented by Mr. Lancaster of Canaan)

Petition of Arthur J. Edmonds of North Waldo and 31 others in favor of same (H. P. No. 1619) (Presented by Mr. Payson of Brooks)

Petition of Lester G. Royal of Holden and 83 others in favor of same (H. P. No. 1620) (Presented by Mr. Ryder of Orrington)

Petition of Edwin L. Brown of Eddington and 44 others in favor of same (H. P. No. 1621) (Presented by same gentleman)

Petition of Darrell L. Harris of Greenfield and 29 others in favor of same (H. P. No. 1622) (Presented by same gentleman)

Petition of Helen P. Clough of Orrington and 24 others in favor of same (H. P. No. 1623) (Presented by same gentleman)

Petition of S. B. Stanley of Porter and 109 others in favor of same (H. P. No. 1624) (Presented by Miss Stickney of Brownfield)

Petition of Norris S. Lord of Dresden and 46 others in favor of same (H. P. No. 1625) (Presented by Mr. Stulphen of Dresden)

Petition of Earl R. Round of Enfield and 53 others in favor of same (H. P. No. 1626) (Presented by Mr. Weatherbee of Lincoln)

#### Inland Fisheries and Game

Petition of W. J. Heald of Rangeley and 116 others in favor of increase in hunting and fishing licenses (H. P. 1616) (Presented by Mr. Ellis of Rangeley)

Petition of J. Bennett Pike of Bridgton and 63 others in favor of same (H. P. 1617) (Presented by Mr. Gleason of Bridgton)

Mr. CROWELL of Weston: Mr. Speaker, out of order and under suspension of the rules. I ask leave of the House to present bill an act to incorporate the Town of Hodgdon School District. (H. P. 1629)

Unanimous consent was given.

Mr. CROWELL: Mr. Speaker, on Monday morning, February 18th, the school building in the town of Hodgdon burned, and since that time they have been having the scholars meet in homes, churches and halls. Because of the debt limit of the town, like so many other towns, they will be unable to build a school building unless they can get an act like this through, and if it be put through immediately, they are assured they can get funds from the PWA to assist in the work, and if they can put it through immediately, they can get funds under the old law and it will not be tied up under this new bill which we are not sure will pass the National Congress. So, Mr. Speaker, I would like to have it go through if possible.

Thereupon, on motion by Mr.

Crowell, and under suspension of the rules, the bill had its three several readings and was passed to be engrossed, without reference to a committee.

Mr. Woodbury of Morrill presented, out of order, the following resolution and moved its adoption:

#### House Resolution

March 7, 1935.

Whereas, the House of Representatives has learned with great sorrow of the passing of the Honorable Washington D. Harriman, a member of the House of Representatives of the Eightieth Legislature and father of the Honorable Evander Harriman of Prospect, a member of this House:

Now therefore be it resolved that the sympathy of the members of this House be conveyed to our fellow member, Honorable Evander Harriman, and a copy of these resolutions be sent to the bereaved family of the late Washington D. Harriman.

Thereupon the House unanimously adopted the resolution.

#### Orders

Mr. Connolly of Portland, presented the following order and moved its passage:

Ordered, the Senate concurring, that the Superintendent of Buildings be directed to make an inventory immediately of all the property purchased by the present Legislature or by previous Legislatures and which is still in the possession of this Legislature. Such an inventory shall include every article purchased of whatever nature, except items which are of current use only, such as paper, pencils, ink, paste, etc. Every article so inventoried shall bear upon it in some readily discernable spot the branded or stenciled words "Legislative Property." All such property shall be allotted to any State Department needing same at the discretion of the Superintendent of Buildings for its use during the time the Legislature is not in session, but always shall be made available to the Legislature for its exclusive use whenever a session thereof convenes. (H. P. 1631)

The order received passage and was sent up for concurrence.

### Reports of Committees

Mr. King from the Committee on Claims reported ought not to pass on resolve in favor of the town of Denmark for damage caused by fire (H. P. No. 974)

Same gentleman from same Committee reported same on resolve in favor of William H. Rowe of Buxton (H. P. No. 1106)

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

Mr. Davis from the Committee on Inland Fisheries and Game reported same on resolve relative to Game Preserve in York County (H. P. No. 779) (L. D. No. 278)

Mr. Russ from the Committee on Interior Waters reported same on bill an act relative to regulating the high and low water mark on Lake Moxie (H. P. No. 1129) (L. D. No. 328)

Mr. Hill from the Committee on Judiciary reported same on bill an act relating to trial terms in York County (H. P. No. 1237) (L. D. No. 551)

Mr. Hill from same Committee reported same on bill an act relative to the size of mirror on motor vehicles (H. P. No. 1174) (L. D. No. 380)

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

Same gentleman from same Committee reported same on bill an act relating to danger and caution signals for motor busses and trucks (H. P. No. 832) (L. D. No. 240)

Mr. Jacobson from same Committee reported same on bill an act relating to motor vehicles (H. P. No. 1133) (L. D. No. 358)

