

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

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## HOUSE

Wednesday, January 27, 1937.

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

Prayer by the Rev. Mr. Stiles of Hallowell.

Journal of the previous session read and approved.

Mr. Ellis of Rangeley, out of order and under suspension of the rules, was given unanimous consent to introduce an act to amend section 1 of an initiated act approved by the people at the General Election held September 14, 1936, relating to the General Highway Fund, and to authorize certain temporary use of said fund, H. P. 378.

Mr. ELLIS: Mr. Speaker, this is an act to amend section 1 of an initiated act approved by the people at the General Election held September 14, 1936, relating to the General Highway Fund, and to authorize certain temporary use of said fund. This is an emergency measure for the following reason: The Governor, in his inaugural said as follows: "As previously stated, the sum of three million, eight hundred sixty-seven thousand, three hundred fifty-three dollars and thirty-nine cents (\$3,867,353.39) was the amount of highway funds as of December 1, 1936, but you will realize that this amount varies greatly during the year.

"It does not seem to me to be good business practice to have this fund remain intact in the treasury, not available for even temporary use in times such as these when the State is paying interest charges all the time on temporary loans."

We have been working on this bill for the past two weeks and have gotten all parties so far that we know of who were interested in it, the Maine Automobile Association, the Maine Hotel Association and the Grange representatives in accord as to the necessity of amending the initiated bill. At the present time we are informed that there is not enough money in the treasury otherwise than highway funds to take care of the bills for the coming few months and that there are no funds with which to pay old age pensions for the month of January unless this bill is passed.

The old bill provides that neither the general highway fund nor any fund for highway bridge construction or the improvement and maintenance thereof shall be diverted or suspended. That is part of the old bill. The amendment starts on from there—"permanently for any other purpose than set forth in this act except that funds so segregated may be used for other appropriations but only for those for which anticipated income has not been received or for which financial provision has been made by the Legislature and is forthcoming; and provided, further, that funds so segregated may be used temporarily to meet the exigencies of a catastrophe or other emergency of a public nature, the existence of which has been established by proclamation by the Governor. In no case shall the carrying out of the provisions of the General Highway Fund act be delayed or curtailed."

The Highway Fund act is protected by that last sentence. In other words, when it comes time for the expenditures of other highway funds around September or October, the funds must be provided for. Our State taxes, as you all probably know, come into the State treasury around December 1st, and there is a period of time when there are no funds coming into the general treasury to meet our ordinary expenses.

We will have this bill printed sometime this afternoon, so that you may all see it. If it is passed here, it will go to the printer immediately and I hope you will all see fit to vote for it.

Thereupon, the rules were suspended and the bill was given its three several readings and passed to be engrossed without reference to a committee.

The SPEAKER: The Chair understands the gentleman from Rangeley, Mr. Ellis, to say that the bill will be printed and distributed so that each member of the House may have full opportunity to examine its provisions before it is taken up on its passage to be enacted.

On further motion by Mr. Ellis five hundred copies of the bill were ordered printed, and the bill was ordered sent forthwith to the Senate.

Papers from the Senate disposed of in concurrence.

**Passed to be Enacted**

(Emergency Measure)

H. P. 314, L. D. 102, an act relative to the Deer Isle-Sedgwick Bridge District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative of two-thirds the entire elected membership of the House. All those in favor of the passage of this bill to be enacted will rise and remain standing until counted and the monitors will make and return the count.

A division being had,

One hundred thirty-nine voting in the affirmative, and none in the negative, 139 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

On motion by Mr. Barter of Stonington, the bill was ordered sent forthwith to the Senate.

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

**Claims**

Resolve in favor of L. D. Chandler, of Boston, Massachusetts (H. P. No. 343) (Presented by Mr. Buker of Bath).

Resolve in favor of Mark W. Ginn of Bangor (H. P. No. 344) (Presented by Mr. Eddy of Bangor).

Resolve in favor of Walter Savage of Milford (H. P. No. 345) (Presented by Mr. Martin of Milford).

Resolve in favor of Olin L. Jordan of Aurora (H. P. No. 346) (Presented by Mr. Noyes of Franklin).

**Education**

An act providing aid for school consolidation (H. P. No. 347) (Presented by Mr. Newton of Readfield). (500 copies ordered printed).

An act to guarantee a minimum educational program and to provide for the equalization of educational opportunity for the youth of the State of Maine (H. P. No. 348) (Presented by Mr. Gyger of Cumberland).

(2500 copies ordered printed).

**Inland Fisheries and Game**

An act to establish a Game Preserve in the town of Readfield, county of Kennebec (H. P. No. 349) (Presented by Mr. Newton of Readfield).

(500 copies ordered printed).

