

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 29, 1935.

Senate called to order by the President.

Prayer by the Rev. H. F. Milligan of Gardiner.

Journal of yesterday read and approved.

Papers from the House, disposed of in concurrence.

From the House:

Bill "An Act Relating to Lights on Trucks." (H. P. 335) (L. D. 105)
Report of the Committee on Judiciary "Ought not to Pass."

In House, on March 14th bill substituted for the report and

In House, on March 15th, House Amendment "A" adopted.

In House, on March 19th, bill passed to be engrossed as amended by House Amendment "A".

In Senate, on March 26th, passed to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" to House Amendment "A" in non-concurrence.

In the House, that body insisted on its former action, and asked for a committee of Conference, and the Speaker appointed as members of such a Committee: Messrs. Webber of Auburn, Hathorn of Bangor, Thompson of Belfast.

In the Senate, that body voted to insist on its former action whereby the bill was passed to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" to House Amendment "A" in non-concurrence, and join the House in a committee of conference; and the President appointed as such members on the part of the Senate: Senators Burkett of Cumberland, Friend of Somerset, Bartlett of Oxford

From the House:

Bill "An Act Relating to Secret Ballot at Town Meetings." (S. P. 414) (L. D. 535)

In Senate on March 19th, bill passed to be engrossed.

In the House indefinitely postponed in non-concurrence.

In the Senate, that body voted to recede and concur in the indefinite postponement of the bill.

Subsequently, on motion by Mr. Burns of Aroostook, the Senate vot-

ed to reconsider its action just taken whereby the Senate voted to indefinitely postpone the bill in concurrence; and on further motion by the same Senator the Senate voted to adhere to its former action whereby the bill was passed to be engrossed, and asked for a committee of conference; and the President appointed as members of such committee on the part of the Senate: Senators Burns of Aroostook, Winn of Androscoggin, Martin of Penobscot.

Sent down for concurrence.

From the House:

Bill "An Act Relating to Payment of Wages." (S. P. 661) (L. D. 836)

In Senate on March 36th bill passed to be engrossed.

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

In the Senate: House Amendment "A" was read. Under suspension of the rules the Senate reconsidered its former action whereby the bill was passed to be engrossed; House Amendment "A" was adopted in concurrence; and the bill was passed to be engrossed as amended by House Amendment "A" in concurrence.

From the House:

"Petition of C. L. Martel of Lewiston and 24 others in favor of L. D. 586 relating to the Sale of Poisons." (S. P. 694)

In Senate, referred to the Committee on Public Health.

In the House, ordered placed on file in non-concurrence.

In the Senate, that body voted to recede and concur with the House in placing the petition on file.

From the House:

"Remonstrance of Florence M. Owens and 12 others of Kennebec Chapter D. A. R. against the Pari-Mutuel Bill." (S. P. 695)

In Senate referred to the Committee on Legal Affairs.

In the House, ordered placed on file in non-concurrence.

In the Senate, that body voted to recede and concur with the House in placing the petition on file.

From the House:

The Committee on Judiciary on Bill "An Act Relating to Insurance of Motor Vehicles Carrying Pas-

sengers for Hire," (H. P. 1243) (L. D. 556) reported that the same ought not to pass.

In the House, the bill having been substituted for the report, and bill passed to be engrossed as amended by House Amendment "A".

In the Senate; the report of the Committee "Ought not to pass was accepted in non-concurrence.

Thereupon, on motion by Mr. Burkett of Cumberland the Senate voted to reconsider its action just taken whereby the report of the committee "ought not to pass" was accepted in non-concurrence, and on further motion by the same Senator the bill was substituted for the report in concurrence and given its first reading; House Amendment "A" was read and adopted in concurrence; and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by House Amendment "A" in concurrence.

From the House:

The Committee on Labor on Bill "An Act Relating to Minimum Wages for Laborers," (H. P. 1147) (L. D. 367) reported the same in a new draft (H. P. 1787) (L. D. 840) under the same title, and that it ought to pass.

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

In the Senate; the report of the committee was accepted in concurrence and the bill was given its first reading; House Amendment "A" was read and adopted in concurrence.

Thereupon, on motion by Mr. Burns of Aroostook, the bill was laid upon the table, pending assignment for second reading.

From the House:

The Committee on Pensions on "Resolve Providing for a State Pension for Charles W. Shorey of Waldo," reported the same in a new draft (H. P. 1793) (L. D. 820) under the same title, and that it ought to pass.

In the House, the report was accepted and the resolve was passed to be engrossed.

In the Senate, on motion by Mr. Hussey of Kennebec, the resolve and report were tabled pending acceptance of the report in concurrence.

