

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

Friday, March 8, 1935.

Senate called to order by the President.

Prayer by the Rev. Mortimer Gesner of Augusta.

Journal of yesterday, read and approved.

Order**(Out of Order)**

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

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on the morning of Tuesday, March 12th, at eleven o'clock. (S. P. 553)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, read and passed in concurrence.

Papers from the House, disposed of in concurrence.

From the House:

Bill "An Act to Amend the Law Relating to School Age," (S. P. 130) (L. D. 51)

(In Senate on February 22nd, bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

In the House, that body insisted on its former action whereby the bill was passed to be engrossed, and asked for committee of conference, and the Speaker appointed as members on such a committee: Messrs: Devereux of Penobscot
Crowell of Weston
Fowles of Randolph

In the Senate: that body voted to insist on its former action and join the House in the committee of conference and the President appointed as members of such committee on the part of the Senate:

Senators Tompkins of Aroostook
Martin of Penobscot
Winn of Androscoggin

From the House:

Joint Order:

ORDERED, the Senate concurring, that the Superintendent of Buildings be directed to make an inventory immediately of all property purchased by the present legislature, or by previous legislatures, and which is still in possession of this legislature. Such an inventory shall include every article purchased of whatever nature, except

items which are of current use only, such as paper, pencils, ink paste, etc. Every article so inventoried shall bear upon it in some readily discernible spot the branded or stenciled words "Legislative Property." All such property may be allotted to any state department needing same, at the discretion of the Superintendent of Buildings, for its use during the time the legislature is not in session, but always shall be made available to the legislature for its exclusive use whenever a session thereof convenes. (H. P. 1631)

In the House, read and passed.

In the Senate, on motion by Mr. Jackson of Sagadahoc the order was indefinitely postponed, in non-concurrence.

Sent down for concurrence.

From the House:

"Resolve Authorizing the Forest Commissioner to Sell Lands in Penobscot County." (H. P. 1630)

In the House, received by that body by unanimous consent, and referred to the Committee on State Lands and Forest Preservation.

In the Senate, received by unanimous consent, and referred to the Committee on State Lands and Forest Preservation in concurrence.

From the House:

The Committee on Legal Affairs on Bill "An Act Relating to Terms and Salaries of City of Lewiston Officials," (H. P. 594) (L. D. 173) reported that the same ought not to pass.

In the House, recommitted to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Blaisdell of Hancock, tabled pending acceptance of the report.

From the House:

The Committee on Legal Affairs on Bill "An Act Providing for Municipal Planning and the Creation, Organization and Powers of Municipal Planning Boards," (H. P. 1332) (L. D. 540) reported that the same ought not to pass.

In the House, the report was read and accepted.

In the Senate, on motion by Mr. Burns of Aroostook, the report was tabled pending acceptance in concurrence.

House Bills in First Reading

"Resolve Relating to Fishing in Tributaries to Walker's Pond," (H. P. 787) (L. D. 690)

"Resolve to Open for Fishing Three Brooks in the Town of Prentiss," (H. P. 792) (L. D. 689)

"An Act to Provide for an Excise Tax on Certain Types of Oleomargarine," (H. P. 1543) (L. D. 678)

Orders

On motion by Mr. Burns of Aroostook, it was

ORDERED, that five hundred additional copies of the report from the Department of Public Health, relating to cosmetics, their ingredients and approximate cost be printed.

Reports of Committees

Mr. Pillsbury from the Committee on Agriculture on Bill "An Act Relating to Transportation of Poultry," (S. P. 400) (L. D. 523) reported that the same ought not to pass.

Mr. Fernald from the Committee on Judiciary on Bill "An Act Relating to Compensation under the Workmen's Compensation Act," (S. P. 444) (L. D. 480) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to Workmen's Compensation," (S. P. 445) (L. D. 481) reported that the same ought not to pass.

