

# 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**

Tuesday, February 12, 1935.

Senate was called to order by the President.

Prayer by the Rev. Willis A. Moore of Gardiner.

Journal of Thursday, February 7, 1935, read and approved.

Papers from the House disposed of in concurrence.

From the House:

Bill "An Act providing for the Manufacture of Motor Vehicle Registration Plates and Other Plates for the Use of the State at the State Prison" (H. P. 1210) (L. D. 458)

In the House, referred to the Committee on State Prison.

In the Senate, on motion by Miss Martin of Penobscot, tabled pending reference in concurrence.

From the House:

Bill "An Act Making Use of Copper Metal Mandatory in the Purchase or Production of Motor Vehicle Plates." (H. P. 1215) (L. D. 461)

In the House, referred to the Committee on State Prison.

In the Senate, on motion by Miss Martin of Penobscot, tabled pending reference in concurrence.

**House Bills in First Reading**

Bill "An Act to Authorize the Farm Lands Loan Commission to Make Certain Funds Available for the Commissioner of Agriculture." (H. P. 419) (L. D. 112)

Bill "An Act Relating to Corporations Without Capital Stock" (H. P. 1110) (L. D. 320)

**Communications**

Communication from the Secretary of State:

DEPARTMENT OF STATE  
STATE OF MAINE  
AUGUSTA

February 5, 1935.

To the Honorable Senate and House of Representatives:

I have the honor to transmit herewith the report of the majority of the committee appointed by the eighty-sixth legislature to study the laws of the state relating to support of paupers and the practical working of such laws, and to con-

sider the desirability of amending the same.

Respectfully submitted,  
LEWIS O. BARROWS,  
Secretary of State.

(S. P. 399)

Which was read and accepted and ordered placed on file.

Sent to the House.

Communication from the Governor:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA

February 12, 1935.

To the Honorable Senate and House of Representatives of the 87th Legislature:

I herewith submit joint resolution memorializing Congress to use granite and natural stone in the construction of public buildings.

If the judgment of the legislature should concur. I respectfully recommend its immediate passage.

I beg to remain,

Faithfully yours,  
LOUIS J. BRANN,  
Governor.

(S. P. 447)

Which communication was read and placed on file.

Thereupon, on motion by Mr. Burkett of Cumberland the joint resolution was tabled pending adoption.

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

**Agriculture**

Mr. Pillsbury of Kennebec presented Bill "An Act Relating to Transportation of Poultry." (S. P. 400)

Mr. Blaisdell of Hancock presented Bill "An Act Relative to Agricultural Marketing Agreements." (S. P. 401)

(500 copies of each ordered printed.)

Sent down for concurrence.

**Appropriations and Financial Affairs**

Mr. Hussey of Kennebec presented Bill "An Act Relating to Emergency Municipal Finance Board." (S. P. 402)

The same Senator presented Bill "An Act Appropriating Moneys for Anticipated Overdrafts for Which no Legislative Appropriation has

been made, and for Obligations for which no Appropriations were made." (S. P. 403)

(500 copies of each ordered printed.)

Sent down for concurrence.

#### **Banks and Banking**

Miss Martin of Penobscot presented Bill "An Act Relating to Small Loan Agencies." (S. P. 404)

Miss MARTIN of Penobscot: Mr. President, I ask permission to withdraw this bill, "An Act relating to small loan agencies," because it is covered adequately in another bill.

The PRESIDENT: The Chair understands that where no action has been taken by the Senate a member has the right to withdraw at any time a bill which is presented, and the Secretary will make note of the fact that the Senator from Penobscot, Senator Martin, withdraws bill "An Act relating to small loan agencies." (S. P. 404)

Mr. Jackson of Sagadahoc presented Bill "An Act Relating to Capital Stock of Trust and Banking Companies." (S. P. 405)

Mr. Hussey of Kennebec presented Bill "An Act Relating to Small Loan Agencies." (S. P. 406)  
(500 copies of each ordered printed.)

Sent down for concurrence.

#### **Education**

Mr. Cowan of Lincoln presented "Resolve in Favor of Lincoln Academy." (S. P. 407)

Sent down for concurrence.

#### **Inland Fisheries and Game**

Mr. Schnurle of Cumberland presented Bill "An Act Relative to Vagrant Cats." (S. P. 408)

The same Senator presented "Resolve in Favor of the Maine Guide's Association." (S. P. 409)

(500 copies of each ordered printed.)

