

# 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**

Friday, March 22, 1935.

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

Prayer by the Rev. Mr. McWhorter of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills in First Reading**

S. P. 641, L. D. 806: An act relating to the practice of dentistry.

S. P. 642, L. D. 807: Resolve protecting cod, haddock and other ground fish in certain waters adjacent to Hancock county.

S. P. 405, L. D. 525: An act relating to capital stock of trust and banking companies.

S. P. 354, L. D. 341: An act relating to group insurance.

S. P. 202, L. D. 150: An act to provide for further issuance of State bonds for highway construction.

S. P. 442, L. D. 477: Resolve proposing an amendment to the Constitution to provide for an additional issue of highway bonds.

From the Senate: Report of the committee on Library on resolve for the purchase of two hundred copies of "A History of Banking in Maine 1799-1930." S. P. 226, reporting same in a new draft, S. P. 634, L. D. 795, under title of resolve for the purchase of one hundred copies of "A History of Banking in Maine, 1799-1930" and that it ought to pass.

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, on motion by Mr. Thompson of Belfast, tabled pending acceptance of the report in concurrence and specially assigned for later in today's session.

From the Senate: Report of the committee on Library on resolve for the purchase of two hundred copies of "A Bibliography of the State of Maine, 1892 to 1933," S. P. 116, reporting same in a new draft, S. P. 635, L. D. 794, under title of resolve for the purchase of one hundred copies of "A Bibliography of the State of Maine, 1892 to 1933" and that it ought to pass.

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, on motion by Mr. Thompson of Belfast, tabled pending acceptance of the report in concurrence and specially assigned for later in today's session.

From the Senate: Report of the committee on Library reporting ought to pass on resolve for the purchase of one hundred copies of "The Financial History of Maine, 1820 to 1934," S. P. 179, L. D. 791.

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, on motion by Mr. Thompson of Belfast, tabled pending acceptance of the report in concurrence and specially assigned for later in today's session.

From the Senate: Majority report of the Committee on Judiciary on bill an act creating the Portland Public Improvement Commission (S. P. No. 331) (L. D. No. 340) reporting same in a new draft (S. P. No. 637) (L. D. No. 793) under same title and that it ought to pass.

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

Minority report of same Committee reporting ought not to pass on same bill.

Report was signed by the following members: Messrs. Fernald of Waldo of the Senate, Willey of Falmouth of the House.

Comes from the Senate majority report read and accepted and the new draft passed to be engrossed.

In the House:

Mr. BRAMSON of Portland: Mr. Speaker, I move that both reports be tabled pending acceptance of either, and be specially assigned for Thursday, March 28th.

A viva voce vote being doubted,

A division of the House was had, Fifty-one voting in the affirmative and none in the negative, both reports were tabled pending acceptance of either and specially assigned for Thursday, March 28th.

From the Senate: Majority report of the Committee on Judiciary reporting ought not to pass on bill an act granting preference to Maine bidders (S. P. No. 113) (L. D. No. 24)

Report was signed by the following members: Messrs. Burkett of Cumberland, Burns of Aroostook, of

the Senate. Hill of So. Portland, Philbrick of Cape Elizabeth, Gray of Presque Isle, Weatherbee of Lincoln, Jacobson of Portland, Vaughan of So. Berwick, Willey of Falmouth, of the House.

Minority report of 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. Willey of Falmouth, majority report accepted in concurrence.

The SPEAKER: The Clerk will read the ought not pass reports en bloc, and if a member wishes to table, please table them when the Clerk reads the report.

#### Reports of Committees

Mr. Davis from the Committee on Banks and Banking reported ought not to pass on bill an act relating to the deposit of certain securities in banks (H. P. No. 1201) (L. D. No. 451)

Mr. Scates from same Committee reported same on bill an act relating to regulation of loans (H. P. No. 420) (L. D. No. 113)

Mr. Sewall from same Committee reported same on bill an act relating to dealers in securities (H. P. No. 1301) (L. D. No. 614)

Same gentleman from same Committee reported same on bill an act relating to small loans (H. P. No. 1199) (L. D. No. 449)

(Tabled by Mr. Mace of Augusta pending acceptance of the report, and specially assigned for Tuesday, March 26th)

Mr. Cambridge from the Committee on Claims reported same on resolve in favor of the town of Winterport (H. P. No. 663)

Mr. Hill from the Committee on Judiciary reported same on bill an act relating to insurance of motor vehicles carrying passengers for hire (H. P. No. 1243) (L. D. No. 556)

(Tabled by Mr. Thompson of Chelsea, pending acceptance of the report and specially assigned for Wednesday, March 27th)