Mr. Burns from the same Committee on Bill "An Act Concerning Security for Loans to Farmers and Others by Federal Organizations and Fixing Penalties for Violations," (S. P. 382) (L. D. 401) reported that the same ought not to pass, as subject matter is covered in another bill.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Potter from the Committee on Agriculture on Bill "An Act Relating to the Duties and Functions of the Maine State Pomological Society," (S. P. 319) (L. D. 351) reported that the same ought to pass.

Mr. Fernald from the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Authorize the Use of Voting Machines in Elections," (S. P. 114) (L. D. 25) reported that the same ought to pass.

Which reports were severally read and accepted, the bill and resolve read once and Tuesday assigned for second reading.

Mr. Pillsbury from the Committee on Claims or "Resolve in Favor

of Edwin T. Clifford," (S. P. 325) reported that the same ought to pass.

Mr. Friend from the same Committee on "Resolve in Favor of the First National Bank of Houlton, Maine," (S. P. 271) reported that the same ought to pass.

Mr. Pillsbury from the Committee on Agriculture on Bill "An Act Relating to the Transportation of Poultry," (S. P. 178) (L. D. 135) reported the same in a new draft (S. P. 554) under the same title and that it ought to pass.

Mr. Hussey from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Emergency Municipal Finance Board," (S. P. 402) (L. D. 524) reported the same in a new draft (S. P. 557) under the same title and that it ought to pass.

Mr. Bartlett from the Committee on Inland Fisheries and Game on "Resolve Relating to Plug Fishing in Howard's Lake," (S. P. 305) reported the same in a new draft (S. P. 555) under the same title and that it ought to pass.

Miss Martin from the Committee on Legal Affairs on Bill "An Act Relating to Exemptions," (S. P. 415) (L. D. 528) reported the same in a new draft (S. P. 556) under the same title and that it ought to pass.

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

The majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Abolishing the Office of Treasurer of State," (S. P. 330) (L. D. 345) reported that the same ought not to pass.

(Signed)

Messrs:

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

The minority of the same Committee on the same subject reported that the same ought to pass.

(Signed) Fernald of Waldo

Jacobson of Portland.

On motion by Mr. Burkett of Cumberland, the Majority Report "Ought to pass" was accepted.

Sent down for concurrence.

Mr. Schnurle of Cumberland, presented report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on bill "An Act Relative to the Making of Local Regulations for Fishing by the Commissioner of Inland Fisheries and Game," (S. P. 190) (L. D. 140) reporting that the bill be referred to the Committee on Judiciary.

Which report was read and accepted.

Sent down for concurrence.

Passed to Be Engrossed

"Resolve Changing the Name of Corinna Bog and Stream." (H. P. 829) (L. D. 676)

Bill "An Act to Assure Proper Branding of Potatoes." (H. P. 1459) (L. D. 653)

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

(On motion by Mr. Bissett of Cumberland tabled pending second reading.)

Bill "An Act Relating to Taxation of Trust and Banking Companies." (H. P. 1342) (L. D. 679)

Bill "An Act to Repeal Acts Incorporating the Town of Concord." (S. P. 164) (L. D. 658)

Bill "An Act Relative to Fees for Registration of Vehicles." (S. P. 290) (L. D. 256)

Sent down for concurrence.

Passed to Be Enacted

"An Act Relating to Taking of White Fish in Mattawamkeag Lake." (H. P. 435) (L. D. 659)

"An Act Relative to the Aroostook Valley Railroad Company." (H. P. 605) (L. D. 161)

"An Act to Make Valid the Doings of the Harrison Water Company and to Define and Confirm its Powers." (H. P. 837) (L. D. 284)

"An Act Relating to Leases, Consolidations and Mortgages by Public Utilities." (H. P. 856) (L. D. 248)

"An Act Providing Penalties for Boarding Freight Trains Without Right." (H. P. 857) (L. D. 249)

"An Act Relating to Wilful or Malicious Injury to Property of Any Railroad." (H. P. 858) (L. D. 250)