Sent down for concurrence.

#### **Judiciary**

Mr. Burkett of Cumberland presented Bill "An Act Relating to Enforcement of Tax Liens." (S. P. 410)

The same Senator presented Bill "An Act Relative to the Filing of an Inventory in Estate." (S. P. 411)

The same Senator presented Bill "An Act Appointing a Commission on the Assessment and Collection of Real Estate Taxes." (S. P. 412)

The same Senator presented Bill "An Act in Regard to Waivers of Extensions of Foreclosures of Mortgages on Real Estate." (S. P. 413)

Mr. Burns of Aroostook presented Bill "An Act Relating to Secret Ballot at Town Meetings." (S. P. 414)

(500 copies of each ordered printed.)

Sent down for concurrence.

#### **Legal Affairs**

Miss Martin of Penobscot presented Bill "An Act Relating to Exemptions." (S. P. 415)

Mr. Burkett of Knox presented Bill "An Act Relating to the Officers of Towns." (S. P. 416)

Mr. Blaisdell of Hancock presented Bill "An Act Relating to Construction of Public Buildings." (S. P. 417)

Mr. Schnurle of Cumberland presented Bill "An Act Relating to the Practice of Dentistry." (S. P. 418)

Mr. Pinansky of Cumberland presented Bill "An Act Relating to Licensing the Operation of Certain Machines." (S. P. 419)

The same Senator presented Bill "An Act to Provide Uniform Return Days of Municipal Courts and Their Jurisdiction." (S. P. 420)

The same Senator presented Bill "An Act Relating to Costs in Suits for Collection of Taxes." (S. P. 421)

Mr. Tompkins of Aroostook presented Bill "An Act Relating to Persons Refusing to Work." (S. P. 428)  
(500 copies of each ordered printed.)

Sent down for concurrence.

Mr. Pinansky of Cumberland presented Bill "An Act Relating to Support of Paupers or other Dependent Persons Falling into Distress." (S. P. 422)

(1,000 copies ordered printed.)

Sent down for concurrence.

Mr. Worcester of Washington presented Bill "An Act to Incorporate the Passamaquoddy Bay Authority and to Define its Powers and Duties." (S. P. 423)

(2,500 copies ordered printed.)

Sent down for concurrence.

On motion by Mr. Hussey of Kennebec, the Senate voted to reconsider its action taken earlier in today's session whereby Bill "An Act Relating to Small Loan Agencies." (S. P. 406) was referred to the Committee on Banks and Bankings; and on further motion by the same Senator the bill was laid upon the table pending reference.

**Maine Publicity**

Mr. Schnurle of Cumberland presented Bill "An Act Relating to State Publicity." (S. P. 424)  
(500 copies ordered printed.)  
Sent down for concurrence.

**Military Affairs**

Mr. McDonald of Washington presented "Resolve Directing the Governor to Proclaim October 11th of Each Year 'General Pulaski's Memorial Day.'" (S. P. 425)  
(On motion by Mr. Fernald of Waldo, tabled pending reference.)

**Pensions**

Mr. Pinansky of Cumberland presented Bill "An Act Relating to Pensions for State Employees." (S. P. 426)

Sent down for concurrence.

Mr. Winn of Androscoggin presented Bill "An Act Relating to Old Age Pensions." (S. P. 427)  
(500 copies ordered printed.)  
Sent down for concurrence.

**Public Health**

Mr. Harmon of Hancock presented Bill "An Act Relating to Prevention of Marriage of Unfit Persons." (S. P. 429)  
(500 copies ordered printed.)  
Sent down for concurrence.

**Sea and Shore Fisheries**

Mr. Worcester of Washington presented Bill "An Act Relating to Purchase of Herring." (S. P. 430)  
Sent down for concurrence.

Mr. Burkett of Knox presented Bill "An Act Relating to Licenses for Sea and Shore Fishing." (S. P. 431)

Mr. Schnurle of Cumberland presented Bill "An Act Relating to the Department of Sea and Shore Fisheries." (S. P. 432)

Mr. Cowan of Lincoln presented Bill "An Act Relating to Time Limit on Notices in re Hearings on Licenses for Wharves and Fish Weirs." (S. P. 433)

Mr. Burkett of Cumberland presented Bill "An Act to Establish a Bureau of Research." (S. P. 434)  
(500 copies of each ordered printed.)  
Sent down for concurrence.

