

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, January 14, 1937.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

COMMUNICATION**FROM THE SECRETARY OF STATE**

(Out of order)

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

Augusta, Maine, January 12, 1937.
To the Speaker of the House of Representatives:

In compliance with the constitution and laws of the State of Maine I have the honor to herewith transmit the returns of the votes cast for Representative to the Legislature in the towns of Dover-Foxcroft and Sangerville in the State of Maine at the special election held on January 11, A. D., 1937.

Respectfully,

(Signed) **FREDERICK ROBIE**,
Secretary of State.

The communication and accompanying report were received and ordered placed on file.

The **SPEAKER**: The Chair recognizes the gentleman from Milo, Mr. Peakes.

Mr. **PEAKES**: Mr. Speaker, it is my pleasure and privilege to announce that the gentleman from Dover-Foxcroft, Mr. Snow, is present in the House; and I move that he be conducted to the Governor to take and subscribe the necessary oath to enable him to discharge his official duties.

Thereupon, the Chair appointed Mr. Peakes of Milo, to conduct the gentleman from Dover-Foxcroft, Mr. Snow, to His Excellency, the Governor.

On motion by Mr. Ellis of Rangeley, out of order and under suspension of the rules, that gentleman was granted permission to introduce a bill.

Mr. **ELLIS**: Mr. Speaker, just a word of explanation of this bill. It is an act relating to old age assistance. As the old members

know, we had practically this same bill in the last special session, passed by both branches and vetoed by the Governor. At the present time the understanding is that there are no funds with which to pay old age assistance which comes due this month or in the months to follow. This is a serious emergency and we hope that you will all favor this bill. It is just a stop-gap for six months, when I hope we will have something set up permanently so that we can take care of it in the future.

The bill calls for a ten per cent tax on the sales price of liquors, to be administered, as in the past, by the Governor and Council to pay pensions to the aged. I think that is all it is necessary for me to say now. I move that the bill be temporarily tabled and that five hundred copies be printed.

The motion prevailed and the bill was temporarily tabled and five hundred copies ordered printed.

From the Senate: Resolve in favor of a memorial to the Maine Volunteer Signal Corps (S. P. No. 39)

Comes from the Senate, referred to the committee on Appropriations and Financial Affairs.

In the House:

Mr. **PHILBRICK** of Cape Elizabeth: Mr. Speaker, I move that this resolve be referred to the committee on Military Affairs in non-concurrence. Either committee might properly consider the resolve but it seems in some ways better practice to let the committee on Military Affairs consider it first, then, if that committee approves the resolve, it can be examined by the committee on Appropriations and Financial Affairs.

The motion prevailed and the resolve was referred to the committee on Military Affairs in non-concurrence.

At this point Mr. Peakes of Milo, reported to the House that the gentleman from Dover-Foxcroft, Mr. Snow, had taken the necessary oath to qualify him to enter upon his official duties.

The **SPEAKER**: The House thanks the gentleman from Milo, Mr. Peakes, and welcomes to the House the gentleman from Dover-Foxcroft, Mr. Snow. The Chair will

assign to that gentleman Seat No. 5 and the gentleman from Milo, Mr. Peakes, will kindly escort the gentleman from Dover-Foxcroft, Mr. Snow, to his seat.

Thereupon, Mr. Snow was escorted to his seat amid the applause of the House.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Appropriations and Financial Affairs on bonds of the State Treasurer, reporting that the same are found to be in proper order and suggesting that they be accepted and placed on file with the Secretary of State.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence and ordered that the bonds be approved and placed on file with the Secretary of State.

The following communication:
(H. P. No. 62)

STATE OF MAINE
EXECUTIVE DEPARTMENT
AUGUSTA

January 13, 1937.

Harvey R. Pease
Clerk of the House of
Representatives,
Eighty-eighth Legislature

Dear Sir:

I herewith transmit the Report of the Commission on the Revision of Laws Relating to the Protection of Groundfish, established by Chapter 83 of the Private and Special Laws of 1935.

(Signed) Lewis O. Barrows,
Governor.

On motion by Mr. Richardson of South Portland, the communication was ordered placed on file and the accompanying report was referred to the committee on Sea and Shore Fisheries and 500 copies ordered printed.

