

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

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**SENATE**

Friday, March 22, 1935.

Senate called to order by the President.

Prayer by the Rev. H. E. P. Pressey of Augusta.

Journal of yesterday, read and approved.

From the House:

Bill "An Act Creating a Lien on Potatoes," (H. P. 1605) (L. D. 694)

In House, on March 15th indefinitely postponed.

In Senate, on March 20th, report of Committee "Ought to Pass in a New Draft," accepted in non-concurrence.

In the House, that body having insisted on its former action and asking for a committee of conference, the Speaker having appointed as members of such a Committee:

Messrs: Gray of Presque Isle  
Findlen of Fort Fairfield  
Doyle of Caribou

In the Senate, that body voted to insist 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 Burns of Aroostook  
Ashby of Aroostook  
Pillsbury of Kennebec

From the House:

Bill "An Act to Incorporate the Town of Leeds School District," (H. P. 1767)

In the House, that body received it by unanimous consent, under suspension of the rules, without reference to a committee, gave it three several readings and passed it to be engrossed as amended by House Amendment "A".

In the Senate, the Secretary read the bill. Thereupon, on motion by Mr. Winn of Androscoggin, the bill and House Amendment "A" were laid upon the table pending reception of the bill by the Senate, in concurrence.

Papers from the House, disposed of in concurrence.

From the House:

The Committee on Mercantile Affairs and Insurance on Bill "An Act Relative to the Countersignature of all Insurance Policies and Bonds," (H. P. 206) (L. D. 66) reported the same in a new draft (H. P. 1751) (L. D. 768) under the same title, and that it ought to pass.

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

In the Senate, House Amendment "A" was read; and on motion by Mr. Burkett of Cumberland the bill and report were tabled pending acceptance of the report in concurrence.

From the House:

The Committee on Claims on "Resolve in Favor of the General Contracting Co., Inc., of Bath, Maine, to Reimburse Same for Damages on Account of State Highway Project 116-A Woolwich" (H. P. 766) reported that the same ought not to pass.

In the House, the report was read and accepted.

In the Senate, on motion by Mr. Blaisdell of Hancock, the bill and report was laid upon the table pending acceptance of the report 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.)

"Resolve in Favor of Richard Clayton French of Carmel," (H. P. 1753) (L. D. 785).

"Resolve Regulating Ice Fishing in Pleasant, Mud and Horseshoe Ponds, Cobbosseecontee Stream and the Tacoma Chain of Lakes in the Counties of Kennebec and Sagadahoc," (H. P. 1755) (L. D. 787).

"Resolve Relative to the Taking of Smelts for Food Purposes from Crooked and Songo Rivers and Batchelder Brook," (H. P. 1754) (L. D. 786)

"An Act Relating to Penalty for Operating Motor Vehicle while Under the Influence of Intoxicating Liquor or Drugs," (H. P. 1710) (L. D. 746)

"An Act to Provide for Jury Commissioners," (H. P. 1729) (L. D. 754)

"An Act to Amend the Charter of the City of Brewer," (H. P. 1758) (L. D. 778)

"An Act Relating to Superintending School Committee for the Town of Mount Desert," (H. P. 1761) (L. D. 781).

"An Act Relating to Pauper Expense," (H. P. 1760) (L. D. 780).

"Resolve Relative to the Digging of Clams in Mt. Desert," (H. P. 1762) (L. D. 789)

"Resolve Authorizing the Forest

Commissioner to Sell Lands in Penobscot County," (H. P. 1630) (L. D. 784).

"An Act Relating to Women Prisoners," (H. P. 1763) (L. D. 782).

#### Orders

On motion by Mr. Tompkins of Aroostook, it was

ORDERED, the House concurring, that the Secretary of the Senate be directed to return from the files of the Senate, to the Senate, (S. P. 422) (L. D. 510) entitled Bill "An Act Relating to Support of Paupers or Other Dependent Persons Falling into Distress." (S. P. 657)

Sent down for concurrence.

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

#### Reports of Committees

Mr. Blanchard from the Committee on Banks and Banking on Bill, "An Act Relating to the Deposit of State Funds," (S. P. 267) (L. D. 267) reported that the same ought not to pass.

