

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

Saturday, March 30, 1935.

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

Prayer by the Rev. Mr. Milligan of Gardiner.

Journal of the previous session read and approved.

(Mr. Tupper of Calais assumed the Chair as Speaker pro tem, amid the applause of the House.)

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Ways and Bridges on bill an act to establish stations for weighing trucks, S. P. 443, L. D. 478, reporting same in new draft, S. P. 693, L. D. 857, under same title and that it ought to pass.

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

In the House, report read and accepted in concurrence, and the bill received its first two readings.

(Senate Amendment A read by the Clerk)

Thereupon Senate Amendment A was adopted in concurrence, and next legislative day assigned for its third reading.

From the Senate: Majority report of the committee on Judiciary reporting ought not to pass on bill an act relating to the office of sheriff (S. P. No. 156) (L. D. No. 87)

Report was signed by the following members:

Messrs. Burkett of Cumberland, Burns of Aroostook, of the Senate; Willey of Falmouth, Hill of South Portland, Vaughan of South Berwick, Weatherbee of Lincoln, Philbrick of Cape Elizabeth, Jacobson of Portland, Gray of Presque Isle, of the House.

Minority report of same committee on same bill reporting same in a new draft (S. P. No. 703) and that it ought to pass.

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. Hill of South Portland, majority report read and accepted in concurrence.

From the Senate: Bill an act relating to delinquency in payment of insurance assessments, H. P. 1752, L. D. 769, which was passed to be engrossed in the House on March 26th.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, that body voted to recede and concur with the Senate.

From the Senate: Bill an act relating to secret ballot at town meetings, S. P. 414, L. D. 535, which was indefinitely postponed in the House on March 28th in non-concurrence.

Comes from the Senate that body insisting on its former action whereby the bill was passed to be engrossed and asking for a committee of Conference, with the following conferees appointed on its part: Messrs. Burns of Aroostook, Winn of Androscoggin and Miss Martin of Penobscot.

In the House, on motion by Mr. Lebel of Brunswick, it was voted to adhere.

COMMUNICATION FROM THE DEPARTMENT OF EDUCATION STATE OF MAINE

DEPARTMENT OF EDUCATION
AUGUSTA

March 30, 1935.

Hon. Nathaniel Tompkins,
Speaker House of Representatives,
Augusta, Maine.

My dear Sir:

Pursuant to an order passed by the House on March 28, I am submitting herewith the information called for.

Respectfully,

(Signed) BERTRAM E. PACKARD
Commissioner of Education.

Communication read, and on motion by Mr. Story of Washburn was ordered placed on file.

Mr. Clarke of Cooper presented the following order and moved its passage:

In House of Representatives

March 30, 1935.

WHEREAS there is now pending before the House of Representatives a bill providing for an increase in resident hunting and fishing license fees, such bill being bill "An Act Relative to Resident Fishing and Hunting Licenses" (S. P. No. 132) (L. D. No. 79);

AND WHEREAS said bill origi-

nated in the Senate and not in the House of Representatives;

AND WHEREAS the constitutionality of said measure has been questioned, and it is important that the Legislature be informed as to the constitutionality of the proposed measure;

NOW THEREFORE BE IT ORDERED that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House, according to the provisions of the Constitution on this behalf, their opinion on the following question, to wit:

Is the proposed legislation a measure to raise revenue within the meaning of Section 9 of Article IV of the Constitution, which required that revenue bills shall originate in the House of Representatives?

The SPEAKER pro tem: The order will lie on the table under Rule 46.

Mr. DRISKO of Jonesboro: Mr. Speaker, I wish to present a Memorial to Congress and move its adoption. In explanation I would like to say that this is a local proposition having reference to Chandler river and its dredging, and I am presenting it at the request of our Congressman, Honorable Ralph O. Brewster. I wish to have this Memorial put through.

The SPEAKER pro tem: The Clerk will read the Memorial.

Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress assembled.

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 your honorable body as follows:

WHEREAS, the deposit of sawdust from mills with alluvial deposits has made it impossible for large barges to navigate the Chandler river, and

WHEREAS, it is not possible to economically transport the products of the district unless the products are moved in large quantities; 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 necessary action shall be taken by the Congress, so that Chandler river in the State of Maine will be dredged so that the

channel will be clear from obstruction as far as it is navigable, 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 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. (H. P. 1839)

The Memorial was received under suspension of the rules and adopted by the House, and on further motion by Mr. Drisko was ordered sent to the Senate forthwith.