An act relating to bear (H. P. No. 350) (Presented by Mr. Noyes of Franklin).

(500 copies ordered printed).

An act relating to bounty on bears (H. P. No. 351) (Presented by same gentleman).

(500 copies ordered printed).

An act relating to closed time on deer in Cumberland and York counties (H. P. No. 352) (Presented by Mr. Ramsdell of Dayton).

(500 copies ordered printed).

Resolve relating to trout fishing at Upper Dam (H. P. No. 353) (Presented by Mr. Flanders of Auburn).

Resolve relating to trout fishing in Sunkhaze Stream System (H. P. No. 354) (Presented by Mr. Martin of Milford).

Resolve relating to pickerel fishing in Birch, Little Birch, and Baker Brooks (H. P. No. 355) (Presented by same gentleman).

Resolve closing Swans Island in the county of Hancock to fishing (H. P. No. 356) (Presented by Mr. Norwood of Southwest Harbor).

Resolve regulating deer hunting on Swans Island in the county of Hancock (H. P. No. 357) (Presented by same gentleman).

Resolve opening Mill Pond and Great Pond to ice fishing (H. P. No. 358) (Presented by Mr. Noyes of Franklin).

Resolve opening Webb's Pond and Little Webb's Pond to ice fishing (H. P. No. 359) (Presented by same gentleman).

Resolve relating to fishing in Bartlett Brook (H. P. No. 360) (Presented by Mr. Russell of Gray).

Resolve relating to fishing in Rolfe Brook (H. P. No. 361) (Presented by same gentleman).

Resolve relating to fishing in Little Sebago Lake (H. P. No. 362) (Presented by same gentleman).

**Judiciary**

An act relating to the Arexine Wilkins Sawyer Foundation (H. P. No. 363) (Presented by Mr. Fellows of Augusta).

(500 copies ordered printed).

Resolve proposing an amendment to the Constitution to provide for a change in the term of office of sheriffs (H. P. No. 364) (Presented by Mr. Flanders of Auburn).

(500 copies ordered printed).

Resolve proposing an amendment to the Constitution to provide for longer residence to qualify as a

voter (H. P. No. 365) (Presented by Mr. Philbrick of Cape Elizabeth). (500 copies ordered printed).

#### Legal Affairs

An act relating to boxing contests (H. P. No. 366) (Presented by Mr. Poulin of Biddeford by request). (500 copies ordered printed).

An act relating to hunting while under the influence of intoxicating liquor or drugs (H. P. No. 367) (Presented by Mr. Stilphen of Dresden). (500 copies ordered printed).

An act to provide a town council and manager form of government for the town of Old Orchard Beach (H. P. No. 368) (Presented by Mr. Young of Old Orchard Beach). (500 copies ordered printed).

#### Pensions

Resolve providing for a State pension for John Mains, of York (H. P. No. 306) (Presented by Mr. Young of Old Orchard Beach).

Resolve providing for a State pension for Mary Agnes Troop of Pittston (H. P. No. 369) (Presented by Mr. Fuller of China).

Resolve providing for a State pension for Ernest C. Palmer of Pittston (H. P. No. 370) (Presented by same gentleman)

Resolve providing for a State pension for Mary E. Purington of Jay (H. P. No. 371) (Presented by Mr. Dow of Jay).

Resolve providing for a State pension for Nellie M. Storer of Bradford (H. P. No. 372) (Presented by Mr. Howes of Charleston).

Resolve granting teacher's pension to Carrie Ramsdell Fisher of St. Albans (H. P. No. 373) (Presented by Mr. Jewett of Ripley).

Resolve providing for a State pension for Mabel Bump of Farmington (H. P. No. 374) (Presented by Mr. Mosher of Farmington).

Resolve providing for an increase in State pension for Grace E. Bucknam of Auburn (H. P. No. 375) (Presented by Mr. Webber of Auburn).

#### Public Utilities

An act to amend the charter of the Quebec Extension Railway (H. P. No. 376) (Presented by Mr. Viles of Augusta). (500 copies ordered printed).

An act to extend the charter of the Quebec Extension Railway Company (H. P. No. 377) (Presented by same gentleman). (500 copies ordered printed).

#### Ways and Bridges

Resolve in favor of the town of Castle Hill. (H. P. No. 315) (Presented by Mr. Ellis of Castle Hill)

Resolve in favor of the town of Norridgewock. (H. P. No. 316) (Presented by Mr. Everett of Norridgewock)

Resolve in favor of Concord Plantation. (H. P. No. 317) (Presented by same gentleman)

Resolve in favor of the town of Starks (H. P. No. 318) (Presented by same gentleman)

Resolve in favor of the town of Anson. (H. P. No. 319) (Presented by same gentleman).