"An Act Relating to Equalization of Tuition Expenses." (H. P. 1308) (L. D. 567)

Finally Passed

"Resolve Relative to Closing Pet-

tengill Stream." (H. P. 566) (L. D. 660)

"Resolve Relative to Closing Cary Brook to All Fishing." (H. P. 568) (L. D. 661)

"Resolve Relative to Fishing in the River Between Mooselucmeguntic Lake and Upper Richardson Lake." (H. P. 571) (L. D. 662)

"Resolve Relating to Muskrats in Morrill Mill Pond." (H. P. 574) (L. D. 663)

"Resolve Appropriating Money to Complete the Fish Way at Aroostook Falls." (H. P. 1487) (L. D. 664)

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

Orders of the Day

Mr. HUSSEY of Kennebec: Mr. President, I wish to ask permission of the Senate to introduce a bill out of order and in explanation I will say that certain difficulties have arisen in towns in this state whereby certain concerns are going into those towns and levying upon property; that is, of course, when they find those towns in financial difficulties. In one instance certain interests have gone in and levied on automobiles, lumbering equipment, houses, and so forth, and in order to stop that for the time being, at least, I am asking permission to introduce a bill suspending certain laws relating to levying on private property.

The PRESIDENT: The Senator from Kennebec, Senator Hussey, asks that the rules be suspended in order that he may introduce Bill "An Act Relating to the Suspension of the Laws in Certain Instances Relative to Levying on Private Property for Debts of Municipalities and Authorizing the Board of Emergency Municipal Finance to Designate in what Municipalities said Suspension Shall be Effective."

Mr. FERNALD of Waldo: Mr. President, I don't know what this bill is that is to be considered but if it is the same one that was talked about here yesterday I object to the introduction of the bill on the grounds that I think that the matter is clearly unconstitutional and secondly I feel that it affects every one of the 518 communities in the state of Maine and I am not willing to jeopardize the rights of every individual in the state of Maine

for the benefit of one particular community. I therefore object to the introduction of the bill at this time.

The PRESIDENT: Would the Senator care to have the bill read or is he familiar with it?

Mr. FERNALD: I think I am familiar with it. It is the Kingman proposition.

The PRESIDENT: Objection being made to the unanimous consent of the Senate being granted for the introduction of this bill into the Senate, it is automatically referred to the next legislature.

Mr. PINANSKY of Cumberland: Mr. President, I would like to ask that a bill be presented out of order because of an emergency feature. The Commissioner of Labor is concerned about a situation that happened in February. He says that during the month of February a supply of rubber cement containing a flammable solvent exploded in the city of Auburn causing a dangerous fire and seriously injuring nine men and that, "Whereas, the improper keeping of such material creates a fire hazard, and endangers the lives of people and endangers property, and, Whereas, there is no adequate law to permit the regulation of the keeping of such materials, and whereas, unless proper regulations are made, there is continual danger of a similar explosion," that these facts create an emergency within the meaning of Section 16 of Article 31, and so forth. The Commissioner of Labor feels that it is quite necessary to have a law of this kind and I therefore respectfully ask this honorable body to allow this matter to be heard at this time.

The PRESIDENT: The Senator from Cumberland, Senator Pinansky, moves that the rules be suspended that he may take up out of order bill "An Act Regulating the Keeping of Flammable Substances." Is this the pleasure of the Senate.

The motion prevailed.

The PRESIDENT: The same senator now asks that the Senate grant unanimous consent for the introduction of this bill into the Senate. Is it the pleasure of the Senate that unanimous consent be granted?

Mr. BURKETT of Knox: Mr. President, I would like to inquire of the Senator from Cumberland (Senator Pinansky) whether or not

that would not affect every garage in the State of Maine?

The PRESIDENT: The Senator from Knox, Senator Burkett, wishes to make an inquiry of the Senator from Cumberland, Senator Pinansky, which he may do, and the Senator from Cumberland, Senator Pinansky, may reply if he so wishes.