Mr. FERNALD of Waldo: Mr. President, I move that we substitute the bill for the report. In regard to the matter before us this morning, Legislative Document 267, you will see by the printed bill that all that act proposes to do is to say to the State of Maine, the State Treasurer, that in the depositing of the funds of the State he shall deposit those funds with the banking institutions created under the laws of Maine and with the banks of Maine which have been created under said laws that pay to the State of Maine, taxes. You will find that in striking out the words "national banks" the thought is that national banks which thus far have seen fit to go into the field of the savings bank business, although they were not originally chartered for that purpose, since they have seen fit to go into that field of activity and compete with our state institutions and thus seek under the cloak of the fact that they are instrumentalities of the national government, to seek exemption from taxation. I feel that it is time in this State, when we understand the needs of the times, when we understand that the State is seeking so far as possible to bolster up its revenue and to increase its appropriations as far as possible, I feel that if at this time we can in some little

way aid the trust companies and savings banks, banks that are gradually decreasing and gradually going out of existence because of this unfair competition and at the same time bring an added revenue into the State treasury, I feel that it is our duty as representatives of the people to protect our own institutions and put the business of banking in Maine upon a basis of fair competition, a basis of a square deal for all regardless of whether you are on the right hand side of the street or on the left hand side of the street.

The theory back of it is not new. The theory was promulgated, at least twenty years ago, by a tax commission appointed by a Republican governor as the result of an act of a Republican Legislature, and of course I do not rise as a member of this Legislature seeking to increase the money available for the general activities of the government with any misapprehension as to what will be the final outcome of this bill because we know that in the last twenty years in Maine not a single reform in banking of any consequence as far as the people are concerned has ever been enacted by a Legislature. But I do say this, that I think we are perpetuating an injustice upon the savings banks of Maine when we help an institution created by the Federal Government to come in and compete with them but still to seek an exemption under their cloak as an instrumentality of the Federal Government.

This bill would bring into the State treasury, without any added expense, a considerable amount of money and at this time when we realize that money is very cheap and the banks are not wanting it, the national banks are not opposed to it. I think the matter is simple enough and it has been presented before you, and the disposal of this matter lies entirely in your hands. And, Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The Senator from Waldo, Senator Fernald, moves to substitute bill, An Act relating to the deposit of state funds (S. P. 267) (L. D. 267) for the report of the committee which is "ought not to pass" and the same Senator asks for a division.

A division of the Senate was had. One having voted in the affirmative and twenty-seven opposed the

motion to substitute did not prevail.

Thereupon, the report of the committee "ought not to pass" was accepted in concurrence.

#### Reports of Committees (Cont.)

Mr. Pillsbury from the Committee on Claims on "Resolve to Reimburse the Town of Moscow for Support of Bert H. Clark and Family," (S. P. 25) reported that the same ought not to pass.

Mr. Friend from the same Committee on "Resolve in Favor of the Town of Orrington," (S. P. 29) reported that the same ought not to pass.

(At this point the Hon. Frank Holley, former President of the Senate, was escorted to a seat at the right of the President, amidst the applause of the Senate, the members rising).

Miss Martin from the Committee on Legal Affairs on Bill "An Act in Favor of the First National Bank of Portland," (S. P. 321) (L. D. 354) reported that the same ought not to pass as legislation thereon is inexpedient.

Mr. Blaisdell from the same Committee on Bill "An Act to Incorporate the Princes Point Village Corporation," (S. P. 297) (L. D. 258) reported that the same ought not to pass.

Mr. Burkett from the Committee on Military Affairs on "Resolve Directing the Governor to Proclaim October 11th of each Year 'General Pulaski's Memorial Day,'" (S. P. 425) reported that the same ought not to pass.

Mr. Burns from the same Committee on Bill "An Act Relating to Exemptions of Estates from Taxation," (S. P. 83) (L. D. 7) reported that the same ought not to pass.

Mr. Jackson from the Committee on Pensions on Bill "An Act Relating to Old Age Pensions," (S. P. 427) (L. D. 517) reported that legislation thereon is inexpedient as matter is covered by other legislation.

Mr. Blanchard from the Committee on Taxation on Bill "An Act Relating to Tax Administration," (S. P. 438) (L. D. 484) reported that the same ought not to pass.