**Taxation**

Mr. Blanchard of Franklin presented Bill "An Act Relating to State Tax Administration." (S. P. 435)

Mr. Pillsbury of Kennebec pre-

sented Bill "An Act Relating to Taxation." (S. P. 436)

Mr. Burkett of Knox presented Bill "An Act Relating to the Disposition of Certain State-Collected Revenues." (S. P. 437)

Mr. Blanchard of Franklin presented Bill "An Act Relating to Tax Administration." (S. P. 438)

Mr. Pillsbury of Kennebec presented Bill "An Act Relating to Assessments of Taxes." (S. P. 439)  
(1,000 copies of each ordered printed.)  
Sent down for concurrence.

**Ways and Bridges**

Mr. Burns of Aroostook presented "Resolve in Favor of the Town of Houlton." (S. P. 441)

Sent down for concurrence.

Mr. Friend of Somerset presented "Resolve Proposing an Amendment to the Constitution to Provide for an Additional Issue of Highway and Bridge Bonds." (S. P. 442)

Mr. Burkett of Cumberland presented Bill "An Act to Establish Stations for Weighing Trucks." (S. P. 443)  
(500 copies of each ordered printed.)  
Sent down for concurrence.

**Appropriations and Financial Affairs**

Mr. Harmon of Hancock presented Bill "An Act to Increase the Efficiency of the State Liquor Commission." (S. P. 440)  
(500 copies ordered printed.)  
Sent down for concurrence.

**Judiciary**

Mr. Fernald of Waldo presented Bill "An Act Relating to Compensation Under the Workmen's Compensation Act." (S. P. 444)

The same Senator presented Bill "An Act Relating to Workmen's Compensation." (S. P. 445)  
(500 copies of each ordered printed.)  
Sent down for concurrence.

**Legal Affairs**

Mr. Bodge of Kennebec presented Bill "An Act Relating to Obstruction of Justice." (S. P. 446)  
(500 copies ordered printed.)  
Sent down for concurrence.

**Bills in First Reading**

"Resolve Regulating Fishing in Pleasant Pond Tributaries." (S. P. 134) (L. D. 427)

"Resolve Regulating Fishing in Silver Lake." (S. P. 147) (L. D. 428)

"Resolve Regulating Fishing in Beaver Pond, the Tributaries and Outlet Thereto." (S. P. 135) (L. D. 429)

#### Reports of Committees

Mr. Tompkins from the Committee on Education on Bill "An Act Requiring the Formulation of a Budget in Each City, Town, and Plantation in Maine and Providing for State Supervision of Budgetary Procedures" (S. P. 131) (L. D. 90) reported that the same ought not to pass.

Mr. Burns from the Committee on Judiciary on Bill "An Act in Relation to Written Instruments, Reciting that the same are Under Seal" (S. P. 150) (L. D. 82) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Burkett from the same Committee on Bill "An Act Relating to the Office of Sheriff" (S. P. 156) (L. D. 87) reported that the same ought not to pass.

(On motion by Mr. Fernald of Waldo tabled pending acceptance of the report)

Mr. Friend from the Committee on Claims on "Resolve in Favor of Daniel Bradley" (S. P. 270) reported that the same be referred to the Committee on Judiciary.

Which report was read and accepted and the bill referred to the Committee on Judiciary.

Sent down for concurrence.

The majority from the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Changing the Date of the Biennial Election" (S. P. 193) (L. D. 147) reported that the same ought not to pass

(Signed) Burkett of Cumberland  
Burns of Aroostook  
Gray of Presque Isle  
Weatherbee of Lincoln  
Philbrick of Cape Elizabeth  
Hill of South Portland  
Willey of Falmouth  
Jacobson of Portland  
Vaughan of South Berwick

The minority from the same Committee, on the same subject, reported ought to pass.

(Signed) Fernald of Waldo

(On motion by Mr. Fernald of Waldo, the bill and the reports were

laid upon the table pending acceptance of either report.)

Miss Martin from the Committee on Legal Affairs on Bill "An Act to Confirm the Organization of University of Maine Foundation and to Define its Powers" (S. P. 135) reported that the same ought to pass.

Mr. Schnurle from the Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Greeley Pond" (S. P. 146) reported that the same ought to pass.

Which reports were severally read and accepted and the bill and resolve laid upon the table pending printing under the joint rules.

