

# 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, February 25, 1937.

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

Prayer by the Rev. John Morrison of Winslow.

Journal of the previous session read and approved.

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

**After Recess**

(11.45 a. m.)

Papers from the Senate disposed of in concurrence.

**First Reading of Senate Bills**

S. P. 398, L. D. 762: An act relating to finger prints and photographs of persons suspected of crime.

S. P. 399, L. D. 759: An act relating to the Municipal Court of Portland.

S. P. 400, L. D. 760: An act relating to clerk hire in the Registry of Deeds in Aroostook county.

From the Senate: Joint order relative to use of wood as fuel in State controlled plants, H. P. 1136, which was passed in the House on February 10th.

Comes from the Senate, referred to the committee on Public Buildings and Grounds in non-concurrence.

In the House, on motion by Mr. Ellis of Rangeley, that body voted to recede from its former action and concur with the Senate to the reference of this order to the Committee on Public Buildings and Grounds.

**Orders**

On motion by Mr. Haskell of Windham, it was

Ordered, that the use of the hall of the House be granted to the committee on Taxation for the afternoons of Wednesday and Thursday, March 10th and 11th, 1937.

On motion by Mr. Richardson of South Portland, it was

Ordered, that the use of the hall of the House be granted to the committee on Sea and Shore Fisheries for the afternoon of Wednesday, March 17th, 1937.

On motion by Mr. Higgins of Ellsworth, it was

Ordered, that the use of the hall of the House be granted to the committee on Legal Affairs for the afternoon of Tuesday, March 2nd.

On motion by Mr. Ellis of Rangeley, it was

Ordered, that there be printed 500 additional copies of each of the following bills: H. P. 1183, L. D. 441; H. P. 500, L. D. 148; S. P. 306, L. D. 515; S. P. 278, L. D. 501; H. P. 1483, L. D. 561; H. P. 1603, L. D. 543.

On motion by Mr. Pike of Bridgton, it was

Ordered, that the Superintendent of Buildings be authorized and directed to return forthwith from wherever they may be to the hall of the House the chairs purchased for use in the hall of the House.

On motion by Mr. Pike of Bridgton, it was

Ordered, that there be printed 500 additional copies of H. P. 1635, L. D. 742, bill an act to make uniform the costs of Municipal Courts.

**Reports of Committees**

The SPEAKER: The Chair understands that the Clerk has in his possession two reports of committee received too late to appear on the printed calendar. The Clerk will read the reports.

Mr. Haskell from the Committee on Taxation on bill an act to provide revenue for old age pensions and for other purposes (H. P. No. 1587) (L. D. No. 723) reported same in a new draft (H. P. No. 1650) under title of an act levying a tax on malt beverages to provide revenue for 1936-7, deficiency account, and that it ought to pass.

Report read and accepted and the bill laid on the table for printing under the Joint Rules.

Mr. Flanders from the Committee on Appropriations and Financial Affairs reported ought to pass on bill an act appropriating moneys for overdrafts already incurred due to insufficient appropriations and anticipated overdrafts and other obligations for which no legislative appropriations have been made. (H. P. No. 1475) (L. D. No. 697)

Report read and accepted.

On motion by Mr. Flanders, the rules were suspended and the bill given its two several readings.

Mr. ELLIS of Rangeley: Mr. Speaker, I offer House Amendment A and move its adoption.

The SPEAKER: The Chair understands that copies of the amendment presented by the gentleman from Rangeley (Mr. Ellis) are available for distribution. The House may be at ease while the pages distribute the copies.

#### After Recess

House Amendment A to Bill, "An Act Appropriating Moneys for Overdrafts Already Incurred Due to Insufficient Appropriations and Anticipated Overdrafts and Other Obligations for Which no Legislative Appropriations Have Been Made" H. P. 1475, L. D. 697.

Amend said bill by numbering the present section 'Sec. 1.'

And further amend said bill by inserting before the Emergency clause the following:

'Sec 2. Emergency Deficiency Tax. There is hereby levied and imposed, in addition to any other taxes now in effect thereon, an excise tax to be known as the 1936-7 Deficiency Tax on all malt liquor sold in the state of \$3.72 on each and every barrel containing not more than 31 gallons and at a like rate for any other quantity or for the fractional parts of each barrel. The payment of said tax shall be evidenced by a stamp affixed to each barrel, bottle or other container containing malt liquor. Said stamp shall express the amount of the tax paid evidenced thereby. No malt liquor shall be sold in or from a container unless said stamp shall be affixed thereto.

Sec. 3. Sale of Stamps. The state liquor commission shall cause to be prepared and shall furnish and sell all stamps to carry into effect the provisions of the foregoing section.