Reports of Committees

Mr. Clarke from the Committee on Indian Affairs reported ought not to pass on bill an act relating to the Indian Island Ferry (H. P. No. 828) (L. D. No. 281)

Dr. Donahue from the Committee on Legal Affairs reported same on bill an act to incorporate the Eastport Water District (H. P. No. 1066) (L. D. No. 396)

Mr. Donovan from the Committee on Mines and Mining reported same on bill an act relating to the creation of a Bureau of Mining for research purposes (H. P. No. 1341) (L. D. No. 548) as legislation proposed is already covered by statutes.

Mr. Bramson from the Committee on Pensions reported same on resolve providing for a State pension for Ella E. Austin of Washington (H. P. No. 988)

Same gentleman from same Committee reported same on resolve providing for a State pension for Lillis A. Taylor of Gardiner (H. P. 1014)

Same gentleman from same Committee reported same on resolve providing for a State pension for Hiram J. Ide of Winterport (H. P. No. 1015)

Same gentleman from same Committee reported same on resolve providing for a State pension for Lorenzo D. Hill of Winterport (H. P. No. 1016)

Same gentleman from same Committee reported same on resolve providing for a State pension for Geneva Morton of Garland (H. P. No. 1018)

Same gentleman from same Committee reported same on resolve providing for a State pension for John L. Allen of Patten (H. P. No. 1020)

Same gentleman from same Committee reported same on resolve providing for a State pension for William H. Cunningham, of Nobleboro (H. P. No. 1032)

Same gentleman from same Committee reported same on resolve providing for a State pension for Ernest A. Demuth of Nobleboro (H. P. No. 1033)

Same gentleman from same Committee reported same on resolve in favor of Charles T. Powers of Farmingdale (H. P. No. 1038)

Same gentleman from same Committee reported same on resolve providing for a State pension for Mabel Pearson of Thorndike (H. P. No. 1041)

Same gentleman from same Committee reported same on resolve providing for a State pension for Charles Libby of Belgrade (H. P. No. 1100)

Same gentleman from same Committee reported same on resolve providing for a State pension for Edward T. Gray of Litchfield (H. P. No. 1276)

Same gentleman from same Committee reported same on resolve providing for a State pension for Seth Goodwin of Chelsea (H. P. No. 1250)

Same gentleman from same Committee reported same on resolve providing for a State pension for Charles S. Ring of Litchfield (H. P. No. 1279)

Same gentleman from same Committee reported same on resolve in favor of Mrs. Napoleon Lajeunesse of Lewiston (H. P. No. 1343)

Mr. Clark from same Committee reported same on resolve providing a State pension for Emma J. Lane of Readfield (H. P. No. 313)

Same gentleman from same Committee reported same on resolve providing for a State pension for Hattie Brackett of Stacyville Plantation (H. P. No. 463)

Same gentleman from same Committee reported same on resolve in favor of Henry Oban of Chelsea (H. P. No. 464)

Same gentleman from same Committee reported same on resolve in favor of Selma Hamilton of China for State pension (H. P. No. 474)

Same gentleman from same Committee reported same on resolve in favor of Joseph E. Colby of China for State pension (H. P. No. 476)

Same gentleman from same Committee reported same on resolve in

favor of John E. Parker of China for State pension (H. P. No. 477)

Same gentleman from same Committee reported same on resolve providing for a State pension for Willie Irving Wood of Belfast (H. P. No. 485)

Same gentleman from same Committee reported same on resolve providing for a State pension for Hosea Thomas of Morrill (H. P. No. 488)

Same gentleman from same Committee reported same on resolve providing for a State pension for Nettie S. Gordon of Belmont (H. P. No. 490)

Same gentleman from same Committee reported same on resolve providing for a State pension for Ada B. Massure of Winterport (H. P. No. 311)

Same gentleman from same Committee reported same on resolve providing for a State pension for Colby Carl of Montville (H. P. No. 491)

Same gentleman from same Committee reported same on resolve providing for a State pension for Alton L. Heal of Lincolnville (H. P. No. 492)

Same gentleman from same Committee reported same on resolve in favor of Fred L. York of Carmel (H. P. No. 668)

Same gentleman from same Committee reported same on resolve providing for a State pension for Clara M. Harriman of Searsport (H. P. No. 677)

Same gentleman from same Committee reported same on resolve providing for a State pension for Everett Curtis of Northport (H. P. No. 681)

Same gentleman from same Committee reported same on resolve providing for a State pension for M. A. Benner of Palermo (H. P. No. 682)

Same gentleman from same Committee reported same on resolve providing for a State pension for Rosa M. Boynton of Montville (H. P. No. 684)

Same gentleman from same Committee reported same on resolve in favor of Fannie Pike Bean of Oakland (H. P. No. 687)

Mr. Seabury from the Committee on Towns reported same on bill an act relating to certain islands in Frenchmen's Bay (H. P. No. 1164) (L. D. No. 337)

Mr. Lewis from the Committee on Sea and Shore Fisheries report-

ed same on resolve relating to close time on lobsters west of Petit Manan Point (H. P. No. 1082) (L. D. No. 325)

Mr. Harriman from same Committee on petition of Hollis Robinson and 69 others in favor of retention of present clam laws for Machiasport (H. P. No. 1157) reported that same be placed on file. Reports read and accepted and sent up for concurrence.

