

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, March 7, 1935.

Senate called to order by the President.

Prayer by the Rev. B. C. Bubar of Blaine.

Journal of yesterday, read and approved.

Papers from the House, disposed of in concurrence.

From the House:

Bill "An Act Relating to the Salary of the Clerk of Courts for Waldo County." (S. P. 230) (L. D. 193)

(In the Senate on March 1st, passed to be engrossed.)

In the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, House Amendment "A" was read. Thereupon, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed, House Amendment "A" was adopted in concurrence and the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

From the House:

The Committee on Agriculture on Bill "An Act to Assure Proper Branding of Potatoes" (H. P. 98) (L. D. 28) reported the same in a new draft (H. P. 1459) (L. D. 655) under the same title, and that it ought to pass.

In the House, House Amendment "A" read and adopted, and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was accepted and the bill was given its first reading; House Amendment "A" was read and adopted in concurrence and the bill as amended by House Amendment "A" was tomorrow assigned for second reading.

From the House:

The Committee on Judiciary on Bill "An Act Relating to Use of Posters at Polling Places," (H. P. 598) (L. D. 167) reported that the same ought not to pass.

In the House, recommitted to the Committee on Judiciary.

In the Senate:

Mr. BURKETT of Cumberland: Mr. President, I move the acceptance of the unanimous report of the

Committee "Ought not to Pass," in concurrence. I want to say first that the Judiciary Committee does not want to take the position of opposing the recommitment of any bill. In case anyone thinks that any mistake has been made or that the bill has not received proper consideration by the Committee we have no feeling relative to the sanctity of our reports at all. Here is a bill, however, that we gave full consideration. It originated in the mind of the City Clerk of Portland to correct a situation that has been in times past of considerable trouble. We have large wards in Portland. I have been warden of two of these wards for several years and I know what the conditions are. It has been the custom in Portland, as I assume it is in other places, for people to stand around the entrance to ward rooms distributing cards, pictures and other literature in favor of a particular candidate. At times they have, it is true, through over enthusiasm or excess of numbers made it rather troublesome for people who come there to vote.

With reference to precinct one, ward seven, for instance, there is a narrow door into the schoolhouse which is used as a polling place on election day and a number of times I have seen so many people around there, perhaps young boys and girls trying to hand out these cards that they blocked up the doorway. But that situation is one that is entirely under the control of the warden, who has the authority of a police officer in the ward room, and as far as the situation is concerned out on the street it is under the control of the police themselves. There is plenty of law on the statute books to correct that condition now.

Now this bill proposes to make it illegal for any person to stand on the sidewalk or anywhere else within one hundred feet of the entrance of a polling place and hand out any poster, card, handbill, placard, picture, circular, poster, or sticker intended to influence the action of the voter. It also says that nothing like that shall be posted, exhibited, circulated or distributed in the polling place. Part of it is already covered by the authority of the warden now. It also says that no one shall exhibit any of those things within one hundred feet on the sidewalk or street, which would make a violator of the law out of the man who had some cards print-

ed to put on the bumpers or windshields of the cars of people who drove up to the polling place within one hundred feet of the entrance.

It seems to me that it is ridiculous to pass any such statute. I took the matter up with the City Clerk of Portland over the weekend and told him that the Committee felt there was plenty of authority now under the statutes for the warden and police officers to handle the situation and we did not need to enact any legislation of this kind for that purpose. There is no need to recommit this to the Committee on Judiciary because if anyone thinks there is any merit in it at all and it could be corrected it is possible to amend it very simply.

The PRESIDENT: The Senator from Cumberland, Senator Burkett, moves the acceptance of the report of the committee. Is it the pleasure of the Senate that the report of the committee be accepted in non-concurrence?

Thereupon, the report of the committee was accepted in non-concurrence.

Sent down for concurrence.

From the House:

The Committee on Claims on "Resolve in Favor of Ralph K. Lothrop of Leeds" (H. P. 183) reported that the same ought not to pass.

In the House, recommitted to the Committee on Claims.

