

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 14, 1935.

Senate called to order by the President.

Prayer by the Rev. E. J. Webber of Hallowell.

Journal of yesterday, read and approved.

On motion by Mr. Worcester of Washington, the rules were suspended, and that Senator presented out of order. Memorial to the President of the United States requesting him to aid the fishing industry of Maine, which was read and adopted.

Mr. WORCESTER of Washington: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may proceed.

Mr. WORCESTER: Mr. President, I might add for the information of the members of this honorable body that the object of this Memorial is to co-operate with a movement that is on at the present time in New England to meet on Monday, March 18th the Reciprocity Tariff Commission in Washington and we felt that if this legislature, representing the people of the State of Maine, stood firmly in back of some protection for the people and for the fishermen on the coast, who have been in a most pitiable and distressed condition over a period of years, that this process might help.

This includes all kinds of fishing and fishermen. There have been in the past a number of lobster fishermen, or practically all of the lobster fishermen on our coast, who have been placed in the position whereby they have been unable to earn a livelihood and over a period of years their organization has tried to place some sort of a tariff upon lobsters, especially, to protect the fishing industry.

This may be, however, a method which may be contrary to the policies of the present administration and I want to call it to your attention that after the present administration came into power two years ago importation of herring into this country increased twenty-five percent. I have taken up this matter thoroughly with all the factories and with the fishermen and I find that there is no objection in any of these lines.

The PRESIDENT: The Senate

bears the remarks made by the Senator from Washington, Senator Worcester, under a point of personal privilege.

From the House:

Joint Order Creating State Insurance Fund Commission. (H. P. 1711) (L. D. 747)

In the House, read and passed.

In the Senate:

Mr. BURKETT of Cumberland: Mr. President, I believe that this order is one of the most open and obvious attempts I have ever seen to legislate by order. We passed a joint order at the beginning of the session regulating the introduction of bills after a certain date. We have in the Senate and in the House suspended the rules and let in certain matters that appeared to have some emergency features, but it has all been done regularly and openly. But here is a paper which comes in, in the form of an order appointing a commission, legislating. It should be a bill if we are going to try to do it at all and should come in regularly under suspension of the rules and be referred to a committee and heard; but this is an order and unless it pertains to the business and rules of the Senate or House it is manifestly improper.

I move. Mr. President, the indefinite postponement in non-concurrence of this order.

The motion to indefinitely postpone prevailed.

Sent down for concurrence.

From the House:

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

In Senate on March 7th, 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, and under suspension of the rules, 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 so amended was passed to be engrossed in concurrence.

From the House:

The Committee on Legal Affairs on Bill "An Act Authorizing Municipalities to Operate Electric Lighting Systems" (H. P. 1339) (L.

D. 546) reported that the same ought not to pass.

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

In the Senate, on motion by Mr. Blaisdell of Hancock, the report of the committee was accepted, in non-concurrence.

Sent down for concurrence.

From the House:

Bill "An Act Relating to Fishing in Carrabasset River." (H. P. 563)

In House on January 29th referred to Committee on Inland Fisheries and Game.

In Senate on January 30th referred to Committee on Inland Fisheries and Game in concurrence.

The committee subsequently reported "ought not to pass."

In House, on February 21st, recommitted to Inland Fisheries and Game.

In Senate, on February 28th, recommitted to Inland Fisheries and Game in concurrence.

On March 7th the committee again reported that the same "ought not to pass."

In House on March 12th a substitute for bill "An Act Relating to Fishing in Carrabasset River" (H. P. 563) was offered in the form of a resolve entitled, "Resolve Relating to Fishing in Carrabasset River" (H. P. 1712), which was given its two several readings and passed to be engrossed.

In the Senate, the Secretary read the resolve.

Thereupon, the resolve was substituted for the report in concurrence and the resolve was given its first reading; the rules were suspended and the resolve was given its second reading and passed to be engrossed in concurrence.

From the House:

The Committee on Inland Fisheries and Game on "Resolve Relative to Game Preserve in York County" (H. P. 778) (L. D. 277) reported that the same ought to pass in a new draft (H. P. 1638) (L. D. 740) under the same title and that it ought to pass.

In the House recommitted to the Committee on Inland Fisheries and Game.

In the Senate, on motion by Mr. Schurle of Cumberland, the report and resolve were laid upon the table pending acceptance of the report.

Papers from the House, disposed of in concurrence.