Mr. Burkett from the same Committee on Bill "An Act Relating to Licensing the Operation of Certain Machines," (S. P. 419) (L. D. 531) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to Assessments and Taxes," (S. P. 439) (L. D. 489) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to Taxation," (S. P. 436) (L. D. 483) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to State Tax Administration," (S. P. 435) (L. D. 488) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Pillsbury from the Committee on Claims on "Resolve Appropriating Money to Pay the Claim of Frank D. and Evelyn C. Goodwin of Hermon, Against the State of Maine," (S. P. 207) reported the same in a new draft (S. P. 649) under the same title and that it ought to pass.

Mr. Friend from the same Committee on "Resolve in Favor of Ethel M. Parker of Portland," (S. P. 322) reported the same in a new draft. (S. P. 650) under the same title, and that it ought to pass.

Mr. Burns from the Committee on Judiciary on Bill "An Act Relating to Revocation of Medical Doctor's Licenses," (S. P. 241) (L. D. 252) reported the same in a new draft (S. P. 651) under the same title and that it ought to pass.

Mr. Burkett from the same Committee on Bill "An Act Relative to Motor Vehicle Transfer Certificates," (S. P. 289) (L. D. 255) reported the same in a new draft (S. P. 652) under the same title, and that it ought to pass.

Miss Martin from the Committee on Legal Affairs on Bill "An Act to Provide for the Union of Towns for the Employment of Social Welfare Workers," (S. P. 250) (L. D. 200) reported the same in a new draft (S. P. 653) under the same title and that it ought to pass.

Mr. Pinansky from the same Committee on Bill "An Act Relating to Vital Statistics," (S. P. 392) (L. D. 419) reported the same in a new draft (S. P. 654) under the same title, and that it ought to pass.

Mr. Blaisdell from the same Committee on Bill "An Act Relating to Obstruction of Justice," (S. P. 446) (L. D. 482) reported the same in a new draft (S. P. 655) under the

same title, and that it ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Terms of the County Commissioners' Court for the County of Washington," (S. P. 248) reported that the same ought to pass.

Mr. Harmon from the Committee on Pensions on Bill "An Act to Provide for Pensions for Veterans of the Civil War, Spanish War and Philippine Insurrection, and Their Dependents," (S. P. 383) (L. D. 432) reported the same in a new draft (S. P. 656) under the same title and that it ought to pass.

Mr. Burkett from the same Committee on Bill "An Act Relating to Pensions for State Employees," (S. P. 426) reported that the same ought to pass.

Mr. Fernald from the Committee on Salaries and Fees on Bill "An Act Relating to Clerk Hire in the Office of Register of Deeds for the Southern District of Aroostook County," (S. P. 201) 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 joint rules.

Mr. Pinansky from the Committee on Legal Affairs on Bill "An Act Relating to Construction of Public Buildings," (S. P. 417) (L. D. 529) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Hawkers and Peddlers," (S. P. 221) (L. D. 194) reported that the same ought to pass.

(On motion by Miss Martin of Penobscot, tabled pending acceptance of the report)

Mr. Blaisdell from the same Committee on Bill "An Act to Amend Section 380 of Chapter 1 of the Public Laws of 1933 Relating to Probation of Boys at State School for Boys," (S. P. 223) (L. D. 196) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act to Ratify and Confirm the Organization of Bingham Associates' Fund, and to Increase its Powers," (S. P. 333) (L. D. 344) reported that the same ought to pass.

Mr. Burkett from the Committee on Military Affairs on Bill "An Act Relating to Games of Sport on Armistice Day" (S. P. 357) (L. D. 338) reported that the same ought to pass.

Mr. Blanchard from the Committee on Taxation on Bill "An Act Relating to Licenses for Retail

Stores," (S. P. 375) (L. D. 339) reported that the same ought to pass.

Which reports were severally read and accepted, the bills and resolve read once and under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

The majority of the Committee on Judiciary on Bill "An Act Relating to the Abolishment of the Governor's Council," (S. P. 215) (L. D. 183) reported that the same ought not to pass.

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

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 of the Committee "Ought not to pass" was accepted.

The majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Abolishing the Governor's Council," (S. P. 214) (L. D. 187) reported that the same ought not to pass.