In the Senate, on motion by Mr. Friend of Somerset, the report and resolve were tabled pending acceptance of the report.

From the House:

The Committee on Judiciary on Bill "An Act Relating to Registration of Pleasure Cars by Paupers" (H. P. 1135) (L. D. 360) reported that the same ought not to pass.

In the House, the report of the committee was accepted.

In the Senate, on motion by Mr. Ashby of Aroostook, the report and bill were tabled pending acceptance in concurrence.

Additional papers from the House, disposed of in concurrence.

House Bills in First Reading

"An Act Relating to Taxation of Trust and Banking Companies." (H. P. 1542) (L. D. 670)

"Resolve Changing the Name of

Corinna Bog and Stream." (H. P. 829) (L. D. 676)

"An Act Relating to the Sale of Intoxicating Liquors." (H. P. 1530) (L. D. 677)

From the House:

The Committee on Taxation on Bill "An Act to Tax Games of Skill" (H. P. 467) (L. D. 129) reported the same in a new draft (H. P. 1415) (L. D. 633) under the same title, and that it ought to pass.

In the House, the report was accepted and the bill given its several readings and passed to be engrossed.

In the Senate, on motion by Mr. Blanchard of Franklin, the report and bill were laid upon the table pending acceptance of the report in concurrence.

From the House:

The majority of the Committee on Salaries and Fees on Bill "An Act Relating to the Fees of Jurors," (H. P. 314) (L. D. 75) reported that the same ought to pass.

(Signed) Fernald of Waldo.
Roach of New Gloucester.
Seabury of Yarmouth.
Miss Smith of Van Buren.
Churchill of Brewer.
Crowell of Weston.

The minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed) Cowan of Lincoln.
Hammond of Strong.
Fowles of Randolph.

In the House the minority report, "Ought not to Pass," was accepted.

In the Senate, on motion by Mr. Cowan of Lincoln, the reports and bill were tabled pending acceptance of either report.

Mr. FERNALD of Waldo: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may state his point.

Mr. FERNALD: Mr. President, I would like to state for the information of the Senate that on the Minority Report of the bill that was just tabled by the Senator from Lincoln, Senator Cowan, the name of the Senator from York, Senator Fernald, should be included there. I believe it was inadvertently left off. The confusion is caused by there being too many Fernalds on the Committee.

The PRESIDENT: The Chair

trusts that as the matter is on the table, the Senator will get it straightened out.

Reports of Committees

Mr. Hussey from the Committee on Appropriations and Financial Affairs on "Resolve Relating to Celebrating of the Three Hundredth Anniversary of the Beginning of York County," (S. P. 320) (L. D. 353) reported that the same ought not to pass.

(On motion by Mr. Hussey of Kennebec, tabled pending acceptance of the report.)

The same Senator from the same Committee on "Resolve in Favor of a Memorial to the Maine Volunteer Signal Corps," (S. P. 235) (L. D. 212) reported that the same ought not to pass.

Mr. Pillsbury from the Committee on Claims on "Resolve in Favor of Daniel Bradley," (S. P. 269) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

The same Senator from the same Committee on "Resolve in Favor of Manzie I. Rogers," (S. P. 274) reported that the same ought not to pass.

Which report was read and accepted.

Subsequently, on motion by Mr. Burns of Aroostook, the Senate voted to reconsider its former action whereby the report of the committee was accepted and on further motion by the same Senator the resolve and report were laid upon the table pending acceptance of the report.

Mr. Haskell from the same Committee on "Resolve in Favor of F. Harold Dubord, of Waterville" (S. P. 272) reported that the same ought not to pass.

(On motion by Mr. Burkett of Cumberland, tabled pending acceptance of the report.)

The same Senator from the same Committee on "Resolve in Favor of Edmund A. Walker of Benton, Maine" (S. P. 236) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Bartlett from the Committee on Inland Fisheries and Game on "Resolve Relating to Ice Fishing for Perch in Orneville Ponds, or

Boyd Lakes," (S. P. 281) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve Relative to Open Season on Pheasants," (S. P. 277) reported that the same ought to pass.