The following bills and resolves were presented and upon recommendation of the committee on Reference of Bills were referred to the following committees:

Committee on Claims

Resolve in favor of city of Bangor (H. P. No. 24) (Presented by Mr. Eddy of Bangor)

Resolve in favor of Morton A. Harlow of Mercer (H. P. No. 25) (Presented by Mr. Ellis of Fairfield)

Resolve in favor of the town of Salem (H. P. No. 26) (Presented by Mr. Ellis of Rangeley)

Resolve in favor of Leon Brown of Skowhegan (H. P. No. 27) (Presented by Mr. Hinman of Skowhegan)

Resolve in favor of Eugene Wakeley of Lisbon Falls (H. P. No. 28) (Presented by Mr. Larrabee of West Bath)

Resolve in favor of John Salisbury of Hampden (H. P. No. 29) (Presented by Mr. Leonard of Hampden)

Resolve in favor of Arthur Liberty of North Yarmouth (H. P. No. 30) (Presented by Mr. Seabury of Yarmouth)

Inland Fisheries and Game

An act relating to open season on fur-bearing animals (H. P. No. 31) (Presented by Mr. Elliot of Thomaston)

(1,000 copies ordered printed)

Interior Waters

Resolve changing the name of Big Indian Pond and Little Indian Pond (H. P. No. 32) (Presented by Mr. Jewett of Ripley)

(500 copies ordered printed)

Judiciary

An act relating to an Interstate Bridge Authority for the Portsmouth-Kittery Bridge and approaches thereto (H. P. No. 33) (Presented by Mr. Cole of Kittery)

(1,000 copies ordered printed)

An act to prevent deceptive merchandising practices, to restrain unfair competition in Trade and Industry, and to protect fair trade practices in distribution (H. P. No. 34) (Presented by Mr. Wilkes of Portland)

(1,000 copies ordered printed)

An act relating to nomination of primary candidates (H. P. No. 35) (Presented by Mr. Jewett of Ripley)

(500 copies ordered printed)

Resolve assenting to the provisions of the Bankhead-Jones Act (H. P. No. 36) (Presented by Mr. Gyger of Cumberland)

(500 copies ordered printed)

Legal Affairs

An act authorizing the city of Bangor to pay a pension to William T. Pierce (H. P. No. 37) (Presented by Mr. Eddy of Bangor)
(500 copies ordered printed)

Pensions

Resolve providing for a State pension for William S. Gardner of Canaan (H. P. No. 38) (Presented by Mr. Jewett of Ripley)

Resolve providing for a State pension for Scott Austin of Portland (H. P. No. 39) (Presented by Mr. McGlaulin of Portland)

Public Health

An act relating to apothecaries and the sale of poisons (H. P. No. 40) (Presented by Mr. Alden of Auburn)
(1,000 copies ordered printed)

An act relating to the incorporating of cemeteries, and the operation of burying grounds, burial structures and the disposition of dead human bodies (H. P. No. 41) (Presented by Mr. Ellis of Fairfield)
(1,000 copies ordered printed)

Public Utilities

An act relating to fences on adjoining lands (H. P. No. 42) (Presented by Mr. Ford of Saco)
(500 copies ordered printed)

Taxation

An act relating to exemptions of estates from taxation (H. P. No. 43) (Presented by Mr. McGlaulin of Portland by request)
(500 copies ordered printed)

Ways and Bridges

Resolve in favor of the town of Livermore Falls (H. P. No. 44) (Presented by Mr. Coolidge of Livermore)

Resolve in favor of the town of Livermore (H. P. No. 45) (Presented by same gentleman)

Resolve in favor of the town of Smithfield (H. P. No. 46) (Presented by Mr. Ellis of Fairfield)

Resolve in favor of the town of Fairfield (H. P. No. 47) (Presented by same gentleman)

Resolve in favor of the town of Mercer (H. P. No. 48) (Presented by same gentleman)

Resolve in favor of the town of Hiram (H. P. No. 49) (Presented by Mr. Fadden of Hiram)

Resolve in favor of the town of

Hiram (H. P. No. 50) (Presented by same gentleman)

Resolve in favor of the town of Cumberland (H. P. No. 51) (Presented by Mr. Gyger of Cumberland)

Resolve in favor of the town of Cumberland (H. P. No. 52) (Presented by same gentleman)

Resolve in favor of the town of Falmouth (H. P. No. 53) (Presented by same gentleman)

Resolve in favor of the town of South Bristol (H. P. No. 54) (Presented by Mr. Haley of South Bristol)

Resolve in favor of the town of Skowhegan (H. P. No. 55) (Presented by Mr. Hinman of Skowhegan)

Resolve in favor of the town of Skowhegan (H. P. No. 56) (Presented by same gentleman)

Resolve in favor of the town of Skowhegan (H. P. No. 57) (Presented by same gentleman)

Resolve in favor of the town of Skowhegan (H. P. No. 58) (Presented by same gentleman)

Resolve in favor of the town of West Bath (H. P. No. 59) (Presented by Mr. Larrabee of West Bath)

Resolve in favor of the town of North Yarmouth (H. P. No. 60) (Presented by Mr. Seabury of Yarmouth)

Resolve in favor of the town of Yarmouth (H. P. No. 61) (Presented by same gentleman)

Paper from the Senate: (Out of order)

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, January 19, 1937, at 4:30 o'clock in the afternoon.