Mr. Philbrick from same Committee reported same on bill an act relating to trailers (H. P. No. 1138) (L. D. No. 363)

Same gentleman from same Committee reported same on bill an act relating to penalty for second offenders on drunken driving (H. P. No. 336) (L. D. No. 106)

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

Mr. Vaughan from same Committee reported same on bill an act relating to lights on trucks (H. P. No. 335) (L. D. No. 105)

Mr. Weatherbee from same Committee reported same on bill an act relating to painting of motor vehicles (H. P. No. 697) (L. D. No. 228)

Mr. Willey from same Committee reported same on bill an act relating to licenses to operate motor vehicles (H. P. No. 204) (L. D. No. 65)

Same gentleman from same Committee reported same on bill an act relating to the reduction of registration fees of motor vehicles used for the conveyance of passengers (H. P. No. 1240) (L. D. No. 554)

Same gentleman from same Committee reported same on bill an act relating to hit and run drivers (H. P. No. 334) (L. D. No. 104)

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

Mr. Burnham from the Committee on Legal Affairs reported same on bill an act relating to elections in the city of Lewiston (H. P. No. 1068) (L. D. No. 321)

(Tabled by Mr. Boucher of Lewiston pending acceptance of the report)

Mr. Davis from same Committee reported same on bill an act to authorize the Recorder of the Lewiston Municipal Court to destroy certain writs, complaints, warrants, executions and libels (H. P. No. 700) (L. D. No. 221)

(Tabled by Mr. Donovan of Lewiston pending acceptance of the report)

Same gentleman from same Committee reported same on bill an act providing for municipal planning and the creation, organization and powers of municipal planning boards (H. P. No. 1332) (L. D. No. 540)

Mr. Sawyer from same Committee reported same on bill an act relating to allocation of funds derived from a State lottery (H. P. No. 1334) (L. D. No. 542)

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

Same gentleman from same Committee reported same on bill an act relating to property rights of surviving spouses (H. P. No. 105) (L. D. No. 33)

On motion by Mr. Webber of Auburn the House voted to reconsider its action whereby it accepted earlier this morning the report of the committee on Judiciary, ought not to pass, on bill an act relating to lights on trucks, H. P. 335, L. D. 105; and on further motion by the same gentleman the bill and report were tabled, pending acceptance of the report.

**Reports of Committees**

(continued)

Mr. MacKenzie from the Committee on Inland Fisheries and Game on bill an act relating to smelt fishing in St. Croix River (H. P. No. 436) reported a resolve (H. P. No. 1627) under title of resolve relating to smelt fishing in St. Croix River and that it ought to pass

Mr. Vaughan from the Committee on Judiciary on bill an act relating to forcible entry and detainer (H. P. No. 440) (L. D. No. 118) reported same in a new draft (H. P. No. 1628) under same title and that it ought to pass.

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

Mr. Lindsey from the Committee on Claims reported ought to pass on resolve in favor of Daisy B. Blackman, widow of the late Reuben Blackman (H. P. No. 182)

Mr. Burgess from the Committee on Inland Fisheries and Game reported same on resolve relating to fishing in Pleasant River and Hapgood Brook (H. P. No. 789)

Mr. Davis from same Committee reported same on resolve relating to fishing in Upper Range Pond (H. P. No. 1052)

Same gentleman from same Committee reported same on bill an act relating to fishing in Carrabasset River (H. P. No. 563)

Mr. Hescoc from same Committee reported same on resolve relating to fishing in Songo Pond (H. P. No. 790)

Same gentleman from same Committee reported same on resolve relating to fishing in Round Pond (H. P. No. 791)

Mr. Ryder from same Committee reported same on resolve relative to white perch fishing in Lake Anasagunticook (H. P. No. 794)

Same gentleman from same Committee reported same on resolve closing the tributaries of Lake Anasagunticook to smelt fishing (H. P. No. 795)

Same gentleman from same Committee reported same on resolve relative to fishing in C Pond (H. P. No. 781)

Mr. Sprague from same Committee reported same on resolve relative to regulating fishing in certain Somerset and Franklin County waters (H. P. No. 1048)

Same gentleman from same Committee reported same on resolve

closing to all fishing Upper and Lower Hathan Bogs and Massachusetts Bog in Franklin County (H. P. No. 1049)

Mr. Thompson from same Committee reported same on resolve relating to fishing in Lake Auburn (H. P. No. 1050)

Same gentleman from same Committee reported same on resolve relating to fishing in Taylor Pond (H. P. No. 1051)

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

Mr. Hescoc from the Committee on Inland Fisheries and Game reported ought to pass on bill an act relative to dogs hunting moose, caribou, deer or elk or worrying domestic animals (H. P. No. 776) (L. D. No. 275)

Mr. Chase from the Committee on Interior Waters reported same on bill an act to authorize the erection and maintenance of a dam across Spruce Creek in the town of Kittery (H. P. No. 1128) (L. D. No. 327)

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. 854) (L. D. No. 693)  
An act relative to the salary of the Recorder of the Yorkshire Municipal court.