Sec. 4. Counterfeiting of stamps. Any person who shall make, forge or utter any false stamps provided for in this act shall be guilty of a felony and shall be subject to the same penalties as provided for counterfeiting of public securities under the laws of the state of Maine.

Sec. 5. Disposition of monies collected. All money received by the state liquor commission under this act shall be forthwith turned over to the state treasurer and be credited to an account, entitled 1936-7 Deficiency Account on the books of the state controller. The balance of

said account, if any, on June 30, 1939, shall be credited to the general funds of the state.

Sec. 6. Appropriation of funds. All funds collected under the provisions of this act are hereby appropriated to the purposes set forth in section 5 of this act for the period ending June 30, 1937.

Sec. 7. Penalties. Whoever violates any of the provisions of this act, other than making or uttering false stamps as hereinbefore provided, shall be punished by a fine of not more than \$500 or by imprisonment for a term of not more than 11 months, or by both fine and imprisonment.

Sec. 3. Limitations. This act shall not be effective after June 30, 1939.'

Mr. ELLIS of Rangeley: Mr. Speaker, I do not believe it is necessary to go into any extended remarks on this bill. I just want to call your attention to the Governor's budget message, where he says, in the beginning, that the Governor and Council will not honor any more overdrafts. I quote from his message:

"In the Welfare Department this course has been followed to the extent that at the present time there is an actual cash overdraft of \$997,655.16. Of this amount the sum of \$842,992.41 represents an overdraft for the last fiscal year ending June 30, 1936. This amount was actually charged against the sinking fund reserve and should be replaced. In this respect the State is exactly like an individual. With the borrowing capacity of the State exhausted by those who preceded you, we are now actually in the position where we must have revenue to continue to pay our bills.

"With a knowledge of this fact, the Governor and Council are instructing the Commissioner of Health and Welfare to notify all cities and towns that on and after February 20, 1937, there will be no funds to reimburse municipalities for any kind of pauper support unless in the meantime funds and appropriations are provided. To meet this situation the sum of \$700,000 appears to be necessary. Included in this figure would be such an amount as you determine to be necessary for continuation of so-called 'Emergency Aid'. Although the amount of \$50,000 was authorized by the last legislature, the sum of \$648,000 has already been expended

for this purpose. This has been an actual cash overdraft and disbursements were made very largely in only one section of the State. While reports and investigations have convinced me that this function can be very greatly reduced, I doubt if it can be entirely eliminated in every one of these towns without actual starvation resulting."

That ends the quotation from the Governor's message.

With that thought in mind, a committee of fifteen House members and Senate members have worked almost continuously for the last two weeks, and we have drawn up this amendment to go along with Legislative Document 697. You all have it printed before you, so that you can see what it calls for. It is about twelve cents a gallon on malt liquors. It is estimated by the Budget Department and Mr. Runnells that this will produce approximately \$1,093,000 a year, or something over two million dollars, which will take care of this entire bill, which amounts to \$2,044,383.16. We have had the Budget Officer before us, the controller, Mr. Leadbetter, and Mr. Forrest Mason, who was the investigator of those towns which have been receiving emergency aid; and if you do not believe that there is a real emergency, you see Mr. Mason and ask him his opinion of what is going on in some of our towns.

Prior to February 20th letters went out to all the towns that no money would be sent to them for emergency aid or State pauper relief unless something was done immediately, and this bill is to take care of that immediate proposition.

The SPEAKER: The pending question is on the motion of the gentleman from Rangeley, Mr. Ellis, that House Amendment A be adopted. Is the House ready for the question? All those in favor of the adoption of House Amendment A will say aye, those opposed no.

A viva voce vote being taken, House Amendment A was adopted.

On further motion by Mr. Ellis, the rules were suspended, the bill had its third reading and was passed to be engrossed as amended by House Amendment A.

On further motion by Mr. Ellis, the bill was sent to the Senate forthwith.

The SPEAKER: The House is

proceeding under Reports of Committees.

#### Reports of Committees (Continued)

Mr. Newton from the Committee on Education reported ought not to pass on bill an act relating to school buses. (H. P. No. 1492) (L. D. No. 531)

Report read and accepted and sent up for concurrence.

Mr. Richardson from the Committee on Sea and Shore Fisheries reported same on resolve regulating fishing in Flanders Bay. (H. P. No. 309) (L. D. No. 97)

(On motion by Mr. Noyes of Franklin, bill and report tabled, pending acceptance of the report.)

Mr. Payson from the Committee on Pensions on resolve providing for a State pension for Laura Fernald of Troy (H. P. No. 594) reported leave granted to withdraw.

Report read and accepted and sent up for concurrence.

