

# 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**

Wednesday, March 3, 1937.

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

Prayer by the Rev. Mr. Bickmore of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bills and Resolve in First Reading**

S. P. 406, L. D. 784: Resolve relating to the taking of clam worms.

S. P. 331, L. D. 586: An act relating to appeals from magistrates.

S. P. 118, L. D. 259: An act relative to the issuing of capital stock by railroad corporations.

S. P. 201, L. D. 291: An act to incorporate the State of Maine Publicity Bureau.

S. P. 90, L. D. 88: An act relating to town meetings of town of Boothbay.

The following communication:

**STATE OF MAINE  
DEPARTMENT OF STATE**

Augusta, March 2, 1937

To the Speaker of the House of Representatives of the Eighty-eighth Legislature:

I have the honor to herewith transmit the following reports:

The county estimates of the several counties within the State for the years 1937 and 1938, the same having been filed in this office according to the provisions of the Revised Statutes, Chapter 13, Section 67 as amended.

(Signed) Frederick Robie,  
Secretary of State.

The communication was read and with the accompanying estimates was referred to the Committee on County Estimates.

The Speaker laid before the House the following concurrent resolution:  
**HOUSE CONCURRENT RESOLUTION NO. 13**

**A CONCURRENT RESOLUTION** memorializing the senate of the United States to oppose ratification of the Argentine sanitary agreement which is intended to modify existing regulations on imports of livestock and meats from South American countries where foot-and-mouth disease exist or where the disease has not been uncommon.

WHEREAS, Since livestock producers in the United States are mindful of the havoc created by and the widespread destruction resulting from the recent California outbreak and the Texas outbreak in 1924-'25 and the 1914 outbreak of foot-and-mouth disease infesting twenty-one states and the District of Columbia; and

WHEREAS, Since the only dependable safeguards from outbreaks of the disease in this country are the maintenance of rigid sanitary restrictions and a continuance of present embargoes prohibiting imports of live animals or dressed meats from countries where that disease is known to exist or from countries adjacent to territory where the disease is known to exist. Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That these bodies hereby vigorously oppose any modification of the existing federal laws governing the movement of livestock or livestock products from any foreign country harboring foot-and-mouth disease or any other transmissible disease of livestock which does not now exist in the United States, or from any foreign country which accepts foot-and-mouth disease merely as an inevitable inconvenience and which makes no serious or determined effort to combat it;

Be it further resolved: In order that the livestock industry of the United States may be protected from hazards resulting from the introduction of foot-and-mouth disease into this country, the senate of the United States be and is hereby urged to oppose ratification of the Argentine sanitary agreement.

Be it resolved further, That the secretary of state be and he is hereby directed to transmit copies of this resolution to the senate and house representatives of the United States, and to the several members of said bodies representing this state therein, and to the President of the United States, and to the legislatures of the various states now in session.

I hereby certify that the above **CONCURRENT RESOLUTION** originated in the HOUSE, and was adopted by that body February 8-1937

(Signed) H. S. Buzick, Sr.  
Speaker of the House.

(Signed) W. T. Bishop  
Chief Clerk of the House.

Adopted by the SENATE February 19-1937.

(Signed) W. M. Lindsay  
President of the Senate.  
(Signed) Clarence W. Miller  
Secretary of the Senate.

The resolution was read, and on motion by Mr. Fadden of Hiram, was referred to the committee on Federal Relations and sent up for concurrence.

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

### Taxation

Remonstrance of Julia M. Powers and others of Caribou against enactment of any legislation which will impose a tax on admissions (H. P. No. 17 1678) (Presented by Mr. Russ of Caribou)

Remonstrance of Harvey Monroe of Madison and vicinity against same (H. P. No. 1679) (Presented by Mr. Thorne of Madison)

Remonstrance of Walter H. Dearn and others of No. Anson and vicinity against any increase in the gasoline tax (H. P. No. 1680) (Presented by same gentleman)

Mr. ELLIS of Castle Hill: Mr. Speaker, I ask unanimous consent of the House to introduce a bill.

The SPEAKER: The gentleman from Castle Hill, Mr. Ellis, asks unanimous consent to introduce a bill notwithstanding the provisions of the joint closing order. Is there objection?

Mr. ELLIS: Mr. Speaker—

The SPEAKER: The question of unanimous consent is not debatable. The Chair hears no objection. The gentleman from Castle Hill, Mr. Ellis, now presents the bill and the Chair rules that the bill is received.

Resolve in favor of Joe Carney of Ashland. (Presented by Mr. Ellis of Castle Hill)

On motion by Mr. Ellis, the resolve was referred to the committee on Claims and sent up for concurrence

### Orders

On motion of Mr. Peakes of Milo, it was

Ordered, that there be printed 700 additional copies of H. P. 1663, L. D. 795, bill an act to provide a manager form of government for the town of Milo in the county of Piscataquis.

Mr. Ellis of Rangeley, presented the following order and moved its passage:

Ordered, that on Wednesday of each week, beginning with Wednesday, March 10th, all matters placed upon the table during the preceding week and unassigned shall be laid before the House by the Speaker under Orders of the Day in the order in which they were placed upon the table, and until disposed of shall have precedence under Orders of the Day.

Mr. ELLIS: Mr. Speaker, a little explanation to the new members who may not understand what this means. All tabled matters, the same as you have on your calendar this morning and the ones to be put on up to Friday, will automatically come off the table next Wednesday unless they are assigned for a certain day. Anything that is put on the table after Friday will not be taken off, that is, matters tabled on Mondays and Tuesdays would not come off the following Wednesdays. Therefore, to facilitate matters, it would be advisable for those who have matters on the table this week, or up to any Friday, to be prepared to take them off on the following Wednesday.

Thereupon, the order received passage.