Mr. Clarke from the Committee on Indian Affairs on bill an act relating to Indians (H. P. No. 827) (L. D. No. 280) reported same in a new draft (H. P. No. 1835) under same title and that it ought to pass

Mr. Chase of Baring from the Committee on Legal Affairs on bill an act to grant a new charter to the city of Eastport (H. P. No. 1067) (L. D. No. 415) reported same in a new draft (H. P. No. 1836) under same title and that it ought to pass

Mr. Russ from the Committee on Mines and Mining on bill an act relative to mines and minerals (H. P. No. 1221) (L. D. No. 440) reported same in a new draft (H. P. No. 1837) under same title and that it ought to pass

Mr. Carswell from the Committee on Public Health to which was re-committed bill an act relating to the sale of prophylactic rubber goods for prevention of venereal and other diseases (H. P. No. 1190) (L. D. No. 392) reported same in a new draft (H. P. No. 1838) under same title and that it ought to pass

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

Mr. Clarke from the Committee on Indian Affairs reported ought to pass on bill an act relating to census of the Penobscot Indians (H. P. No. 826) (L. D. No. 279)

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

Majority report of the committee on Judiciary on bill an act relating to cities and towns refunding indebtedness (H. P. No. 1260) (L. D. No. 491) reporting same in a new draft (H. P. No. 1833) 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 South Portland
Philbrick of Cape Elizabeth
Jacobson of Portland
Weatherbee of Lincoln
Gray of Presque Isle
Vaughan of South Berwick
—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.

On motion by Mr. Philbrick of Cape Elizabeth the majority report, ought to pass in new draft, was accepted, and the new draft ordered printed under the Joint Rules.

Majority report of the Committee on Judiciary on bill an act relating to the conveyance of property for support (H. P. No. 1325) (L. D. No. 578) reporting same in a new draft (H. P. No. 1832) 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.

Weatherbee of Lincoln
Jacobson of Portland
Philbrick of Cape Elizabeth
Hill of South Portland
Gray of Presque Isle
Vaughan of South Berwick
—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.

On motion by Mr. Philbrick of Cape Elizabeth the majority report, ought to pass in new draft, was accepted, and the new draft ordered printed under the Joint Rules.

First Reading of Printed Bills and Resolves

(H. P. No. 705) (L. D. No. 877) An act relating to construction of State Aid roads in Indian Township.

(H. P. No. 1823) (L. D. No. 875) An act relating to deputy sheriffs.

(H. P. No. 1825) (L. D. No. 876) An act relating to Game Preserve at Back Bay, Portland.

(H. P. No. 1827) (L. D. No. 878)
An act relating to the Bingham Water District.

(H. P. No. 1829) (L. D. No. 879)
An act relative to open season on fur bearing animals.

(H. P. No. 1830) (L. D. No. 880)
An act relating to collection agencies.

(Tabled by Mr. Doyle of Skowhegan, pending assignment for third reading, and specially assigned for Tuesday, April 2)

(H. P. No. 1831) (L. D. No. 881)
An act relating to maintenance and snow removal on highways.

(Tabled by Mr. Clarke of Cooper, pending assignment for third reading and specially assigned for Tuesday, April 2).

(H. P. No. 1828) (L. D. No. 882)
Resolve regulating fishing in tributaries to Pleasant Pond in Kennebec and Sagadahoc Counties.

Passed to be Engrossed

(H. P. No. 1816) (L. D. No. 866)
An act relative to Game Preserve in York County.

(H. P. No. 1817) (L. D. No. 867)
An act relating to the South Portland Sewerage District.

(Tabled by Mr. Hill of South Portland, pending passage to be engrossed, and specially assigned for Tuesday, April 2)

(H. P. No. 1818) (L. D. No. 868)
An act to designate New Year's Day as a legal holiday.

(H. P. No. 1819) (L. D. No. 869)
An act providing for the manufacture of motor vehicle registration plates for the use of the State at the State Prison.

(H. P. No. 1820) (L. D. No. 872)
An act to define the powers of the State Liquor Commission.

(Tabled by Mr. Crowell of Weston, pending passage to be engrossed, and specially assigned for Tuesday, April 2)

(S. P. No. 409) (L. D. No. 526)
Resolve in favor of the Maine Guides Association.

(S. P. No. 691) (L. D. No. 853)
Resolve appropriating money to pay pauper claims heretofore approved by the Committee on Claims.