Mr. Tompkins from the Committee on Education on Bill "An Act Relating to Admission to Normal Schools." (S. P. 183) (L. D. 133) reported that the same ought to pass.

Mr. Schnurle from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Rules and Regulations of the Commissioner of Inland Fisheries and Game." (S. P. 133) (L. D. 80) reported that the same ought to pass.

Mr. Tompkins from the Committee on Education on Bill "An Act to Amend the Law Relating to School Age." (S. P. 130) (L. D. 51) reported that the same ought to pass.

Which reports were severally read and accepted, the bills read once and tomorrow assigned for second reading.

#### Passed to be Engrossed

Bill "An Act Relating to the Transfer of Trust Funds." (H. P. 201) (L. D. 62)

Bill "An Act Relating to the Taking of Clams in Cranberry Isles." (H. P. 73) (L. D. 23)

#### Orders of the Day

On motion by Mr. Burkett of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Judiciary "Ought to Pass" on bill, An Act Granting Preference to Maine Bidders (S. P. 113) (L. D. 24); tabled by that Senator on February 7th pending acceptance of the report; and that Senator yielded to the Senator from Cumberland, Senator Schnurle.

Mr. SCHRURLE of Cumberland: Mr. President, in view of the fact that there was certain evidence that was not submitted to the Committee on Judiciary at the time of the hearing, due to the fact that a

member of the Legislature was sick and that other people interested were not present, I move that this bill be recommitted to the Committee on Judiciary.

The motion to recommit prevailed.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, Statement relative to expenses of Governor's Council, tabled on January 29th by that Senator pending consideration; and on further motion by the same Senator the statement was placed on file.

On motion by Mr. Hussey of Kennebec, the Senate voted to take from the table, An Act to provide for licenses and permits for outdoor advertising (S. P. 334), tabled on February 5th by that Senator, pending reference.

Mr. HUSSEY of Kennebec: Mr. President, I move that this bill be referred to the Committee on Judiciary.

Mr. HATHAWAY of Piscataquis: Mr. President, I call for a division.

The PRESIDENT: The Senator from Kennebec, Senator Hussey, moves that this matter be referred to the Committee on Judiciary, and the Senator from Piscataquis, Senator Hathaway, calls for a division.

Mr. SCHNURLE of Cumberland: May I inquire, Mr. President, to what committee the bill was originally referred?

The PRESIDENT: The suggested reference of the committee on reference of bills was to the Committee on Legal Affairs.

Mr. HUSSEY: Mr. President, the suggestion to the committee by myself who presented the bill was reference to the Committee on Judiciary. I believe this bill should go to the Committee on Judiciary on account of the several questions of constitutionality of the act and I see no reason at all why the Committee on Judiciary should not have the bill.

Mr. HATHAWAY: Mr. President, we have had this bill before us during a number of sessions and it has been customary to refer the bill to the Committee on Legal Affairs. That was why I called for a division, because it had been customary in the past to refer this

bill to the Committee on Legal Affairs and I see no reason why we should change.

Mr. HUSSEY: Mr. President, I think that perhaps I might correct the Senator from Piscataquis (Senator Hathaway) that this bill has also been previously referred to the Committee on Taxation, but it is a matter of regulation rather than taxation and I think it should go to the Committee on Judiciary.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Hussey, that this bill be referred to the Committee on Judiciary, and the Senator from Piscataquis, Senator Hathaway, has asked for a division.

A division of the Senate was had. Ten having voted in the affirmative and thirteen opposed, the motion to refer the bill to the Committee on Judiciary did not prevail.

Mr. HATHAWAY: Mr. President, I move that this bill be referred to the Committee on Legal Affairs.

The PRESIDENT: The Chair entertains the motion.

Mr. HUSSEY: Mr. President, I see that there are a few absentees in the Senate this morning whom I know would like to vote upon the question. I will therefore ask the Senate to again give me the privilege of laying the bill on the table.

The motion to retable prevailed and the bill was laid upon the table pending reference to the Committee on Legal Affairs.

On motion by Mr. Schnurle of Cumberland, the Senate voted to take from the table, An Act to regulate Steam Engineering (S. P. 255), 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 Legal Affairs.

Sent down for concurrence.

The PRESIDENT: Is there anything further that can be taken from the table this morning?

On motion by Mr. Blaisdell of Hancock.

Adjourned, until tomorrow morning at ten o'clock.