House Bills in First Reading

(Under suspension of the rules the following bills and resolves were given their second reading and passed to be engrossed in concurrence.)

"An Act Relating to Poultry." (H. P. 1632) (L. D. 727)

"Resolve in Favor of William Burgess of Waterville." (H. P. 1303) (L. D. 735)

"Resolve in Favor of the Danforth Water Company." (H. P. 1246) (L. D. 734)

"Resolve in Favor of Arthur G. Thombs of Castine." (H. P. 1107) (L. D. 733)

"Resolve in Favor of John K. Forhan of Canton." (H. P. 768) (L. D. 732)

"Resolve in Favor of the Town of Castine." (H. P. 1633) (L. D. 736)

"Resolve in Favor of Harvey I. Dillingham for Damage Inflicted to Sheep by Dogs." (H. P. 1634) (L. D. 737)

"Resolve in Favor of Augustus S. Burke and R. Bourbeau, of Fairfield to Compensate Them for Land Taken for Sewer Appurtenant to Central Maine Sanatorium." (H. P. 1635) (L. D. 738)

"An Act Relative to Game Preserve in York County." (H. P. 1637) (L. D. 728)

"An Act Relative to Trapping in York County." (H. P. 1603) (L. D. 692)

"Resolve Relating to Fishing in Round and Long Ponds in Livermore." (H. P. 1636) (L. D. 739)

"An Act Concerning Security for Loans to Farmers and Others." (H. P. 1639) (L. D. 729)

"An Act Relating to Bail Commissioners." (H. P. 1640) (L. D. 730)

"An Act to Repeal the Organization of the Plantation of Lang." (H. P. 600) (L. D. 671)

"Resolve Authorizing the Forest Commissioner to Sell Certain Public Lots in Webster Plantation, in Penobscot County." (H. P. 1641) (L. D. 741)

"An Act to Authorize the Town of Whiting to Withdraw from the Maine Forestry District." (H. P. 1645) (L. D. 731)

"Resolve Authorizing the Forest Commissioner to Convey Certain Land in Drew to Josephine Morse." (H. P. 1642) (L. D. 742)

"Resolve Authorizing the Sale of State's Interest in Certain Lands." (H. P. 1643) (L. D. 743)

"Resolve Empowering and Directing the Forest Commissioner to

Convey a Lot of Land in Walla-grass Plantation." (H. P. 1644) (L. D. 744)

"Resolve Permitting the United States Government to Purchase Certain Lands in the State." (H. P. 1646) (L. D. 745)

Reports of Committees

Mr. Burkett from the Committee on Judiciary on Bill "An Act Relating to Enforcement of Tax Liens" (S. P. 410) (L. D. 532) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act to Provide Uniform Return Days of Municipal Courts and their Jurisdiction" (S. P. 420) (L. D. 514) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Qualification of Voters" (S. P. 191) (L. D. 141) reported that the same ought not to pass.

Mr. Burns from the same Committee on Bill "An Act in Regard to Waivers or Extensions of Foreclosures of Mortgages on Real Estate" (S. P. 413) (L. D. 536) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Schnurle from the Committee on Inland Fisheries and Game on "Resolve Relative to Fishing in the Kennebec River" (S. P. 326) reported that the same ought to pass.

Mr. Burkett from the Committee on Judiciary on Bill "An Act Proposing an Amendment to the Constitution to Provide Longer Residence to Qualify as a Voter" (S. P. 192) (L. D. 142) reported the same in a new draft (S. P. 626) under the same title, and that it ought to pass.

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

Mr. Fernald from the Committee on Judiciary on Bill "An Act Relative to the Filing of an Inventory in Estate" (S. P. 411) (L. D. 533) reported that the same ought to pass.

Which report was read and accepted and the bill was given its several readings under suspension of the rules and passed to be engrossed.

Sent down for concurrence.