(Tabled by Mr. Sewall of Bath, pending second reading, and specially assigned for Friday, April 5th)

(H. P. No. 780) (L. D. No. 870)
Resolve relative to extending open season on white perch.

(H. P. No. 1815) (L. D. No. 871)

Resolve relating to extending the ice fishing season on white perch.

(Speaker Tompkins assumed the Chair, the Speaker pro tem, Mr. Tupper of Calais, being applauded as he resumed his seat)

Mr. FORTIN of Lewiston: Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER: The gentleman may state his point.

Mr. FORTIN: My point of personal privilege is for the welfare and protection of every member of this House, including myself, as we have had a lot of defective gaveling here in the House in the past. Is my point well taken?

The SPEAKER: Your point is well taken. The Clerk also agrees.

Mr. FORTIN: I have always been very much interested, Mr. Speaker, in the protection of life and property. We have had a lot of bad gaveling in the House. Now we all think a lot of Harvey Pease—I know I do—and we all want Harvey to go back home without a bump on his head. We must protect Harvey.

I notice this House has very economical tendencies, which is to be admired. We must save money on our wooden mallets, and I have something with me to replace that mallet, and I will guarantee that it will not break. It can be used not only for the purpose of pounding the table, but it can be used also to quiet some of the unruly ones, including myself.

I hope the Speaker will accept this little mallet; it is big enough and strong enough, and made out of rubber, and accept it without controversy. (Applause)

The SPEAKER: The Chair thanks the gentleman from Lewiston, Mr. Fortin, and in order that the gentleman from Lewiston may not have any further fear of his own personal situation, I am glad to present to him the gavel that was broken yesterday. (Applause)

Mr. FORTIN: I thank you, Mr. Speaker.

Orders of the Day

On motion by Mr. Ellis of Rangeley, the House voted to reconsider its action taken earlier in today's session whereby it voted to recede and concur with the Senate on bill an act relating to delinquency in payment of insurance assessments,

H. P. 1752, L. D. 769; and on further motion by the same gentleman the House voted to insist and ask for a committee of Conference.

The SPEAKER: The Chair will appoint on the committee of Conference Messrs. Ellis of Rangeley, Cambridge of Westfield, and Mace of Augusta.

(Paper from the Senate Out of Order)

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 1st, 1935, at four o'clock in the afternoon, S. P. 704.

Comes from the Senate read and passed.

In the House, read and passed in concurrence.

The Chair lays before the House the first matter tabled and today assigned, House report ought not to pass of the committee on Inland Fisheries and Game on bill an act relating to trapping in Washington and Hancock Counties, H. P. 139, L. D. 41, tabled on March 29 by the gentleman from Jonesboro, Mr. Drisko, pending acceptance; and the Chair recognizes that gentleman.

Mr. DRISKO: Mr. Speaker, as this matter has been taken care of under another bill, I move that we accept the report of the committee.

Thereupon, the report of the committee was accepted.

The Chair lays before the House the second matter tabled and today assigned, bill an act relating to applications for licenses, H. P. 443, L. D. 121, tabled on March 29 by the gentleman from York, Mr. Young, pending first reading; and the Chair recognizes that gentleman.

On motion by Mr. Young the bill was given its first two readings and the same gentleman offered House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. 443, L. D. 121, entitled an act relating to applications for licenses.

Amend said bill by striking out all after the enacting clause, and substituting the following in place thereof:

"R. S., c. 29, additional. Chapter 29 of the revised statutes is hereby amended by adding thereto a new section to be known as Section 33-A, and to read as follows:

'Sec. 33-A. Operators licenses issued, only when poll tax has been paid. No person required by law to pay a poll tax in this State shall be granted an operators license unless his poll tax for the previous year has been paid.

To facilitate the administration of this act, the secretary of state shall cause to be placed on the application blank for an operators license the following question: "Have you paid your poll tax for the previous year?"'"

Thereupon, House Amendment A was adopted.

Mr. YOUNG: Mr. Speaker, as I wish every member of this House to have an opportunity to study this amendment, I now move that the bill and amendment be tabled and that 500 copies of the amendment be printed.

The SPEAKER: Will the gentleman kindly withdraw his motion to table in order that this bill may have its third reading on Monday, and his motion that the amendment be printed can be made as a separate motion.

Thereupon, Mr. Young withdrew his motion and Monday afternoon at four o'clock was assigned as the time for the third reading of the bill; and on further motion by the same gentleman five hundred copies of the amendment were ordered printed.

Order, out of order, from the Senate, read and passed in concurrence.

On motion by Mr. Fortin of Lewiston,

Adjourned until Monday, April 1, at four o'clock in the afternoon.