

# 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

**SENATE**

Thursday, January 31, 1935.

Senate called to order by the President.

Prayer by the Rev. H. M. Gesner of Augusta.

Journal of yesterday read and approved.

On motion by Mr. Blaisdell of Hancock, out of order and under suspension of the rules, it was

**ORDERED**, the House concurring, that when the Senate and House adjourn, they adjourn to meet February 5, 1935, at 4.30 P. M.

Sent down for concurrence.

Subsequently the foregoing order came back from the House, read and passed in concurrence.

From the House:

Bill An Act relating to the protection of elk. (H. P. 95)

In the House on January 10th, 1935, received out of order, read three times under suspension of the rules and passed to be engrossed.

In the Senate on January 15, 1935, received out of order under suspension of the rules, read once, Senate Amendment "A" adopted; read the second time under suspension of the rules, and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House January 16th, 1935 passage to be engrossed reconsidered, Senate Amendment "A" adopted in concurrence and bill passed to be engrossed as amended by Senate Amendment "A" in concurrence.

In the House on January 30th, 1935 indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Blaisdell of Hancock, that body voted to recede and concur with the House in the indefinite postponement of the bill.

Papers from the House disposed of in concurrence.

From the House:

Bill An Act relating to examination of employees by physician or employer. (H. P. 585) (L. D. 164)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. McDonald of Washington, tabled pending reference in concurrence.

From the House:

Bill An Act relating to medical attendance of injured employees. (H. P. 586) (L. D. 165)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. McDonald of Washington, tabled pending reference in concurrence.

From the House:

Bill An Act relating to abortion. (H. P. 590) (L. D. 169)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. McDonald of Washington, tabled pending reference in concurrence.

Additional papers from the House disposed of in concurrence.

**Memorial to Governor and Council**

Mr. Burkett of Cumberland presented

Memorial to the Governor and Council and to the members of the State Highway Commission, in regard to Maine Coast Scenic Highway. (S. P. 317)

Which was read and adopted.

Sent to the House.

The following bills and resolves were received and on recommendation by the committee on reference of bills were referred to the following committees:

**Appropriations and Financial Affairs**

Mr. Schnurle of Cumberland presented "Resolve in Favor of the Children's Service Bureau of Portland, Maine, for Care and Support of Dependent Children." (S. P. 266)

Sent down for concurrence.

**Banks and Banking**

Mr. Fernald of Waldo presented Bill "An Act Relating to the Deposit of State Funds." (S. P. 267)

(500 copies ordered printed.)

Sent down for concurrence.

**Claims**

Mr. Hathaway of Piscataquis presented "Resolve in Favor of the Town of Sangerville, for Support of George F. Millett and Family." (S. P. 268)

Mr. Burns of Aroostook presented "Resolve in Favor of Daniel Bradley." (S. P. 269)

The same Senator presented "Resolve in Favor of Daniel Bradley." (S. P. 270)

The same Senator presented "Re-

solve in Favor of the First National Bank of Houlton, Maine." (S. P. 271)

Mr. Weeks of Somerset presented "Resolve in Favor of F. Harold Dubord, of Waterville." (S. P. 272)

Mr. Burkett of Cumberland presented "Resolve in Favor of Phillip A. Garland, of Portland." (S. P. 273)

Mr. Thatcher of Penobscot presented "Resolve in Favor of Manzie I Rogers." (S. P. 274)

Mr. Friend of Somerset presented "Resolve in Favor of Harold F. Wing of Bingham, Maine." (S. P. 275)

Sent down for concurrence.

Mr. JACKSON of Sagadahoc: Mr. President, in as much as the Secretary of State was instructed to have printed a number of copies of the Memorial which was read a short time ago, I move that printing be ordered to the extent of five hundred copies.

The motion prevailed.

#### Education

Mr. Weeks of Somerset presented "Resolve in Favor of Coburn Classical Institute." (S. P. 314)

Mr. Thatcher of Penobscot presented Bill "An Act Relating to State Aid to Academies." (S. P. 276) (500 copies ordered printed.)

Sent down for concurrence.

#### Inland Fisheries and Game

Mr. Schnurle of Cumberland presented "Resolve Relative to Open Season on Pheasants." (S. P. 277)

Mr. Jackson of Sagadahoc presented Bill "An Act Relating to West Bath Game Preserve." (S. P. 278)

Mr. Goodwin of Oxford presented "Resolve Relative to Opening Cold Brook and Toothaker Pond." (S. P. 279)

Mr. Hussey of Kennebec presented "Resolve Relative to the Screening of North Pond." (S. P. 280)

Mr. Hathaway of Piscataquis presented "Resolve Relating to Ice Fishing for Perch in Orneville Ponds or Boyd Lakes." (S. P. 281)

Mr. Bartlett of Oxford presented "Resolve Relating to Plug Fishing in Howard's Lake."