House Bills in First Reading

(Under suspension of the rules the following bill was given its second reading and passed to be engrossed in concurrence.)

Bill, An Act Exempting Pedestrians from Paying Toll on the Waldo-Hancock Bridge," (H. P. 16) (L. D. 4).

From the House:

The majority of the Committee on Legal Affairs on Bill "An Act Relating to Horse Racing for Trotters and Pacers and Creating a State Racing Commission," (H. P. 1256) (L. D. 500) reported that the same ought not to pass.

(Signed)

Pinansky of Cumberland
Martin of Penobscot
Davis of Fairfield
Higgins of Ellsworth
Burnham of Kittery
Chase of Sebec

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

(Signed)

Blaisdell of Hancock
Chase of Baring
Donahue of Biddeford
Sawyer of Brunswick

In the House, the minority report "Ought to Pass" accepted, and the bill passed to be engrossed.

Mr. FRIEND of Somerset: Mr. President, I move the acceptance of the minority report, "ought to pass" in concurrence.

Mr. HARMON of Hancock: Mr. President, I am wondering just what the reaction is going to be on this pari-mutuel racing if the bill is accepted by the State. I surely favor doing anything within reason that will assist our fairs, but it rather seems to me that the reaction will be, if it is passed, that the drivers from out of state are liable to come in and enter their horses in the races. They have plenty of fast horses to come in that would smother the Maine horses.

Now, I am wondering, if this bill is passed, if it isn't going to lay us open to sharks, I might call them, from other states coming in here with those horses and they would know just how the races were going to come along and who would win the money, and I am wondering if the people of the State of Maine who bet their money on these races

are not going to be losers and we will have this money going out of the state to those fellows who come in with horses from out of the state. Also, I am wondering just what benefit it will be to the State of Maine. It would seem to me that the State of Maine will not receive very much, if any, recompense from these races. It does seem to me that it is laying us open to the fact that when these bettings are carried on at these races that our people of the State of Maine who bet on them will be holding the bag and the most of the money will go out of the state to, we will call them sharks, who come in with horses from out of the state and participate in those races.

It seems to me in analyzing the situation of what the reaction is going to be, it rather seems to me that if that would be the result, there is no question in my mind but what races are fixed and they have plenty of speed to come down here to over-run the horses in our state and I am of the opinion that the State of Maine is not going to be really benefited by this pari-mutuel racing.

Probably what I say would not have any bearing on the way any Senator will vote, but I just wish to state my position on how I analyze this situation and it does seem to me that perhaps it might be well to let this stand for a couple of years. Maine is not near to the center of the populous section, and I am of the opinion that Maine, itself, will not derive but very little, if any, revenue from this source.

Mr. POTTER of Penobscot: Mr. President, I move that when the vote is taken it be by yeas and nays.

Mr. BODGE of Kennebec: Mr. President, I feel a little hesitation in getting up and speaking on this matter. First, because I know mighty little about it. I had not the slightest idea it was coming in the Senate from the House in any such manner as it did. I supposed it was going to be killed over there and we would not have to rap it at all over here. The only reason I have, or perhaps the main reason I have for speaking is because of the many letters I have received from my constituents expressing a hope that this bill would not receive passage. Now, so far as the moral question goes, I presume that they know just about as much

about it as I do, and that is practically nothing. I have not had a letter from anyone expressing any hope or desire that this bill receive passage, so that all the correspondence I have had has been on one side. I feel that I should submit to this Senate the expression of my constituents as I found it. I believe after listening very carefully to the arguments at the hearing, that the fairs are made more or less escapable and it is my firm conviction that the agricultural fairs, as such, will not receive any benefit whatever. I am of the opinion that it will be a detriment to them, but as I said at the beginning of my remarks, I have not studied this matter sufficiently to give it an intelligent discussion but simply feel that I should let the Senate know the tenor of the letters I have received.

Mr. FRIEND: Mr. President, I just want to say the fairs, if this goes through, which would be putting on pari-mutual races, want it to go through, and it seems the officers and trustees of the fairs should know whether or not this would benefit them. They feel it would add greatly to the income of all the fairs that put on these races and would help them immeasurably to assist in paying premiums on agricultural products. About all of the fairs are having tough sledding now and owing a lot of money, most of them, and any additional income, any help that could be brought in in an official way would be of great help to them. In addition to that, it was estimated that this would bring in an income to the State of Maine of around \$50,000, and the state is certainly in need of all the additional income it can get today. I hope the minority report will be accepted.

Mr. BURKETT of Knox: Mr. President, in reply to the Senator from Kennebec, Senator Bodge, I will say that at the meeting of officials of the fair associations this summer, which they have every year, they were the ones who really proposed the adoption of this measure. And in reply to the Senator from Hancock, Senator Harmon, I will say that no horse gets any more money even if he wins a race under this policy than he would under the old one.