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

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. Fernald of Waldo, the resolve and both reports were laid upon the table pending acceptance of either report.

#### Passed to Be Enacted

Bill "An Act Relative to the Filing of an Inventory in Estate." (S. P. 411) (L. D. 533)

Bill "An Act Relating to Investments of Savings Banks," (H. P. 1200) (L. D. 450)

Bill "An Act Relating to Liquor Licenses," (H. P. 1606) (L. D. 695)

**Finally Passed**

"Resolve Relating to Ice Fishing in Little Sebago Lake." (H. P. 1203) (L. D. 452)

**(Emergency Measure)**

"An Act to Provide for the Surrender by Town of Kingman of its Organization." (H. P. 596) (L. D. 160)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

**Orders of the Day**

Mr. PINANSKY of Cumberland: Mr. President, apparently I was absent from the Senate Chamber when item number six on page five, was taken up. Under that item Mr. Burkett from the Committee on Military Affairs on "Resolve directing the Governor to proclaim October 11th of each year 'General Pulaski's Memorial Day' (S. P. 425) reported that the same ought not to pass.

With all due respect to the Senator from Cumberland, Senator Burkett, I am afraid that he did not go into the matter as thoroughly as he might have and I feel now that on account of the similarity, at least in sound, between that name and my own I would like opportunity to look into the genealogy of the Pulaski family and see whether there is any relation there between his family and mine so that I may decide how to vote upon the matter.

Since I was apparently absent when the report was read I will ask that this matter be laid upon the table.

The PRESIDENT: The Senator from Cumberland, Senator Pinansky, moves that the Senate reconsider its action taken earlier in today's session whereby report from the Committee on Military Affairs "Ought not to pass" on Resolve directing the Governor to proclaim October 11th of each year General Pulaski's Memorial Day (S. P. 425) was accepted.

Mr. BURKETT of Cumberland: Mr. President, I ask for a division.

The PRESIDENT: And the Senator from Cumberland, Senator Burkett, asks for a division.

A division of the Senate was had. Sixteen having voted in the affirmative and ten opposed, the ac-

ceptance of the report was reconsidered.

Thereupon, on motion by Mr. Pinansky of Cumberland, the resolve and report were laid upon the table pending acceptance of the report.

On motion by Mr. Winn of Androscoggin, the Senate voted to reconsider its action taken earlier in today's session whereby it accepted the report of the Committee on Pensions, "legislation inexpedient," on bill, An Act relating to old age pensions (S. P. 427) (L. D. 517); and on further motion by the same Senator the bill and report were laid upon the table pending acceptance of the report.

On motion by Miss Martin of Penobscot, the Senate voted to reconsider its action taken on the previous legislative day whereby the report of the Committee on Legal Affairs "Ought not to pass" on bill, An Act relating to State planning and development (H. P. 1331) (L. D. 539) was accepted in concurrence; and on further motion by the same Senator the bill and report were laid upon the table pending acceptance of the report in concurrence.

On motion by Mr. Blaisdell of Hancock, the Senate voted to reconsider its action taken earlier in today's session where, bill, An Act relating to a Superintending School Committee for the Town of Mount Desert (H. P. 176) (L. D. 781) was passed to be engrossed in concurrence; and on further motion by the same Senator the bill was laid upon the table pending passage to be engrossed in concurrence.

On motion by Mr. Winn of Androscoggin, the Senate voted to take from the table, Bill, An Act relating to the fees of jurors (H. P. 314) (L. D. 75), tabled by that Senator on March 20th pending assignment for second reading.

Thereupon, that Senator offered Senate Amendment "A" and moved its adoption; "Senate Amendment 'A' to House Paper 314, Legislative Document 75, entitled 'An Act relating to fees of jurors.' Amend said bill by striking out in the sixth line thereof the figure '\$5' and inserting in place thereof the figures '\$4.50'; and by inserting in the seventh line

thereof, before the word 'included' the word 'not'."

Thereupon, on motion by Mr. Schnurle of Cumberland, the bill and amendment were laid upon the table pending adoption of Senate Amendment 'A'.

On motion by Mr. Potter of Penobscot,

Adjourned, until tomorrow morning at ten o'clock.