Mr. Jacobson from same Committee reported same on bill an act relative to settlement of estates of absentees (H. P. No. 1235) (L. D. No. 549)

Same gentleman from same Committee reported same on bill an act relating to an inheritance and es-

tate tax law (H. P. No. 1318) (L. D. No. 571)

Mr. Philbrick from same Committee reported same on bill an act to authorize separate judgments on separate counts (H. P. No. 1185) (L. D. No. 391)

Mr. Vaughan from same Committee reported same on bill an act to authorize certain tax collectors to appoint deputies (H. P. No. 1216) (L. D. No. 444)

Mr. Weatherbee from same Committee reported same on bill an act relating to enforcement of liens for taxes (H. P. No. 1239) (L. D. No. 553)

Mr. Willey from same Committee reported same on resolve proposing an amendment to the Constitution providing for filling of vacancies in the Legislature (H. P. No. 144) (L. D. No. 46)

Same gentleman from same Committee reported same on bill an act relating to applications for licenses. (H. P. No. 443) (L. D. No. 121)

(Tabled by Mr. Young of York, pending acceptance of the report, and specially assigned for Tuesday, March 26th.)

Mr. Donahue from the Committee on Legal Affairs reported same on bill an act to provide a permanent Chief Engineer of the Fire Department of the city of Westbrook. (H. P. No. 842) (L. D. No. 288)

Mr. Hall from the Committee on Military Affairs reported same on resolve in favor of issuing medals to certain members of the Maine Naval Militia. (H. P. No. 1153)

Mr. Allan from the Committee on Taxation reported same on bill an act relating to taxation. (H. P. No. 1358) (L. D. No. 470)

Same gentleman from same Committee reported same on bill an act defining the railroad location. (H. P. No. 1222) (L. D. No. 600)

(Tabled by Mr. Eveleth of Portland, pending acceptance of the report and specially assigned for Wednesday, March 27th.)

Mr. Martin from same Committee reported same on bill an act relating to taxation of national bank deposits. (H. P. No. 863) (L. D. No. 251)

(Tabled by Mr. Scates of Westbrook, pending acceptance of the report, and specially assigned for Tuesday, March 26th.)

Same gentleman from same Committee reported same on resolve in

favor of the town of Lincolnville. (H. P. No. 1299) (L. D. No. 612)

Mr. Campbell from the Committee on Ways and Bridges reported same on bill an act relating to the Mill Tax highway fund. (H. P. No. 507) (L. D. No. 163)

(Tabled by Mr. Ellis of Castle Hill, pending acceptance of the report and specially assigned for Tuesday, March 26th.)

Same gentleman from same Committee reported same on bill an act changing the State Highway Commission to a full time one man commission. (H. P. No. 1287) (L. D. No. 604)

Mr. Young from same Committee reported same on bill an act relating to maintenance of third class and special resolve highways (H. P. No. 219) (L. D. No. 68) as the subject matter is covered in another bill.

Reports read and accepted and sent up for concurrence.

Mr. Chase of Baring from the Committee on Legal Affairs on bill an act to provide a Town Council and Manager form of Government for the town of Richmond in the county of Sagadahoc (H. P. No. 1074) (L. D. No. 410) reported same in a new draft (H. P. No. 1787) under same title and that it ought to pass

Mr. Chase of Sebec from same Committee on bill an act to provide a Manager form of Government for the town of Rumford (H. P. No. 843) (L. D. No. 289) reported same in a new draft (H. P. No. 1788) under same title and that it ought to pass

Mr. Higgins from same Committee on bill an act relating to the charter of the city of Auburn (H. P. No. 1073) (L. D. No. 409) reported same in a new draft (H. P. No. 1789) under same title and that it ought to pass

Mr. Webber from the Committee on Library on resolve in favor of purchase of copies of "The History of Oxford County" (H. P. No. 205) reported same in a new draft (H. P. No. 1790) under same title and that it ought to pass

Mr. Clark from the Committee on Pensions on resolve providing for a State pension for Winifred Parker of Presque Isle (H. P. No. 1013) reported same in a new draft (H. P. No. 1791) under same title and that it ought to pass

Mr. Cole from same Committee on resolve providing for support of

Mrs. James P. Young and children of Blaine (H. P. No. 469) reported same in a new draft (H. P. No. 1792) under title of resolve providing for State pension in favor of Mrs. James P. Young of Blaine and that it ought to pass

Mr. Payson from same Committee on resolve providing for a State pension for Charles W. Shorey of Waldo (H. P. No. 1022) reported same in a new draft (H. P. No. 1792) under title of resolve pro-  
ought to pass

Mr. Richardson from same Committee on bill an act to provide for old age pensions (H. P. No. 1272) (L. D. No. 566) reported same in a new draft (H. P. No. 1794) under same title and that it ought to pass

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

Mr. Young from the Committee on Ways and Bridges reported ought to pass on bill an act exempting pedestrians from paying toll on the Waldo-Hancock Bridge (H. P. No. 16) (L. D. No. 4)

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

#### **First Reading of Printed Bills and Resolves**

(H. P. No. 1775) (L. D. 810) An act relating to the recordings of county reports.