Mr. PINANSKY: Mr. President, I will say that I am informed by the Commissioner of Labor that this would effect only shoe factories and not garages.

Mr. SCHNURLE of Cumberland: Mr. President, I would like to have the bill read.

The Secretary read the bill.

Mr. BURKETT of Knox: Mr. President, under that bill I fail to see where every paint store, every art store and every garage in the state of Maine would not be under penalty and I object to the introduction of the bill.

The PRESIDENT: The Senator from Knox, Senator Burkett, having objected to the reception of this bill into the Senate, under the rules it is automatically referred to the next Legislature.

On motion by Mr. Blanchard of Franklin, the Senate voted to take from the table, An Act relating to exemptions of Estates from Taxation (H. P. 1161) (L. D. 376), tabled by that Senator on March 7th pending enactment.

Thereupon, on motion by the same Senator the Senate voted to reconsider its former action whereby this bill was passed to be engrossed.

The same Senator offered Senate Amendment "A" and moved its adoption: "Senate Amendment 'A' to Legislative Document 376, An Act relating to exemptions of estates from taxation. Amend said bill by striking out in the twelfth line thereof before the word 'houses', the words 'tax on'."

Senate Amendment "A" was adopted and the bill as amended by Senate Amendment "A" was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, bill, An Act to amend the city charter of Bangor (H. P. 1529) (L. D. 674), tabled by

that Senator on March 7th pending assignment for second reading.

Thereupon, on motion by that Senator, Senate Amendment "A" was indefinitely postponed; and on further motion by the same Senator the bill as amended by Senate Amendment "B" was to the next Legislative day assigned for second reading.

On motion by Mr. Friend of Somerset, the Senate voted to take from the table, House Report from the Committee on Claims "Ought not to Pass", on Resolve in favor of Ralph K. Lothrop of Leeds, tabled by that Senator on March 7th pending acceptance of the report.

Mr. FRIEND of Somerset: Mr. President, I wish to move the acceptance of the unanimous report "ought not to pass" of the committee and in explanation I will say that this is a claim for beaver damage. Any land that is damaged by beaver, the owners have the right to come to the State under the Fish and Game Department and ask that the beaver be trapped out or that the dam be removed. Now, of course, there are hundreds and perhaps thousands of cases of beaver damage in the woods in the state of Maine. If this claim were allowed it would be an exceedingly dangerous precedent because then hundreds of claims would come into the State from all over the State, from paper companies, and so forth, that would amount to hundreds of thousands of dollars. Claims of this nature have never been allowed and I sincerely hope that the Senate will accept the unanimous report of the committee "ought not to pass" on this resolve.

Thereupon, the "ought not to pass" report of the Committee was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Burns of Aroostook, the Senate voted to take from the table, Senate Report from the

Committee on Claims "Ought not to Pass" on Resolve in favor of Manzie I. Rogers (S. P. 274), tabled by that Senator on March 7th pending acceptance of the report; and on further motion by the same Senator the report of the Committee "ought not to pass" was accepted.

Sent down for concurrence.

On motion by Mr. Hussey of Kennebec 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 Amelia Earhart Putnam.

Which was read and passed.

The Secretary conveyed the message.

Subsequently, a message was received from the House by Mr. Pease, its Clerk, concurring in the foregoing proposition for a Joint Convention.

The Senate then proceeded to the House of Representatives where a Convention was formed.

(For proceedings in Joint Convention see House Report.)

In the Senate

The Senate was called to order by the President.

On motion by Mr. Pinansky of Cumberland, the Senate voted to reconsider its action of yesterday whereby it accepted the report of the Committee on Taxation "ought not to pass" on bill, An Act to provide for the equalization of taxes (H. P. 1293) (L. D. 468); and on further motion by the same Senator the bill and the report were laid upon the table pending acceptance of the report.

On motion by Mr. Cowan of Lincoln,

Adjourned, until Tuesday morning, March 12th, at eleven o'clock.