Comes from the Senate, in that body read and passed.

In the House, on motion by Mr. Ellis of Rangeley, the order was temporarily tabled.

Orders of the Day

Mrs. Latno of Old Town, presented the following proclamation:

PROCLAMATION

On Thursday, January 21, 1937, the Third General Assembly of the Council of State Governments will convene for a four-day session in Washington, D. C. The official delegates to the Assembly will deliberate and take action upon important problems involving co-operative ac-

tion by the states with each other and with the federal government. Specific recommendations, some in the form of proposed model legislative measures, model compacts, or model administrative agreements, will be presented to the Assembly by the following official affiliates of the Council of State Governments:

- Interstate Commission on Conflicting Taxation
- Tax Revision Council
- Interstate Commission on Crime
- Interstate Commission on Social Security
- Interstate Commission on the Delaware River Basin
- Interstate Commission on Council Development
- Interstate Commission on Conservation
- American Legislators' Association
- National Association of Attorneys General
- National Association of Secretaries of State

The Assembly will also consider and debate other problems necessitating interstate co-operation in new fields, and will make recommendations to specialized Interstate Commissions and National Associations for further action.

This call is issued to Speaker of House, Maine, for official action.

Each of the forty-eight states is entitled to send three voting delegates, one to represent the Senate, one to represent the House of Representatives, and one to represent the Governor. The Governor of each state is an honorary member of the Assembly. In states having Commissions on Interstate Co-operation, the official delegates representative of the three official departments named above, shall be appointed by that Commission. In all other states the delegates shall be chosen by the Senate, the House of Representatives, and the Governor, separately. Prompt response to this call is earnestly requested.

COUNCIL OF STATE GOVERNMENTS

Paul V. McNutt, President

AMERICAN LEGISLATORS' ASSOCIATION

Henry Parkman, Jr.,
President

(Seal) **NATIONAL ASSOCIATION OF ATTORNEYS-GENERAL**

Clyde R. Chapman, President

NATIONAL ASSOCIATION OF SECRETARIES OF STATE

Theodore Dammann,
President

On motion by Mrs. Latno, the communication was received and ordered placed on file.

Mrs. Latno was then granted permission to present out of order and under suspension of the rules the following order, and moved its passage:

ORDERED, that the Speaker, or some member appointed by him, be designated to represent the House of Representatives at the third general assembly of the Council of State Governments.

On motion by Mr. Flanders of Auburn, the order was tabled pending passage.

On motion by Mr. Newton of Readfield, it was voted to take from the table S. P. 16, joint order relative to a committee on the University of Maine, tabled by that gentleman January 7th pending passage in concurrence; and on further motion by the same gentleman the order was passed in concurrence.

The Chair appointed as committee on the part of the House Mr. Mack of East Millinocket, Mr. Owen of Bath, Mr. Emery of Bucksport, Mr. Allen of Bowdoin, Mr. Dwinall of Camden, Mr. Wyman of Benton and Mr. Russell of Gray.

The SPEAKER: The Chair has a communication from a member of the House which the Clerk will read.

January 13, 1937.

Hon. George E. Hill,
Speaker of the House of
Representatives.

Dear Sir:

I herewith present my resignation from the joint standing committee on Public Buildings and Grounds and the House standing committee on Bills in the Third Reading.

Respectfully yours,
(Signed) Joseph W. Davis.

The communication was received and ordered placed on file and resignation of Mr. Davis from the two committees named in the above letter was accepted.

The SPEAKER: The Chair will now appoint to the joint standing committee on Public Buildings and

Grounds Mr. Snow of Dover-Foxcroft, and to the standing committee of the House on Bills in the Third Reading, the same gentleman.

The SPEAKER: The Chair at this time will appoint as Monitors: For the first division, Mr. Richardson of South Portland; second division, Mr. Poulin of Biddeford; third division, Mr. Ryder of Orrington; and fourth division, Mr. Goss of Poland.

On motion by Mr. Ellis of Rangeley, it was voted to take from the table H. P. No. 63, Legislative Document No. 11, an act relating to old age assistance; and on further motion by the same gentleman, under suspension of the rules, the bill had its three several readings.

Mr. MAXIM of Portland: Mr. Speaker, it seems to me that in the paragraph headed "Continuation of Old Age Assistance," at the bottom of the first page, there is some ambiguity as to whether the sales price means liquor sold at retail only or whether it would include liquor sold at wholesale by the State Commission to the hotels. It would seem to me that that ought to be clarified.

The SPEAKER: Does the gentleman wish to present an amendment?

Mr. MAXIM: Mr. Speaker, I would like to present an amendment.

Thereupon, the bill was temporarily tabled for that purpose and the House was declared at ease.

(House at Ease)

Mr. MAXIM: Mr. Speaker, I withdraw my request that the bill be amended, it having been explained to my satisfaction.