(H. P. No. 1776) (L. D. No. 811) An act relative to qualifications of applicants for admission to the Bar.

(Tabled by Mr. Connolly of Portland, pending first reading, and specially assigned for Tuesday, March 26th.)

(H. P. No. 1777) (L. D. No. 814) An act relating to the use of reflectors on commercial vehicles.

(H. P. No. 1778) (L. D. No. 815) An act to provide a Town Council and Manager form of Government for the town of Oakland, in the county of Kennebec.

(H. P. No. 1786) (L. D. No. 812) Resolve in favor of certain World War veterans.

#### **Passed to be Engrossed**

(S. P. No. 232) (L. D. No. 191) An act to amend Section 386 of Chapter I of the Public Laws of 1933 relating to girls at State School for Girls.

(S. P. No. 381) (L. D. 398) An act relating to pauper settlement of Indians.

(S. P. No. 433) (L. D. 519) An act

relating to time limit on notices in re hearings on licenses for wharves and fish weirs.

(S. P. 633) (L. D. 790) An act to amend Section 14 of Chapter 147 of the Revised Statutes relating to violation of terms of probation.

(H. P. No. 1768) (L. D. No. 799) An act relating to aid to libraries, expenses of State Historian, compensation and expenses of Geologist, topographic mapping, and abolishment of grade crossings.

(H. P. No. 1770) (L. D. No. 800) An act to amend the law relating to teachers' pensions.

(H. P. No. 1771) (L. D. No. 805) An act to incorporate the Lincoln Water District

(H. P. No. 1772) (L. D. No. 801) An act for the regulation of cosmetics

(H. P. No. 1159) (L. D. No. 803) Resolve regulating smelt fishing in Abagadassett River

(H. P. No. 1769) (L. D. No. 804) Resolve in favor of Bessie M. Dunton of Moscow

(H. P. No. 147) (L. D. No. 49) An act creating a State Lottery Commission

Mr. HIGGINS of Ellsworth: Mr. Speaker, I had intended to move the indefinite postponement of this bill, but in view of the fact that there are many absentees for the moment, it seems an unfair proposition, so I will move that this bill lie on the table pending third reading and be specially assigned for Tuesday, March 26th.

The motion prevailed and the bill was so tabled.

#### Passed to be Engrossed, continued

H. P. 1058, L. D. 802: Resolve relative to fishing in Middle Range Pond in Poland.

#### Passed to be Enacted

H. P. 1190, L. D. 392: An act relating to the sale of prophylactic rubber goods for the prevention of venereal and other diseases.

Mr. WORTHEN of Corinth: Mr. Speaker, I move the indefinite postponement of this bill.

On motion by Mr. Carswell of Gorham, tabled pending the motion of Mr. Worthen of Corinth to indefinitely postpone and specially assigned for Tuesday, March 26th.

#### Passed to Be Enacted (Continued)

(H. P. No. 1728) (L. D. No. 760) An act relative to qualification of voters.

(H. P. No. 1730) (L. D. No. 761)

An act creating the Port of Calais Authority.

#### Finally Passed

(H. P. No. 1171) (L. D. No. 762) Resolve relating to fishing in Great Meadow Stream.

#### Orders of the Day

The SPEAKER: The Chair announces the following committee on the act relating to the use of materials in the construction of public projects in which the two branches failed to concur: Messrs. Sleeper of Rockland, Elliot of Thomaston and Mace of Augusta.

The Chair lays before the House the following matter of unfinished business, bill an act to amend the city charter of Bangor, H. P. 1529, L. D. 674, which was passed to be engrossed in the House on March 5th, came from the Senate passed to be engrossed as amended by Senate Amendment B in non-concurrence, tabled March 20th by the gentleman from Bangor, Mr. Eddy, pending further consideration; and the Chair recognizes that gentleman.

On motion by Mr. Eddy the House voted to insist upon its former action and asked for a committee of Conference.

Thereupon, the Chair appointed on the committee of Conference the following members: The gentleman from Bangor, Mr. Eddy, the gentleman from Bangor, Mr. Hathorn, and the member from Bangor, Mrs. Currier.