Mr. BISSETT of Cumberland: Mr. President, in Cumberland County

they have three fairs, Topsham, Gorham and Cumberland. Under this bill it isn't compulsory that they have this pari-mutuel racing. They don't have to unless they want to. If there is anything we can do to help out the fairs, I think we want to do it. I went to the hearing, as no doubt you all did, and I am in favor of this pari-mutuel bill.

The PRESIDENT: The Senator from Penobscot, Senator Potter moves that when the vote is taken it be taken by Yeas and Nays. As many as are in favor of the vote being taken by the Yeas and Nays will rise.

A sufficient number having arisen, the Yeas, and Nays were ordered.

The PRESIDENT: The question is on the motion of the Senator from Somerset, Senator Friend, that the minority report "ought to pass" on Bill, An Act Relating to Horse Racing for Trotters and Pacers and Creating a State Racing Commission, be accepted. Those in favor of the acceptance of the minority report "ought to pass" will answer Yes when their names are called. Those opposed to the acceptance of the minority report will answer No when their names are called. The Secretary will call the roll.

YEA—Bartlett, Billings, Bissett, Blaisdell, Blanchard, Burkett of Knox, Burkett of Cumberland, Carl, Cowan, Fernald of York, Friend, Goodwin, Haskell, Hathaway, Jackson, Schnurle, Thatcher, Winn, Worcester—19.

NAY—Ashby, Bodge, Fernald of Waldo, Harmon, Hussey, Martin, McDonald, Potter—8.

ABSENT — Burns, Pillsbury, Pinansky, Tompkins—4.

Nineteen having voted in the affirmative and eight in the negative the motion to accept the minority report "ought to pass" prevailed.

Thereupon, under suspension of the rules the bill was given its two several readings and passed to be engrossed in concurrence.

The following petition was received and on recommendation by the committee on reference of bills was placed on file:

Mr. Cowan of Lincoln presented "Petition of George T. Palmer of Waldoboro and 7 others in favor of L. D. 56 Relating to Educational Program," (S. P. 700)

First Reading of Printed Bills

(Under suspension of the rules the following bill was given its second reading and passed to be engrossed. Sent down for concurrence.)

Bill "An Act Relating to Settlement of Children." (S. P. 692) (L. D. 858)

Bill "An Act to Establish Stations for Weighing Trucks." (S. P. 683) (L. D. 857)

Which bill was given its first reading and under suspension of the rules was given its second reading.

Thereupon, Mr. Hussey of Kennebec presented the following amendment and moved its adoption: "Senate Amendment "A" to Senate Paper 693, Legislative Document 857. Amend Section 6 of said bill by inserting after the word 'appropriated' the words 'from the general highway fund.'" "A" was adopted, and the bill as amended by Senate Amendment "A" was passed to be engrossed.

Senate Amendment "A" was adopted, and the bill as amended by Senate Amendment "A" was passed to be engrossed.

Sent down for concurrence.

Reports of Committees

Mr. Ashby from the Committee on Aeronautics and Radio Control on Bill "An Act Relating to the Licensing of Aircrafts," (S. P. 385) (L. D. 430) reported that the same ought not to pass.

Mr. Potter from the Committee on Agriculture on Bill "An Act Relative to Agricultural Marketing Agreements," (S. P. 401) (L. D. 521) reported that the same ought not to pass.

(On motion by Mr. Blaisdell of Hancock, tabled pending acceptance of the report and especially assigned for next Tuesday.)

Mr. Schnurle from the Committee on Inland Fisheries and Game on Bill "An Act Relating to the Trapping Season in the Southern Counties," (S. P. 351) (L. D. 394) reported that the same ought not to pass as the matter is covered by other legislation.

Mr. Hathaway from the Committee on Ways and Bridges on "Resolve Relating to Planking on Roadside Fencing," (S. P. 263) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Ashby from the Committee on Aeronautics and Radio Control

on Bill "An Act Repealing the Aeronautical Fund," (S. P. 175) reported that the same ought to pass.

Mr. Bartlett from the Committee on Inland Fisheries and Game on "Resolve Relating to Fishing in "B" Pond," (S. P. 209) reported the same in a new draft (S. P. 701) under the same title, and that it ought to pass.

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

The majority of the Committee on Judiciary on Bill "An Act Relating to the Office of Sheriff," (S. P. 156) (L. D. 87) reported that the same ought not to pass.

(Signed)

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

The minority of the same Committee on the same subject reported the same in a new draft (S. P. 703) under the same title and that it ought to pass.