Resolve in favor of the town of Anson. (H. P. No. 320) (Presented by same gentleman)

Resolve in favor of the town of Willimantic. (H. P. No. 321) (Presented by Mr. Dean of Greenville)

Resolve in favor of the town of Bristol. (H. P. No. 322) (Presented by Mr. Haley of South Bristol)

Resolve in favor of the town of Pembroke. (H. P. No. 323) (Presented by Mr. Higgins of Dennysville)

Resolve in favor of the town of Dennysville. (H. P. No. 324) (Presented by same gentleman)

Resolve in favor of the town of Charlotte. (H. P. No. 325) (Presented by same gentleman)

Resolve in favor of the town of Howland. (H. P. No. 326) (Presented by Mr. Howes of Charleston)

Resolve in favor of the town of Farmingdale. (H. P. No. 327) (Presented by Mr. Morgan of Farmingdale)

Resolve in favor of the town of Readfield. (H. P. No. 328) (Presented by Mr. Newton of Readfield)

Resolve in favor of the town of Mt. Vernon. (H. P. No. 329) (Presented by same gentleman)

Resolve in favor of the town of Cranberry Isles. (H. P. No. 330) (Presented by Mr. Norwood of Southwest Harbor)

Resolve in favor of the city of Bath. (H. P. No. 331) (Presented by Mr. Owen of Bath)

Resolve in favor of the town of Trescott. (H. P. No. 332) (Presented by Mr. Pike of Lubec)

Resolve in favor of the town of Gray. (H. P. No. 333) (Presented by Mr. Russell of Gray)

Resolve in favor of the town of Raymond. (H. P. No. 334) (Presented by same gentleman)

Resolve in favor of the town of New Gloucester. (H. P. No. 325) (Presented by same gentleman)

Resolve in favor of the town of Gray. (H. P. No. 336) (Presented by same gentleman)

Resolve in favor of the town of Edgecomb. (H. P. No. 337) (Presented by Mr. Stilphen of Dresden)

Resolve in favor of the town of Beals. (H. P. No. 338) (Presented by Mr. Tabbut of Columbia Falls)

Resolve in favor of the town of Columbia Falls. (H. P. No. 339) (Presented by same gentleman)

Resolve in favor of the town of Monticello. (H. P. No. 340) (Presented by Mrs. Weed of Monticello)

Resolve in favor of the town of Bridgewater. (H. P. No. 341) (Presented by same member)

Resolve in favor of the town of Monticello. (H. P. No. 342) (Presented by same member)

#### Orders

On motion by Mr. Flanders of Auburn, it was

Ordered, that the use of the hall of the House be granted to the Maine Federation of Women's Clubs after the session on Thursday, January 26th.

#### Report of a Committee

Mr. Webber from the Committee on Public Utilities reported ought not to pass on bill an act relating to fences on adjoining lands, (H. P. No. 42, L. D. No. 24)

Report read and accepted and sent up for concurrence.

#### Orders of the Day

Mr. FORD of Saco: Mr. Speaker, in accordance with Rule 14 of the Joint Rules of the House, requiring three days' notice in submitting a new bill, and referring to Legislative Document 24, H. P. 42, I wish to file a new bill.

The SPEAKER: The gentleman from Saco, Mr. Ford, in accordance with Rule 14 of the Joint Rules gives notice to the House of his intention to present a new bill at the proper time covering the same sub-

ject matter as that covered by H. P. 42, L. D. 24, bill an act relating to fences on adjoining lands, on which the ought not to pass report of the committee was accepted earlier in this morning's session.

The House hears the notice from the gentleman from Saco, Mr. Ford.

On motion by Mr. Varney of Berwick, it was voted to take from the table the first unassigned matter, H. P. 307, bill an act relating to witness fees for officers and witnesses, tabled by that gentleman on January 26th, pending reference to a committee; and on further motion by the same gentleman, the bill was referred to the committee on Legal Affairs, 500 copies ordered printed and the bill sent up for concurrence.

On motion by Mr. Ellis of Rangeley, it was voted to take from the table the second unassigned matter, being House Order relative to seats in the hall of the House, tabled yesterday by that gentleman; and on further motion by the same gentleman, the order received passage.

The SPEAKER: The Chair at this time will make the suggestion, particularly for the benefit of the new members, that it would be helpful to each member himself and to the House in general if each member would give his attention to the House Rules and the Joint Rules to be found in the Senate and House Register, and familiarize himself, as far as possible, with the provisions of those Rules, noticing that the Special Rules of the House incorporate by reference the Rules contained in Reed's Rules wherever they are not inconsistent with the Special Rules, and wherever they may be applicable to our proceedings.

On motion by Mr. Larsen of Waterville,

Adjourned until tomorrow morning at ten o'clock.