The Chair lays before the House the first matter tabled and today assigned, Senate report ought to pass of the committee on Judiciary on bill an act relating to optometry, S. P. 162, L. D. 93, tabled on March 20th by the gentleman from Augusta, Mr. Mace, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. MACE: Mr. Speaker, I would like to ask the indulgence of the members of this House and have this matter retabled until next Tuesday.

Thereupon, the bill and report were retabled and specially assigned for Tuesday, March 26th.

The Chair lays before the House the second matter tabled and today assigned, House report ought not to pass of the committee on Public

Utilities on bill an act relating to the Public Utilities Commission, H. P. 1351, L. D. 589, tabled on March 20th by the gentleman from Hampden, Mr. Leonard, pending acceptance; and the Chair recognizes that gentleman.

Mr. LEONARD: Mr. Speaker and members of the House: I tabled this bill so that it could receive a little more consideration and discussion. It simply provides that this Commission can spend the small yearly amount allowed them. At present they cannot spend one cent for office supplies, even, without the consent of the Governor and Council. No Governor and Council of this State were ever confronted with so many vital things both inside and outside this State, and smaller matters are apt to be pushed aside.

The increase of wages for an employee in any department is a very rare occurrence. The heads of departments want to be fair. In hiring new help, they pay more than they should because they know these clerks will never receive more, no matter how efficient they may become. There is no incentive for clerks to take a great interest in their work. Should one excel under these conditions, they step out into a new position and another one has to be trained on a middle-of-the-road salary.

Other departments spending large sums now have this right, and recently the Liquor Commission was given this authority. This Utilities Commission, the court of the people, could and should be trusted above all other departments with this privilege.

Mr. Speaker, I move that the bill be substituted for the report, and that it have a passage.

The SPEAKER: The gentleman from Hampden, Mr. Leonard, moves that the bill be substituted for the report not to pass report.

Mr. HATHORN of Bangor: Mr. Speaker, do I understand that the gentleman moves the acceptance of the report?

The SPEAKER: The gentleman does not; he moves that the bill be substituted for the report, which is ought not to pass.

Mr. HATHORN: Mr. Speaker, I signed the report not to pass report of the committee on the bill. I will say that when the committee heard this bill there was just one proponent of the bill, and there was no opponent at all. After the

hearing on the bill, and checking up on it, we found that the Utilities Commission, to our satisfaction, did not want the bill passed. They are not interested in having the bill passed. They say they are not having any difficulty in handling the Commission as is. The Commission thought that the bill should not pass, and it came out of the committee with a unanimous report ought not to pass. I make the motion that the report of the committee be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Hampden, Mr. Leonard, to substitute the bill for the report not to pass report of the committee on Public Utilities on bill an act relating to the Public Utilities Commission. Is the House ready for the question? All those in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion did not prevail; and on motion of the gentleman from Bangor, Mr. Hathorn, the House accepted the report not to pass report of the committee.

The Chair lays before the House the third matter tabled and today assigned, bill an act relating to sealers of weights and measures, H. P. 1750, L. D. 767, tabled on March 20th by the gentleman from East Machias, Mr. Lindsey, pending third reading; and the Chair recognizes that gentleman.

Mr. LINDSEY: Mr. Speaker and members of the House: I tabled this matter pending third reading, for further consideration. I see no reason for Section 22-A, as the law as it now is covers the matter. I move the indefinite postponement of the bill.

The SPEAKER: The gentleman from East Machias, Mr. Lindsey, now moves the indefinite postponement of bill an act relating to sealers of weights and measures, the third matter on the House Calendar. Is the House ready for the question?

Mr. HILL of South Portland: Mr. Speaker, this bill came before the committee on Judiciary and was discussed at some length, and was carefully considered by the committee. The committee did not feel that the point is covered by the law as it exists at present. I hope that the motion of the gentleman from East Machias (Mr. Lindsey) will not prevail.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from East Machias, Mr. Lindsey, that the bill be indefinitely postponed. All those in favor of the motion will say aye; those opposed no.

A viva voce vote being doubted, a division of the House was had.

Fifty-six having voted in the affirmative and 66 in the negative, the motion did not prevail; and on motion by Mr. Hill of South Portland, the bill was given its third reading and was passed to be engrossed.

The Chair lays before the House the fourth matter tabled and today assigned, House report ought not to pass of the committee on Claims on resolve in favor of the city of Belfast, H. P. 580, tabled on March 21 by the gentleman from Belfast, Mr. Thompson, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Thompson, the report of the committee was accepted.