Mr. Hathaway of Piscataquis presented "Resolve Relating to Ice Fishing in Summet Pond." (S. P. 282)

Mr. Burkett of Cumberland presented Remonstrance of Wm. M.

Wallace of Bar Mills and 88 others Against Raising the Fee for Resident Hunting or Fishing License." (S. P. 283)

Mr. Bartlett of Oxford presented "Resolve for Screening Howard's Lake, in the Town of Hanover." (S. P. 315)

Sent down for concurrence.

#### Interior Waters

Mr. Thatcher of Penobscot presented Bill "An Act Relating to Incorporating the Madawaska Log Driving Company." (S. P. 284)

The same Senator presented "An Act to Confer Additional Rights and Powers Upon East Branch Improvement Company."

Sent down for concurrence.

#### Judiciary

Mr. Bodge of Kennebec presented Bill "An Act Relating to the Charter of the 'Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of the State of Maine.'" (S. P. 286)

The same Senator presented Bill "An Act Relating to the Charter of the 'Grand Royal Arch Chapter of Maine.'" (S. P. 287)

Mr. Burkett of Cumberland presented Bill "An Act Relating to Registration of Nurses." (S. P. 288)

The same Senator presented Bill "An Act Relative to Motor Vehicle Transfer Certificates." (S. P. 289)

The same Senator presented Bill "An Act Relative to Fees for Registration of Vehicles." (S. P. 290)

The same Senator presented Bill "An Act to Authorize the Acceptance of a Surety Company Bond in Lieu of Bail-Bond with Personal Sureties." (S. P. 291)

(500) copies of each ordered printed.)

Sent down for concurrence.

#### Legal Affairs

Mr. Bartlett of Oxford presented Bill "An Act to Repeal an Act to Incorporate the Town of Mason." (S. P. 292)

The same Senator presented Bill "An Act to Incorporate the Bethel Library Association." (S. P. 293)

Mr. Jackson of Sagadahoc presented Bill "An Act Relating to Temporary Loans by County Commissioners." (S. P. 294)

Mr. Hussey of Kennebec presented Bill "An Act to Validate Certain Loans Negotiated by the City of Hallowell." (S. P. 295)

Mr. Friend of Somerset presented Bill "An Act Repealing Special Licenses for Operation of Motor Cycles." (S. P. 296)

Sent down for concurrence.

Mr. Schnurle of Cumberland presented Bill "An Act to Incorporate the Princes Point Village Corporation." (S. P. 297)

Mr. Friend of Somerset presented Bill "An Act Relating to Definition of Bona Fide Dealers in Motor Vehicles." (S. P. 298)

The same Senator presented Bill "An Act Relating to Free Registration of Motor Vehicle Used for Patriotic Purposes Only." (S. P. 299)

Mr. Hathaway of Piscataquis presented Bill "An Act to Amend An Act to Incorporate the Guilford and Sangerville Water District." (S. P. 300)

(500 copies of each ordered printed.)

Sent down for concurrence.

#### **Mercantile Affairs and Insurance**

Mr. Fernald of Waldo presented Bill "An Act Creating a Fire Insurance Fund." (S. P. 301)

The same Senator presented Bill "An Act Prohibiting the State to Insure Any of Its Property Against Fire." (S. P. 302)

(1,000 copies of each ordered printed.)

Sent down for concurrence.

#### **Pensions**

Mr. Bodge of Kennebec presented "Resolve Providing for a Pension for Effie M. Higgins." (S. P. 303)

Sent down for concurrence.

#### **Salaries and Fees**

Mr. Thatcher of Penobscot presented Bill "An Act Relating to Deputy Clerk of Courts in Penobscot County." (S. P. 304)

Sent down for concurrence.

#### **Sea and Shore Fisheries**

Mr. McDonald of Washington presented by request Bill "An Act Relating to the Taking of Clams in the Town of Roque Bluffs." (S. P. 306)

The same Senator presented by request Bill "An Act Relating to Towns to Regulate the Taking of Clams." (S. P. 307)

(500 copies of each ordered printed.)

Sent down for concurrence.

#### **Towns**

Mr. Bodge of Kennebec presented

Bill "An Act to Establish a Boundary Line for the Town of Fayette." (S. P. 308)

Sent down for concurrence.