(Signed) Fernald of Waldo

The Majority Report of the Committee "Ought Not to Pass" was accepted.

Sent down for concurrence.

Passed to be Enacted

"An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1936 and June 30, 1937." (S. P. 647) (L. D. 809)

"An Act Relating to Advertisement of Maine Agricultural Products," (H. P. 604) (L. D. 177)

"An Act Relating to Education of War Orphans." (H. P. 853) (L. D. 246)

"An Act Relating to Bang's Disease." (H. P. 1296) (L. D. 609)

"An Act Relating to the Recordings of County Reports." (H. P. 1775) (L. D. 810)

"An Act to Provide a Manager Form of Government for the Town of Rumford." (H. P. 1788) (L. D. 823)

"An Act Relating to the Charter of the City of Auburn." (H. P. 1789) (L. D. 821)

Finally Passed

"Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Thirty-Six." (H. P. 1809) (L. D. 847)

(Emergency Measure)

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

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)

"Resolve for the Laying of the County Taxes for the Year Nineteen Hundred Thirty-five." (H. P. 1808) (L. D. 848)

Which resolve being an emergency measure, and having received the affirmative vote of 29 members of the Senate, and none opposed, was finally passed.

Orders of the Day

On motion by Mr. Cowan of Lincoln, the Senate voted to reconsider its action taken earlier in today's session whereby, bill, An Act Relating to Settlement of Children (S. P. 692) (L. D. 858) was passed to be engrossed; and on further motion by the same Senator the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. McDonald of Washington, the Senate voted to reconsider its action taken earlier in today's session whereby, bill An Act Relating to Apothecaries and Sale of Poisons (H. P. 1773) (L. D. 797) was indefinitely postponed in concurrence; and on further motion by the same Senator the bill was laid upon the table pending consideration.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, bill, An Act relating to the construction of public buildings (S. P. 417) (L. D. 529), tabled by that Senator on March 28th pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Bodge of Kennebec, the rules were suspended and the Senate voted to reconsider its

action taken on March 26th whereby certain remarks were excluded from the Legislative Record; and on further motion by the same Senator that Senator was granted unanimous consent to withdraw his motion to exclude.

On motion by Mr. Friend of Somerset, the Senate voted to take from the table, bill, An Act relating to the use of the General Highway Fund and to Prevent Diversion thereof (I. B. 1) (L. D. 217), tabled by that Senator on March 28th pending acceptance of the report "That the Legislature take no action on the bill," etc.; and on further motion by the same Senator the report of the Committee was accepted.

On motion by Mr. Burns of Aroostook, the Senate voted to take from the table, bill, An Act relating to delinquency in payment of insurance assessments (H. P. 1752) (L. D. 769), tabled by that Senator on March 27th pending passage to be enacted.

Mr. BURNS of Aroostook: Mr. President, I now move for the indefinite postponement of this bill and for my reasons I will say this: This proposed change in the mutual fire insurance policies provides that the companies in addition to having a right to sue on a note when the note is not paid shall also have a right to suspend the policy until payment. The later provision is the new provision and the proposal, as I say, is that the law shall be changed to give the mutual insurance companies in the State the right to suspend the policy upon non-payment of the premium note.

Now, it seems to me that that is unnecessary. It seems to me that insurance companies have rights enough and can bring suit and enforce collection and I don't see any occasion that this further clause be added to the policy and that they be given this further right. I think it is an immaterial matter. Here is the principal objection, as I see it,

to making this latter change. It would mean setting up a new standard form of fire insurance policies. The stock insurance companies and also the mutual insurance companies in the State, as I understand it, use the same form of standard fire insurance policy and that is the one provided by statute. All the insurance companies, both the domestic and the stock companies, use this standard form and there are thousands of them in existence. Of course they are long printed forms and it would mean that all of these policies would have to be destroyed and new ones substituted at an expense of thousands of dollars, and personally, on a change as immaterial as this, I do not think it is necessary.

Mr. CARLL of York: Mr. President, when that bill came up before the Committee on Mercantile Affairs and Insurance the Commissioner was present and I pointed out to him that the idea of suspension of the policy was a brand new idea in the insurance business, that the standard policy clearly provided ways by which the liability of a company could be terminated or by which the insured could cancel the policy, and I asked him if this suspension would be contrary to the standard policy. It was his opinion that we could pass the bill and so far as I was concerned I didn't care particularly how the mutual insurance companies conduct their business provided it isn't contrary to law. I had my doubts then, and I do now, as to whether or not it would be proper legislation and I'm inclined to support the motion of the Senator from Aroostook, Senator Burns, in this matter.

Thereupon, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Fernald of York,

Adjourned, until tomorrow morning at ten o'clock.