(H. P. No. 1605) (L. D. No. 694)  
An act creating a lien on potatoes.  
(On motion by Mr. Gray of Presque Isle, tabled pending assignment for third reading)

(H. P. No. 1606) (L. D. No. 695)  
An act relating to liquor licenses.  
(On motion by Mr. Eveleth of Portland, tabled, pending first reading)

(H. P. No. 1604) (L. D. No. 691)  
Resolve relating to ice fishing in Eagle and St. Froid Lakes

**Passed to be Engrossed**

(S. P. No. 100) (L. D. No. 668)  
An act relating to salary of members during Special Session of Legislature

(S. P. No. 101) (L. D. No. 669)  
An act to fix the fees for members of the Board of Examiners of Podiatrists

(S. P. No. 196) (L. D. No. 145)  
An act relating to disposal of minor children in divorce proceedings

(S. P. No. 293) (L. D. No. 665)

An act to incorporate the Bethel Library Association

(S. P. No. 347) (L. D. No. 397)

An act relating to licenses for wholesalers in malt beverages

(On motion by Mr. Doyle of Skowhegan, tabled pending third reading)

(S. P. No. 378) (L. D. No. 666)

An act relating to European corn borer

(S. P. No. 386) (L. D. No. 422)

An act to amend the law relating to Loan and Building Associations

(S. P. No. 387) (L. D. No. 423)

An act to amend the law relating to Loan and Building Associations

(S. P. No. 388) (L. D. No. 424)

An act to amend the law relating to Loan and Building Associations

(S. P. No. 389) (L. D. No. 425)

An act to amend the law relating to Loan and Building Associations

(S. P. No. 393) (L. D. No. 418)

An act relating to the discontinuance of railroad crossings

(H. P. No. 1543) (L. D. No. 678)

An act to provide for an excise tax on certain types of oleomargarine

(H. P. No. 787) (L. D. No. 690)

Resolve relating to fishing in tributaries to Walker's Pond

(H. P. No. 792) (L. D. No. 689)

Resolve to open for fishing three brooks in the town of Prentiss

(S. P. No. 379) (L. D. No. 399)

An act relative to kidnapping

(Was reported by the committee on Bills in the Third Reading, read the third time and passed to be engrossed as amended in concurrence)

#### Passed to Be Enacted

(S. P. No. 458) (L. D. No. 657)

An act relating to temporary loans by County Commissioners

(Tabled by Mr. Burnham of Kittery, pending passage to be enacted)

(H. P. No. 435) (L. D. No. 659)

An act relating to taking of white fish in Mattawamkeag Lake

(H. P. No. 605) (L. D. No. 161)

An act relative to the Aroostook Valley Railroad Company

(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

(H. P. No. 856) (L. D. No. 248)

An act relating to leases, consolidations and mortgages by public utilities

(H. P. No. 857) (L. D. No. 249)

An act providing penalties for boarding freight trains without right

(H. P. No. 858) (L. D. No. 250)

An act relating to wilful or malicious injury to property of any railroad

(H. P. No. 1181) (L. D. No. 387)

An act relating to the counting and sealing of ballots

(Tabled by Mr. Hill of South Portland, pending passage to be enacted)

(H. P. No. 1308) (L. D. No. 567)

An act relating to equalization of tuition expenses

#### Finally Passed

(H. P. No. 566) (L. D. No. 660)

Resolve relating to closing Pettengill Stream

(H. P. No. 568) (L. D. No. 661)

Resolve relating 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

#### Orders of the Day

The SPEAKER: Under Orders of the Day the Chair wishes to announce the appointment of the following Conference Committee on bill an act to amend the law relating to school age, S. P. 130, L. D. 51: The gentleman from Penobscot, Mr. Devereux, the gentleman from Weston, Mr. Crowell, and the gentleman from Randolph, Mr. Fowles.

On motion by Mr. Fortin of Lewiston, the House voted to reconsider its action of yesterday whereby it accepted the ought not to pass report of the committee on Legal Affairs on bill an act relating to terms and salaries of city of Lewiston officials, H. P. 954, L. D. 173; and on further motion by the same gentleman the bill and report were re-committed to the committee on Legal Affairs.

On motion by Mr. Davis of Fairfield, the House voted to reconsider its action taken earlier in today's session whereby it accepted the ought not to pass report of the committee on Interior Waters on bill an act relative to regulating the high and low water mark on Lake Moxie, H. P. 1129, L. D. 328; and on further motion by the same gentleman the bill and report were

tabled pending acceptance of the report.

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On motion by Mr. Willey of Falmouth, the House voted to take from the table the first unassigned matter, House Amendment A to bill an act relating to corporations without capital stock, H. P. 1213, L. D. 460, tabled by that gentleman on March 5th pending adoption; and

on further motion by the same gentleman House Amendment A was adopted, and the bill as amended was assigned for its third reading tomorrow morning.

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On motion by Mr. Cole of West Gardiner,

Adjourned until ten o'clock tomorrow morning.