The same Senator from the same Committee on "Resolve Relating to Ice Fishing in Summet Pond," (S. P. 282) reported that the same ought to pass.

Mr. Worcester from the Committee on Interior Waters on Bill "An Act to Extend the Charter of Kennebec Reservoir Company," (S. P. 238) reported that the same ought to pass.

Mr. Burns from the Committee on Judiciary on Bill "An Act to Authorize the Acceptance of a Surety Company Bond in Lieu of Bail-bonds with Personal Sureties," (S. P. 291) (L. D. 257) reported the same in a new draft (S. P. 550) under the same title and that it ought to pass.

Mr. Fernald from the same Committee on Bill "An Act Relating to Offenses Against Habitations and Other Buildings," (S. P. 247) (L. D. 213) reported the same in a new draft (S. P. 551) under the same title and that it ought to pass.

Mr. Fernald from the Committee on Salaries and Fees on Bill "An Act Relating to Clerk Hire in Penobscot County," (S. P. 229) reported the same in a new draft (S. P. 552) under the same title and that it ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Deputy Clerk of Courts in Penobscot County," (S. P. 304) reported that the same ought to pass.

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

Mr. Fernald from the Committee on Judiciary on Bill "An Act Relative to Fees for Registration of Vehicles," (S. P. 290) (L. D. 256) reported that the same ought to pass.

Which report was read and accepted, the bill read once and tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act Relating to Islesboro Transportation Company," (H. P. 852) (L. D. 296)

Bill "An Act Relating to Law Court Briefs," (H. P. 1177) (L. D. 383)

"Resolve in Favor of Samuel Dana, Representative of the Passamaquoddy Tribe of Indians," (H. P. 1527) (L. D. 672)

"Resolve in Favor of John S. Nelson, Representative of the Penobscot Tribe of Indians," (H. P. 1528) (L. D. 672)

"Resolve Authorizing the Forest Commissioner to Convey Certain Lands to the Highway Commission," (S. P. 117) (L. D. 684)

Bill "An Act for Use of Temporary Number Plates," (S. P. 139) (L. D. 55)

Bill "An Act Providing for the Establishment of a Judicial Council," (S. P. 149) (L. D. 81)

Bill "An Act Relating to West Bath Game Preserve," (S. P. 278) (L. D. 685)

"Resolve Relative to Opening Cold Brook and Toothaker Brook," (S. P. 279) (L. D. 686)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in a Certain Lot of Land to Receiver of the State Trust Company," (S. P. 397) (L. D. 688)

Bill "An Act Relative to the Transportation of Fish Taken from Inland Waters," (S. P. 464) (L. D. 687)

Sent down for concurrence.

Passed to be Enacted

"An Act Relating to the Annual Sessions of the County Commissioners of Lincoln County," (S. P. 165) (L. D. 639)

"An Act to Prohibit the Dumping of Refuse in the Waters of Damariscotta River," (S. P. 166) (L. D. 642)

"An Act to Amend An Act to incorporate the Guilford and Sangerville Water District," (S. P. 300) (L. D. 263)

"An Act Relating to incorporation of the Officers and Members of the Grand Royal Arch Chapter of Maine," (S. P. 454) (L. D. 652)

"An Act Relative to Incorporating the Master, Wardens and Members of the Grand Lodge of Maine," (S. P. 455) (L. D. 654)

"An Act Relating to the Use of Steam Boilers," (H. P. 66) (L. D. 22)

(On motion by Mr. Schnurle of Cumberland, tabled pending enactment)

"An Act Relating to Hunting Rabbits," (H. P. 559) (L. D. 155)

"An Act Relating to Enforcement of Tax Liens," (H. P. 693) (L. D. 224)

"An Act Relating to the Ogunquit Beach District," (H. P. 1130) (L. D. 329)

"An Act Relating to Exemptions of Estates from Taxation," (H. P. 1161) (L. D. 376)