Mr. Belanger from the Committee on Interior Waters on resolve relating to the name of Jug-o-not Stream in the town of Monmouth (H. P. No. 1281) reported that same be referred to the Committee on Inland Fisheries and Game.

Report read and accepted and the resolve referred to the Committee on Inland Fisheries and Game and sent up for concurrence.

#### Passed to Be Engrossed

(S. P. No. 144) (L. D. No. 171) An act relative to non-resident licenses.

(S. P. No. 146) (L. D. No. 173) An act relative to hunting and fishing licenses.

(S. P. No. 173) (L. D. No. 248) An act to close hunting in certain territory in Sagadahoc County to be known as the 'Old Mill Pond Game Preserve,' in Phippsburg.

(S. P. No. 212) (L. D. No. 284) An act relative to guides' licenses.

(S. P. No. 230) (L. D. No. 401) An act relating to junior guides.

(H. P. No. 172) (L. D. No. 770) Resolve in favor of John S. Nelson, Representative of the Penobscot Tribe of Indians.

(H. P. No. 850) (L. D. No. 771) Resolve in favor of William Sockabasin, Representative of the Passamaquoddy Tribe of Indians.

#### Passed to Be Enacted

(H. P. No. 492) (L. D. No. 144) An act relating to clerk hire in office of Register of Deeds in Oxford County.

(H. P. No. 1469) (L. D. No. 518) An act increasing the penalty for conspiracy.

#### Finally Passed

(H. P. No. 74) (L. D. No. 30) Resolve to regulate fishing in Sebago Lake in the county of Cumberland.

(H. P. No. 635) (L. D. No. 193) Resolve authorizing the Forest Commissioner to convey land in the county of Arcostook.

#### Orders of the Day

On motion by Mr. Hinckley of South Portland, it was voted to take from the table the fifth unassigned matter, bill an act to tax coin vending machines and to make legal the leasing, possession and operation of the same, H. P. 1643, L. D. 783, tabled by that gentleman, February 24, pending reference to a committee; and on further motion by the same gentleman the bill was referred to the committee on Taxation and sent up for concurrence.

On motion by Mr. Fergie of Lewiston, it was voted to take from the table the second unassigned matter, bill an act relating to terms and salaries of city of Lewiston officials, S. P. 257, L. D. 443, tabled by that gentleman February 16, pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the committee on Salaries and Fees in concurrence.

On motion by Mr. McGlauffin of Portland, it was voted to take from the table the fourteenth unassigned matter, bill an act relative to possession of firearms or fishing tackle, H. P. 447, L. D. 151, tabled by that gentleman February 24, pending passage to be engrossed.

Mr. McGLAUFFLIN: Mr. Speaker, I offer House Amendment A to this bill, and move its adoption, which amendment will enable men who own or occupy their own farms to hunt and fish thereon without a license.

House Amendment A to H. P. 447, L. D. 151, entitled an act relative to possession of firearms or fishing tackle.

Amend said bill by inserting in the eighth line thereof after the word "person," the following: 'ex-

cept as provided in Paragraph 1 of Section 41 of this Chapter.'

Mr. NOYES of Franklin: Mr. Speaker, I wish to second the motion of Mr. McGlauffin of Portland to adopt Amendment A as this clarifies the bill.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. McGlauffin, that House Amendment A be adopted.

A viva voce vote being taken, the Amendment was adopted, and the bill as amended was passed to be engrossed.

On motion by Mr. Pike of Bridgton, it was voted to take from the table the third unassigned matter, bill an act to make uniform the costs of municipal courts, H. P. 1365, L. D. 772, tabled by that gentleman February 23, pending reference to a committee; and on further motion by the same gentleman the bill was referred to the committee on Judiciary and sent up for concurrence.

On motion by Mr. Ellis of Rangeley,

Recessed until five o'clock this afternoon.

#### After Recess (5 P. M.)

The Speaker in the Chair.

Bill on its passage to be enacted, out of order, and under suspension of the rules.

#### (Emergency Measure)

H. P. 1475, L. D. 697. An act appropriating moneys for overdrafts already incurred due to insufficient appropriations and anticipated overdrafts and other obligations for which no legislative appropriations have been made.

The SPEAKER: This bill is an emergency measure and requires for its passage the affirmative vote of two-thirds the entire elected membership of the House. Is the House ready for the question? As many as are in favor of the passage of the bill to be enacted will rise and remain standing until counted and the monitors will make and return the count.

A division of the House was had. One hundred and twenty-seven voting in the affirmative and three

in the negative, and 127 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

**House At Ease**

On motion by Mr. Young of Old Orchard Beach,  
Adjourned until tomorrow morning at ten o'clock.