On motion by Mr. Maxim, the bill was taken from the table; and on further motion by the same gentleman the bill was passed to be engrossed.

The SPEAKER: The Chair will explain that this bill, having been passed to be engrossed, must now be engrossed, which may take some little time. The members should remain within sound of the gong in order that they may reassemble when it becomes necessary to take further action on this measure.

On motion by Mr. Ellis of Rangeley, the House recessed to assemble at the sound of the gong.

After Recess

On motion by Mr. Ellis of Rangeley, it was voted to take from the table the joint order relative to time of adjournment; and on further motion by the same gentleman the order was passed in concurrence.

On motion by Mr. Flanders of Auburn, it was voted to take from the table ordered tabled by that gentleman earlier in today's session in regard to the appointment of a delegate to the Third General Assembly of the Council of State Governments at Washington; and on further motion by the same gentleman the order was indefinitely postponed.

Out of order, bill on its passage to be enacted.

H. P. 63, L. D. 11: An act relating to old age assistance.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds of the entire elected membership of the House.

Mr. ELLIS of Rangeley: Mr. Speaker, when the vote is taken, I move that it be taken by the yeas and nays.

The SPEAKER: The gentleman from Rangeley, Mr. Ellis, has moved that when the vote is taken, it be taken by the yeas and nays. Before the yeas and nays vote can be ordered, it is required that one-fifth of the members present shall signify their desire that the vote be taken by roll call. Those in favor of the roll call will rise and stand until counted, and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: More than a sufficient number obvious; having arisen, the yeas and nays vote is ordered. Is the House ready for the question?

Mr. POULIN of Biddeford: Mr. Speaker, at the last special session of the 87th Legislature a bill similar to this one presented here today was introduced in the House. Some objectionable features at that time made it disagreeable for some members to vote in its favor, but this bill today appears in my opinion to have eliminated those disagreeable features. Therefore I earnestly hope that this bill has unanimous passage.

The SPEAKER: Is the House

ready for the question? The pending question is on the passage of H. P. 63, L. D. 11, bill an act relating to old age assistance, on its passage to be enacted. All those in favor of the passage of this bill to be enacted will answer yes to the roll call and those opposed will answer no. The Chair will remind the members of the House that under the Rules they must remain in their seats until the roll call has been completed and the result announced. The Clerk will call the roll.

YEA—Alden, Allan, Portland, Allen, Bowdoin, Ayer, Barter, Batchelder, Bates, Belanger, Bird, Boothby, Boucher, Bragdon, Brown, Bangor, Brown, Eagle Lake, Bruce, Bucknam, Buker, Burgess, Cambridge, Carleton, Chase, Church, Churchill, Colby, Cole, Coolidge, Crockett, Currier, Cushing, Davis, Day, Dean, Demers, Dennison, Douglass, Dorr, Dow, Jay, Dow, Kennebunkport, Dow, Norway, Dutil, Dwinal, Eddy, Elliot, Ellis, Castle Hill, Ellis, Fairfield, Ellis, Rangeley, Emery, Erswell, Everett, Fadden, Fellows, Fernald, Findlen, Flanders, Ford, Forgue, Fuller, Goss, Gyger, Haley, Hammond, Harkins, Harriman, Harris, Hascall, Monmouth, Haskell, Lee, Haskell, Windham, Higgins, Dennysville, Higgins, Ellsworth, Hinckley, Hinman, Hodgkins, Howes, Jewett, Keller, Larrabee, Larsen, Latno, Laisier, Lee, Leonard, Lord, Mack,

Maheu, Martin, Milford, Martin, Oakland, Maxell, Maxim, McGaughy, McGlauffin, Merrill, Meserve, Morgan, Murchie, Newton, Norwood, Owen, Packard, Palmer, Parsons, Paul, Payson, Brooks, Payson, Portland, Peakes, Phair, Philbrick, Pike, Bridgton, Pike, Lubec, Poulin, Prince, Detroit, Prince, Harpswell, Ramsdell, Ramsey, Richardson, Robinson, Russ, Russell, Ryder, Sawyer, Seabury, Sleeper, Smith, Westbrook, Smith, Van Buren, Snow, Stiphen, Stoddard, Stone, Story, Tabbut, Thorne, Thurston, Varney, Viles, Wallace, Webber, Weed, Wilkes, Woodbury, Wyman, Young.

—140 yes.

ABSENT—Donahue, Hamel, Labbee, Melanson, Mosher, Noyes, Plummer, Porell, Weatherbee, Whitney. — 10 absent.

One hundred and forty having voted in the affirmative and none in the negative, 140 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

Recess

The SPEAKER: Is there any further business to come before the House? If not, the Clerk will read the notices.

On motion by Mr. Ellis of Rangeley,

Adjourned until Tuesday afternoon, January 19, at 4:30 P. M.