Passed to Be Enacted

"An Act Relating to Salary of Members During Special Session of Legislature." (S. P. 100) (L. D. 668)

"An Act to Fix the Fees for Members of the Board of Examiners of Podiatrists." (S. P. 101) (L. D. 669)

"An Act Relating to Persons Maintaining Licensed Homes for Children." (S. P. 194) (L. D. 143)

"An Act Relating to Disposal of Minor Children in Divorce Proceedings." (S. P. 196) (L. D. 145)

"An Act to Incorporate the Bethel Library Association." (S. P. 293) (L. D. 665)

"An Act Relating to European Corn Borer." (S. P. 378) (L. D. 666)

"An Act Relative to Kidnapping." (S. P. 379) (L. D. 399)

"An Act to Amend the Law Relating to Loan and Building Associations." (S. P. 387) (L. D. 423)

"An Act to Amend the Law Relating to Loan and Building Associations." (S. P. 388) (L. D. 424)

"An Act to Amend the Law Relating to Loan and Building Associations." (S. P. 389) (L. D. 425)

"An Act Relating to the Discontinuance of Railroad Crossings." (S. P. 395) (L. D. 418)

"An Act Relating to Proceedings in the Probate Court." (S. P. 461) (L. D. 682)

"An Act to Provide for the Investigation of Divorce Cases in Which the Custody of Children is Involved." (S. P. 462) (L. D. 680)

"An Act Relating to Clerk Hire in County Offices in Oxford County." (S. P. 702) (L. D. 222)

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

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

"An Act to Assure Proper Branding of Potatoes." (H. P. 1459) (L. D. 655)

Finally Passed

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

"Resolve in Favor of William C. Boyles of Castle Hill." (H. P. 1486) (L. D. 667)

"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. 673)

(Emergency Measure)

"An Act to Amend the Law Relating to Loan and Building Associations." (S. P. 386) (L. D. 422)

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 Taxation of Trust and Banking Companies." (H. P. 1542) (L. D. 679)

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 to Incorporate the Town of Hodgdon School District." (H. P. 1629)

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.

The PRESIDENT: The Chair wishes to compliment the Senate on unanimously voting on all emergency measures and would like to call to the attention of the Senate the fact that there is a rule in the Senate which requires every member to vote. The Chair hopes that on all questions of division in the future it will not be necessary to call this rule to the attention of the Senate.

Orders of the Day

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, House Report from the Committee on Maine Publicity, "ought to pass" on bill, An Act for placing the word 'Vacationland' on all number plates on motor vehicles (H. P. 106) (L. D. 675), tabled by that Senator on March 13th pending acceptance of the report in concurrence.

Mr. FERNALD of Waldo: Mr. President, I move the indefinite postponement of the bill and the report. If the Senators will turn with me briefly to this Legislative Document 675 perhaps they may see this thing in the same humorous light that I see it. The bill, as I read it here, says that, "All number plates"—all number plates—"issued for the licensing of any

motor vehicle by the Secretary of State shall bear the word 'Vacationland.'" And then it says, "This act shall take effect January 1st, 1936."

On the Judiciary Committee we have a member, a grand fellow, who has a habit, and a good habit, of asking every person who appears before the committee to define certain terms that he uses and so I took it upon myself to look up the definition of the word "Vacationland" and I quote as my authority Funk & Wagnall's Comprehensive Standard Dictionary for 1934, page 643: The word vacation; "An intermission of activity, employment or stated exercises; an interval of some length, as for recreation; a holiday." Now, the thought occurred to me that since 'his bill, according to its very terms takes effect January 1st, 1936, I am wondering how some of the members of this Senate will react when they become members of that august Body known as the Governor's Council and they have these distinctive number plates bearing the words, "Maine Council; Vacationland." It will look—really I don't know whether this is intentional as an insult to the Council but "Maine Council" and then right under it "Vacationland."

I think if we are going to continue the Governor's Council in operation we should still continue that body in the same dignity and we should reverence it in the same manner that we do now but I don't think that we want to put this label "Vacationland" on it.

Then, you know, when you are going along the highway you see these white and red number plates on cars. Maine official cars, and you are going to put on them the word "Vacationland." And this occurred to me: You are going to see a fellow going along hanging on with both hands to a motorcycle and there is going to be some girl on behind him hanging on and there is going to be one of those little bits of number plates bearing the word "Vacationland". I can see the irony of that situation. Of course I will admit it may be good advertising but you can't say that it is unique because a lot of other states used to have it but don't have it now. Down in Florida they had the idea.

Seriously considering this proposition, however, I think the word "Maine" on a number plate is good

enough and I don't think we want to add "Vacationland" to it. I don't think we want to pick up some slogan, some worn-out slogan, that Florida or California or some other state has discarded years ago because of the ridiculousness of the situation. And on the other hand—I forgot to mention this in the other part of my remarks—assuming that our desire, at least on the part of some of the members of this body, to have distinctive number plates had gone through, then it would have read, "Maine Senate; Vacationland." But I think that is enough of that.