The Chair lays before the House the fifth matter tabled and today assigned, House report ought not to pass of the committee on Claims on resolve in favor of the town of Jackson, H. P. 188, tabled March 21 by the gentleman from Brooks, Mr. Payson, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Payson, the report of the committee was accepted.

The Chair lays before the House the sixth matter tabled and today assigned, House report ought not to pass of the committee on Claims on resolve to reimburse the city of Portland for the support of Robert Burgoyne and family, H. P. 759, tabled on March 21 by the member from Portland, Mrs. Kilroy, pending acceptance; and the Chair recognizes that member.

On motion by Mrs. Kilroy, the report of the committee was accepted.

The Chair lays before the House the seventh matter tabled and today assigned, House report ought not to pass of the committee on Mercantile Affairs and Insurance on bill an act relating to the qualification of agents of insurance companies which insure only members of non-political, secret, fraternal and ritu-

alistic organizations, H. P. 1152, L. D. 372, tabled on March 21 by the gentleman from Hollis, Mr. Deering, pending acceptance; and the Chair recognizes that gentleman.

On motion by Mr. Deering, the report of the committee was accepted.

The Chair lays before the House the matter tabled earlier in today's session by Mr. Thompson of Belfast, being Senate report of the committee on Library in new draft, S. P. 634, L. D. 795, under title of resolve for the purchase of one hundred copies of "A History of Banking in Maine, 1799-1930," and that it ought to pass; and the Chair recognizes that gentleman.

On motion by Mr. Thompson, the report of the committee was accepted in concurrence, the resolve had its first reading and tomorrow assigned.

The Chair lays before the House the matter tabled earlier in today's session by Mr. Thompson of Belfast, being Senate report of the committee on Library in new draft, S. P. 635, L. D. 794, under title of resolve for the purchase of one hundred copies of "A Bibliography of the State of Maine, 1892-1933," and that it ought to pass; and the Chair recognizes that gentleman.

On motion by Mr. Thompson the report of the committee was accepted in concurrence, the resolve had its first reading and tomorrow assigned.

The Chair lays before the House the matter tabled earlier in today's session by Mr. Thompson of Belfast, being Senate report of the committee on Library reporting ought to pass on resolve for the purchase of one hundred copies of "The Financial History of Maine, 1820 to 1934," S. P. 179, L. D. 791; and the Chair recognizes that gentleman.

On motion by Mr. Thompson the report of the committee was accepted in concurrence, the resolve had its first reading and tomorrow assigned.

Mr. THOMPSON of Belfast: Mr. Speaker, I beg the indulgence of the House. I would like to offer House Amendments to all three of the foregoing resolves, but if it will expedite matters I can do it before the second reading.



Mr. TUPPER of Calais: Mr. Speaker, yesterday I tabled the eighth specially assigned matter for next Tuesday, but if there is no objection, I would like to take it from the table today.

Mr. SCATES of Westbrook: Mr. Speaker, it does not seem to me to be hardly fair, when a bill is assigned for hearing on a specific day that it be taken up prior to that day.

The SPEAKER: It sets up a very bad precedence when matters are assigned for a day certain to take them from the table before that day arrives.

Mr. TUPPER: Mr. Speaker, I will withdraw my motion.

The SPEAKER: The Chair thanks the gentleman.

On motion by Mr. Chase of Bar-  
ing, it was voted to take from the  
table the second unassigned mat-  
ter. House report ought to pass in  
new draft on bill an act relating to  
banking, loan and building associa-  
tions, small loan agencies, dealers  
in securities, H. P. 1774, L. D. 813,  
tabled by that gentleman March 21,  
pending acceptance of the report.

On motion by Mr. Chase the re-  
port was accepted, the bill had its  
two several readings under suspen-  
sion of the rules and tomorrow as-  
signed.

The SPEAKER: A paper from  
the Senate, out of order and not  
on the Calendar.

Ordered, the House concurring,  
that the Secretary of the Senate be  
directed to return from the files of  
the Senate to the Senate, S. P. 422,  
L. D. 510, entitled an act relating to  
support of paupers or other depen-  
dent persons falling into dis-  
tress (S. P. 657)

Comes from the Senate, read and  
passed.

In the House:

Mr. ELLIS of Rangeley: Mr.  
Speaker, I wish to offer House  
Amendment A and move its adop-  
tion.

House Amendment A. Amend  
said order by inserting after the  
word "the" in the second line of  
the Order, the word "legislative".

And further amend said order  
by striking out in the third line  
thereof the words "of the Senate".

Thereupon House Amendment A  
was adopted, and the order as  
amended was passed in non-con-  
currence.

On motion by Mr. Carleton of  
Alna.

Adjourned until nine o'clock to-  
morrow morning.