#### **Ways and Bridges**

Mr. McDonald of Washington presented "Resolve in Favor of Construction on Route No. 191." (S. P. 309)

Mr. Hathaway of Piscataquis presented "Resolve in Favor of Rebuilding Ebeme Road, in Piscataquis County." (S. P. 310)

The same Senator presented Bill "An Act Relating to Highways." (S. P. 311)

Mr. Blaisdell of Hancock presented "Resolve in Favor of the Town of Franklin." (S. P. 312)

The same Senator presented "Resolve in Favor of Township No. 9 and No. 10." (S. P. 313)

Sent down for concurrence.

#### **Bills in First Reading**

Bill "An Act to Extend the Charter of the Quebec Extension Railway Company." (S. P. 88) (L. D. 183)

Bill "An Act Authorizing the Adjutant-General to Grant a Permit to the New England Telephone and Telegraph Company at Camp Keyes." (S. P. 92) (L. D. 182)

#### **Report of Committee**

Mr. Burns from the Committee on Judiciary on Bill "An Act to Correct Technical Errors in Various Laws." (S. P. 48) reported that the same ought to pass in a new draft.

Which report was read and accepted and the bill laid upon the table for printing under joint rules.

On motion by Mr. Fernald of Waldo, out of order and under suspension of the rules, it was

ORDERED, that a message be sent to the House proposing a Joint Convention to be held forthwith in the Hall of the House of Representatives for the purpose of listening to an address by Dr. A. W. Manchester, Regional Director for the Land Policy Section of the Agricultural Administration.

The Secretary delivered the message.

Subsequently a message was received from the House of Representatives by Mr. Pease, its clerk, announcing that that branch concurred in the proposition of the Senate for a Joint Convention for

the purpose of listening to an address by Dr. A. W. Manchester, Regional Director for the Land Policy Section of the Agricultural Administration.

Thereupon the Senate retired to the Hall of the House of Representatives, where a Joint Convention was formed.

(For proceedings in Joint Convention see House Report.)

### IN THE SENATE

The Senate was called to order by the President.

#### Orders of the Day

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, An Act to amend Chapter 125, Section 46 of the Revised Statutes relating to clerk hire in Penobscot County (S. P. 229), tabled on January 29th by that Senator pending reference; and on further motion by the same Senator the bill was referred to the Committee on Salaries and Fees.

Sent down for concurrence.

On motion by Mr. McDonald of Washington, the Senate voted to take from the table, An Act relating to revocation of medical doctors' licenses (S. P. 241), tabled on January 30th by that Senator pending reference; and on further motion by the same Senator the bill was referred to the Committee on Judiciary and five hundred copies ordered printed.

Sent down for concurrence.

On motion by Mr. Blaisdell of Hancock, the Senate voted to take from the table, Joint Order relative to creating a committee on Social Welfare, tabled on January 2 by that Senator pending passage; and that Senator yielded to the Senator from Waldo, Senator Fernald.

Mr. FERNALD of Waldo: Mr. President, this order in regard to the creation of a committee on social welfare was introduced by myself at the request of one of our state officials and since there does not seem to be any need for this committee at this time I ask the consent of the Senate to withdraw the order.

Thereupon unanimous consent was granted to withdraw the order.

On motion by Mr. Burkett of Cumberland the Senate voted to

take from the table, Senate Order relative to changes in the County System of Government, tabled on January 22nd by that Senator pending passage.

Mr. BURKETT of Cumberland: Mr. President, I think the Senate has done remarkably well, at the end of the fourth week, to have so few matters on the calendar and I want to do everything I can to cooperate and keep the calendar as clear as possible. However, I felt that this order needed some investigation and that is why I have had it on the table for a week or more.

I have investigated into the matter somewhat, I have talked with the County Commissioners in my own county for one thing, and I find there as I do everywhere else absolutely no movement or thought of consolidation of counties in their minds. In my county, for instance, it is so well administered that the County Commissioners have just announced a reduction in the county tax for the coming year to be assessed on the towns of that county. In the neighboring county of York they have just completed the rebuilding of a court house, part of which was destroyed in a very disastrous fire, and now have one of the best county buildings in the State and are making plans for the celebration of the three hundredth anniversary of the founding of York County, a very worthy movement, I think, in which the State will be asked to cooperate.