I think we all appreciate the situation that this bill proposes to create. I think it would be a boom-erang. I think it would be something that would react upon the dignity of this Senate and upon the dignity of the people who would of necessity have to have that word on their cars.

I move, Mr. President, the indefinite postponement of the bill and the report, and ask that when the vote is taken we have a division.

Mr. SCHNURLE of Cumberland: Mr. President, I hate to take exceptions to the arguments of the Senator from Waldo (Senator Fernald) but it does seem rather good to do it on a friendly basis, to say the least.

I think perhaps some of the things he has said are true, I think perhaps that the word "Vacationland" upon certain types of plates probably would not be good. I think I agree with him on that. But in the matter of the word "Vacationland" on pleasure car plates I have to disagree with him.

He states that this particular slogan has been used by other states. I do not think that is quite true. I think other states have used a similar slogan but none, to my knowledge has ever used the word "Vacationland." Now, as you may know, the State of Maine is spending a considerable amount of money in advertising and we have tried to make the people of this country conscious of the fact that the State of Maine is Vacationland and I feel that that is a pretty good word after all. We are trying to get people to come down here and take vacations in our state. Some people have carried little plates such as the Senator exhibited attached to their own cars and have

received many compliments upon the fact that Maine was trying to advertise its recreational facilities and resources. I cannot see any harm at all in the word being upon the plates. The word "Maine" of course is still there because we want the two words to be synonymous: "Maine" and "Vacationland." We are spending our money to try and make people conscious of that fact and I would prefer to see the bill amended so that some of those men whom we revere so highly will not be embarrassed. I don't want the Council to be regarded as on a vacation because we know that they work twelve months in every year, nor do I want to see the little girl on the motorcycle embarrassed. I think she is embarrassed enough in the position she is in. But I think there is merit in this bill. It ties in with our advertising campaign and has a value to the State of Maine and I can see no harm in it and the Secretary of State can see no harm in this word being on our number plates, nor can the Highway Police. And many people see good in it. There was no opposition to the measure before the committee and there were several proponents of the measure, and I trust the motion of the Senator from Waldo (Senator Fernald) for indefinite postponement will not prevail.

I might add, Mr. President, that there is no attending cost to the State of Maine in the printing of this word on the plates. They will be printed at the same cost that they are now.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Waldo, Senator Fernald, that bill. An Act for placing the word "Vacationland" on all number plates on motor vehicles be indefinitely postponed, and the Senator asks for a division.

A division of the Senate was had.

Three having voted in the affirmative and twenty-six opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Schnurle of Cumberland, the report of the committee "Ought to Pass" was accepted in concurrence and under suspension of the rules the bill was given its two several readings.

Mr. BLAISDELL of Hancock: Mr. President, I move that the bill be

now laid upon the table for purposes of amendment.

Thereupon, the bill was laid upon the table pending passage to be engrossed in concurrence.

Mr. BURNS of Aroostook: Mr. President, in regard to Resolve relating to ice fishing in Eagle and St. Froid Lakes, yesterday I inadvertently asked the Senate to substitute the original resolve for the new draft and I would like now to have the Senate reconsider that action of yesterday.

Thereupon, the Senate voted to reconsider its action taken yesterday whereby Resolve relating to ice fishing in Eagle and St. Froid Lakes (H. P. 1056) was substituted for the report of the Committee "Ought to Pass in New Draft"; and on further motion by the same Senator the report of the Committee "Ought to pass in New Draft" (H. P. 1604) (L. D. 691) was accepted, and under suspension of the rules the resolve in new draft was given its two several readings and passed to be engrossed in concurrence.

On motion by Mr. Blaisdell of Hancock, the Senate voted to reconsider its action whereby Bill, An Act Relating to Corporations without Capital Stock (H. P. 1213) (L. D. 460) was passed to be engrossed; and on further motion by the same Senator House Amendment "A" was read and adopted in concurrence, and the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act relating to Emergency Municipal Finance Board, (S. P. 557, L. D. 719) tabled by that Senator on March 13th pending first reading.