(On motion by Mr. Blanchard of Franklin, tabled pending enactment)

"An Act Relating to State Highway Police," (H. P. 1219) (L. D. 447)

Finally Passed

"Resolve in Favor of Grace R. Lee of Augusta," (S. P. 181)

"Resolve Relative to Fishing in Wentworth and Baker Ponds," (S. P. 212) (L. D. 640)

"Resolve Compensating Bidders on the Howard Memorial," (S. P. 452) (L. D. 638)

"Resolve Relating to Fishing in Greenlaw Brook," (H. P. 570) (L. D. 651)

"Resolve in Favor of Roscoe L. York of Medway," (H. P. 1440) (L. D. 647)

(Emergency Measure)

"An Act to Incorporate the Town of Jonesport School District," (S. P. 253) (L. D. 203)

Which bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate and none opposed, was passed to be enacted.

(Emergency Measure)

"An Act Relating to the Sale of Intoxicating Liquors," (H. P. 688) (L. D. 232)

Which bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

The President laid before the Senate, bill, An Act to repeal acts incorporating the town of Concord (S. P. 164) (L. D. 658), tabled by Mr. Friend of Somerset on March 6th pending first reading; and on motion by that Senator the bill was given its first reading and tomorrow assigned for second reading.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, House Report from

the Committee on Legal Affairs "Ought to pass in new draft" (H. P. 1529) (L. D. 674), An Act to amend the city charter of Bangor, tabled by that Senator on March 6th pending acceptance of the report; and on further motion by the same Senator the report was accepted and the bill was given its first reading.

Thereupon, the same Senator presented Senate Amendment "A" and moved its adoption: "Senate Amendment 'A' to H. P. 1529, L. D. 674, bill, An Act to amend the city charter of Bangor". Amend said Act by striking out in the 8th line of Section 6 of said L. D. 674 the word 'may' and inserting in place thereof the word 'shall'."

Senate Amendment "A" was adopted.

Mr. Potter of Penobscot presented Senate Amendment "B" and moved its adoption: "Senate Amendment 'B' to H. P. 1529, L. D. 674, An Act to amend the city charter of Bangor. Amend said bill by adding in Section 1 under Article 3 a new section numbered 14 as follows: 'Section 14. Exceptions. The provisions of this article shall not apply to permits granted to or regulations made for public utilities under the statutes.'"

Senate Amendment "B" was adopted and the bill as amended by Senate Amendment "A" and Senate Amendment "B" was tomorrow assigned for second reading.

Thereupon, on motion by Miss Martin of Penobscot the Senate voted to reconsider its action just taken whereby the bill as amended was tomorrow assigned for second reading; and on further motion by the same Senator the bill was laid upon the table pending assignment for second reading.

On motion by Mr. Jackson of

Sagadahoc, the Senate voted to take from the table, bill, An Act relating to the Blue Sky Law (S. P. 463) (L. D. 681), tabled by that Senator on March 6th pending second reading; and on further motion by the same Senator the bill was recommitted to the Committee on Banks and Banking.

Sent down for concurrence.

From the House, out of order, Bill "An Act to Incorporate the Town of Hodgdon School District" (H. P. 1629)

In the House, that body having received it by unanimous consent, out of order and under suspension of the rules; and under further suspension of the rules having been read three times and passed to be engrossed without reference to a committee.

In the Senate.

Mr. TOMPKINS of Aroostook: Mr. President, I wish to say that the town of Hodgdon were unfortunate in having a fire under date of February 18th and lost their high school building and they are now using churches and halls or wherever they can get the children in, and in order for them to get financial aid they wish to have this school district incorporated, and there is a referendum for the town, and I move that we concur with the action of the House.

Thereupon, unanimous consent was granted for the introduction of the bill and on motion by the same Senator the bill was given its two several readings, under suspension of the rules, and passed to be engrossed in concurrence without reference to a committee.

On motion by Mr. Blanchard of Franklin,

Adjourned, until ten o'clock tomorrow morning.