I have noticed that the sponsor of the order, the Senator from Waldo (Senator Fernald), is reported to have said in an address at either Hallowell or Gardiner, I have forgotten which, without mentioning his own county in connection with this order, that the counties of Sagadahoc and Lincoln are two counties which might be properly consolidated. I don't know whether there has been any talk in those counties about this matter but I do feel in connection with it—and this is the main reason why I am going to make the motion that I will make—that if there is any idea in any two counties of the State that they should consolidate, that that idea should be developed in the counties themselves rather than the State taking the initiative and doing anything about it. For the reason that the State is not

concerned, I believe, in the financial administration of the affairs of counties as long as the county is properly administered, under our statutes. I cannot see how the State can be concerned if the people want to expend or propose to spend money extravagantly to do anything in connection with their county government, so I believe that if any two counties in the State have any idea that they want to consolidate, or more than two counties, they can get together and work out a proper adjustment of their funded debts, decide where the seat of government is to be, and then submit the matter to the State for approval rather than have the State attempt to force them into any such situation.

That, briefly, is the reason I am now going to move that the order be indefinitely postponed.

Mr. FERNALD of Waldo: Mr. President, I have listened with a great deal of interest to the remarks of the Senator from Cumberland (Senator Burkett) but I still feel that there would be no injustice done to Cumberland County or to Sagadahoc County or to Knox County or any other county, in the passage of this order, and furthermore, I do not see where it would cost the State of Maine a single penny because there is no appropriation that goes with the order.

I will read the order again so that perhaps we can be brought up to date in this matter: "Ordered, the House concurring, that a committee of seven members be appointed by the Governor, three from the Senate and four from the House, to study the advisability of changes in the county system of government, and report their recommendations to the Eighty-eighth Legislature." Which does not say that any changes will be made but it is just a commission to study and make suggestions. It may be that in Cumberland County it will be found that we might want to copy their method of doing things.

I received this morning a letter from the University of Maine that I think typifies my feeling in this matter. This is in regard to the Farm Bureau. The Farm Bureau, you will understand, is not divided up in its activities along county lines but I believe originally was along county lines but since then they have consolidated, and this is the letter I have from the Exten-

sion Service: "In organizing the Farm Bureau we combined Androscoggin and Sagadahoc counties into one unit and Knox and Lincoln counties into another unit. This combination gives the agent serving these units about the same number of communities to serve as is found in our other counties"—meaning, of course, Cumberland County and Aroostook and the larger counties—"and reduces the cost both to the counties and to the state. Each Farm Bureau received two thousand dollars of county funds. It, therefore, results in a total saving from this source of four thousand dollars."

Now, if in just this small way the Farm Bureau in county consolidation of their activities can save four thousand dollars I am inclined to think that if this committee is appointed from the Senate and from the House that perhaps we might possibly find a few ways of saving a few dollars in our other county activities. There is nothing unusual about this order. As a matter of fact Maine is behind the other states in the Union in making these studies and for my part I don't see any harm in studying the question; I don't see any harm in three Senators and four members of the House reporting to the next Legislature how they feel about it, and I don't find in this order anything mandatory or anything binding upon this Legislature or upon the next Legislature. And, furthermore, it does not cost anybody any money except, perhaps, some personal expense that the committee themselves might find it necessary to expend, which is entirely optional with them.

Those of you from Bangor who read the Bangor Commercial will perhaps recall the caricature of county government that was displayed last week in the Commercial. It was a cartoon that typifies the situation I am trying to present before the Senate. And now I find an article commenting upon Governor Curley's attitude towards County Government in Massachusetts which in part reads as follows: "Now comes the long-awaited leadership. Gov. Curley's demand for abolition of County Government is one of the soundest points in his program. He will have a battle on his hands to put it in force. The county rings will seek to block a constitutional convention and they will have strong support in

the Legislature, where half the members will be worrying about the Governor's proposal to abolish their jobs too. But the great unorganized support of the public will be with the Governor, who is a deft organizer and a great battler. If he can organize this public support and make its force felt on obstructionists who exist by public favor, he should win the battle."

Now, gentlemen, I have one point of view about this proposition. The Senator from Cumberland (Senator Burkett) has another. The Senator from Cumberland (Senator Burkett) may be right and, on the other hand, there is a possibility that I may be right. I see no harm in the passage of this order because, as I have pointed out, it is binding in no way and costs nobody any money, and if we can have a little information I am sure that in these trying days when the costs of government are so pressing upon the home-owner

and the shop-owner and the industrialist, if we can alleviate an unnecessary tax burden from those persons I think it is our duty to seek the light; and that is all I am asking this body to do, to seek the light, and then govern themselves accordingly.

I trust that the motion of the Senator from Cumberland (Senator Burkett) will not prevail.

The PRESIDENT: The question is on the motion of the Senator from Cumberland (Senator Burkett) that the order relative to changes in the county system of government be indefinitely postponed.

A viva voce vote being had

The order was indefinitely postponed.

On motion by Mr. Burns of Aroostook

Adjourned, until next Tuesday afternoon, February 5th at four-thirty o'clock.