Mr. FERNALD of Waldo: Mr. President, I now move indefinite postponement of the bill. I would like, now that it seems that the pageantry of the session is over with, that the matter before us should receive some consideration. I would like to have you, if you would, just briefly turn to the bill. I think it is a matter that we should consider seriously because it does affect every community in the State of Maine. I think that we will all agree that the idea back of the proposition is sound and that in certain instances it would be of

value, but I believe that in curing one evil by this legislation, we would be creating a ghost that would haunt every member of the legislature from the time he left this legislature until his death.

Now, let's read in Section 3 here, "The board is hereby authorized and empowered in the event that any city, town or plantation becomes six months in arrears in the payment of its taxes to the state in full or in part," and now I think if we start in on that proposition we will find that most towns at one time or another are six months in arrears in the payment of taxes to the state. Continuing, "or defaults on any bond issue or payment of interest due thereon"; and what towns are not covered by being six months in arrears are covered by the second section I have read. Then it provides, "or refuses or neglects to pay school and other salaries due." I think under these three provisions we cover every community in Maine.

Now, you could go over on the next page of the bill and you will find that certain temporary officials are appointed from Augusta to go in and take control of the whole situation. Now, go over to Section 8. "Duration of power of board. Said board shall continue in charge of the government and financial affairs of said city, town or plantation until such time as its taxes due the state, or loans made therefor, expenses or obligations incurred by said commissioner or commissioners, or the board of emergency municipal finance shall have been paid and until in the opinion of the commissioner or commissioners, or the emergency municipal finance board, the financial affairs of said city, town or plantation may be resumed under local control."

In other words, Members of the Senate, under the bill, eventually every town and city in Maine will be under the control of that commission because once a town goes under that control it will never be able to get out from under and gradually and gradually, and slowly and slowly the whole system of local government in Maine will be absorbed by that commission and we will give up that local town government that Thomas Jefferson said was the greatest contribution that Democracy had made. In other words, in the period of the next ten years we will give up our town meeting form of government in Maine and our city manager form of gov-

ernment in Maine. If you want to vote for that, it is all right with me, but I am right here to state my position, that I do not subscribe to that form of government in Maine or in America because it is not the American way of carrying on American government.

Now, I think you all understand the situation. I could stand here and talk to you two hours on the situation, the way I feel about it, but I think the matter is clearly before you and the responsibility is yours. When the vote is taken, Mr. President, I would like to ask for a division.

Mr. TOMPKINS of Aroostook: Mr. President, I would just like to say a few words in support of what the Senator has just said. I have not any objection to any state official coming into my town to look the situation over, if he wants to, but I do object to this bill. In the first place, if a town gets into such situation that it must be taken over, it certainly has not any money with which to pay the bills. If the state wants to appropriate a certain fund to pay a commissioner or an agent or whatever you might wish to call the person who is sent to any particular town or city to take over the matter of running the city government or town government, that is all right but under this bill the man who is appointed as an agent or commissioner is authorized to get what money he wants from the state to do just as he pleases, and to charge that money up to the town or the city, when it is obvious that such a move would be foolish because such a town or city is so far in debt that it can not pay what debts it now owes.

If you read farther on in this bill you will find that any money that this agent or commissioner may borrow from the state becomes a first lien or first mortgage on that particular town or city and sets

aside the present debt which said town or city now owes. I say that is not fair. Our towns throughout the state are a little different from the cities insofar as borrowing money is concerned. I mean this, that our town debt is within the town in most of our towns in the state. To further illustrate: A few years ago when the towns wanted to borrow money they did not go out of the towns if they could borrow within the town, and most of the towns did have citizens within those particular towns from whom they could borrow money and from whom they did borrow money, and the town debt in many of our towns today is due to the citizens who live within the towns. I say that to pass a law that would set aside the present town debt and let some stranger come in and run the affairs as he wants to, and make that a first lien upon the town or city, is not fair, and I hope the motion of the Senator from Waldo (Senator Fernald) will prevail.

Mr. SCHNURLE of Cumberland: Mr. President, I happen to be a member of the committee before which this bill was heard, and I am inclined to agree with some of the things the Senator from Waldo has said about this bill. I do think, however, that the real motive behind the bill was to try to bolster up a law already existing. Perhaps it has gone too far. I think perhaps it would be advisable to see if something could not be worked out to meet the approval of those who oppose it, and I move, Mr. President, that the bill lie on the table.

Thereupon, the bill was laid upon the table pending motion to indefinitely postpone.

Upon motion by Mr. Potter of Penobscot,

Adjourned until tomorrow morning at ten o'clock.