On motion by Mr. Maxim of Portland, it was

Ordered that the use of the hall of the House be granted to the Maine Real Estate Association and the Portland Real Estate Association for the evening of Wednesday, March 10, 1937, for a public meeting.

### Reports of Committees

Mr. Philbrick from the Committee on Judiciary on bill an act relative to motor vehicle excise tax (H. P. No. 668) (L. D. No. 213) reported leave to withdraw.

Mr. Weatherbee from same Committee reported same on bill an act punishing the driver of a motor vehicle found guilty of habitual carelessness, criminal negligence, or driving under the influence of intoxicating liquor, injuring the person or property of another (H. P. No. 1431) (L. D. No. 580)

Same gentleman from same Committee reported same on bill an act to authorize the Plantation of Pleasant Ridge to withdraw from

the Maine Forestry District (H. P. No. 1096) (L. D. No. 348)

Same gentleman from same Committee reported same on bill an act to authorize the town of Moscow to withdraw from the Maine Forestry District (H. P. No. 1097) (L. D. No. 349)

Mr. Noyes from the Committee on Public Utilities reported same on bill an act authorizing the town of Washburn to generate electricity for municipal purposes (H. P. No. 1116) (L. D. No. 325)

Mr. Findlen from the Committee on Agriculture reported ought not to pass on bill an act relating to the proper branding of potatoes (H. P. No. 1235) (L. D. No. 447)

Mr. Chase from the Committee on Interior Waters reported same on bill an act relative to regulating the high and low water mark on Lake Moxie (H. P. No. 1091) (L. D. No. 413)

Mr. Bird from the Committee on Judiciary reported same on bill an act relating to lists of taxable property of non-residents (H. P. No. 1052) (L. D. No. 338)

Same gentleman from same Committee reported same on bill an act relating to rights of way (H. P. No. 1442) (L. D. No. 583)

(Bill and report tabled by Mr. Mosher of Farmington, pending acceptance of the report)

Mr. Bird from the Committee on Judiciary reported ought not to pass on bill an act relating to the Board of Emergency Municipal Finance (H. P. No. 1047) (L. D. No. 315)

Same gentleman from same Committee reported same on bill an act relating to division of payment of real estate taxes (H. P. No. 1093) (L. D. No. 346)

Mr. Hinckley from same Committee reported same on bill an act to require authorization by a vote of the town before overdrafts are incurred, and providing for the payment of the indebtedness so created (H. P. No. 1054) (L. D. No. 316)

(Bill and report tabled by Mr. Larrabee of West Bath, pending acceptance of the report)

Mr. Hinckley from the Committee on Judiciary reported ought not to pass on bill an act relating to sentences of felons (H. P. No. 872) (L. D. No. 265)

Mr. McGlauffin from same Committee reported same on bill an act permitting partial distribution of the estate of a deceased person (H. P. No. 1055) (L. D. No. 340)

Same gentleman from same Committee reported same on bill an act relating to trustee process (H. P. No. 1056) (L. D. No. 341)

Same gentleman from same Committee reported same on resolve proposing an amendment to the Constitution relating to signers on referendum petitions (H. P. No. 1636) (L. D. No. 775)

(Bill and report tabled by Mr. Sleeper of Rockland, pending acceptance of the report)

Mr. McGlauffin from the Committee on Judiciary reported ought not to pass on resolve proposing an amendment to the Constitution relating to the election of the Governor's Council (H. P. No. 1492) (L. D. No. 625)

Same gentleman from same Committee reported same on resolve proposing an amendment to the Constitution providing for the election of the Governor's Council (H. P. No. 1430) (L. D. No. 728)

Mr. Thorne from same Committee reported same on bill an act validating the withdrawal of the Plantation of Pleasant Ridge from the Maine Forestry District (H. P. No. 1099) (L. D. No. 365)

Same gentleman from same Committee reported same on bill an act providing for equalizing valuations in tax assessments (H. P. No. 1100) (L. D. No. 374)

Same gentleman from same Committee reported same on bill an act validating the withdrawal of the town of Moscow from the Maine Forestry District (H. P. No. 1098) (L. D. No. 366)

Mr. Varney from same Committee reported same on bill an act relating to service of precepts (H. P. No. 467) (L. D. No. 134)

(Bill and report tabled by Mr. Wilkes of Portland, pending acceptance of the report)

Mr. Varney from the Committee on Judiciary reported ought not to pass on bill an act requiring witnesses to be seated while testifying (H. P. No. 873) (L. D. No. 306)

Mr. Weatherbee from same Committee reported same on bill an act relating to motions for directed verdicts (H. P. No. 672) (L. D. No. 217)

Same gentleman from same Committee reported same on bill an act relating to presentation of property lists to assessors (H. P. No. 1051) (L. D. No. 337)

Mr. Chase from the Committee on Legal Affairs reported same on bill an act to repeal the organization of

the Plantation of Dallas (H. P. No. 622) (L. D. No. 202)

(Bill and report tabled by Mr. Chase of Baring, pending acceptance of the report)

Mr. Chase from the Committee on Legal Affairs reported ought not to pass on bill an act to incorporate the Lincoln Water District (H. P. No. 1064) (L. D. No. 356)

(Bill and report tabled by Mr. Higgins of Ellsworth, pending acceptance of the report)

Mr. Webber from the Committee on Public Utilities reported ought not to pass on bill an act relative to rates charged by contract carriers (H. P. No. 192) (L. D. No. 67)

Mr. Fernald from the Committee on Salaries and Fees reported same on bill an act relating to the compensation of County Commissioners of Androscoggin County (H. P. No. 1566) (L. D. No. 539)

Mr. Richardson from the Committee on Sea and Shore Fisheries reported same on bill an act limiting the catching of crabs (H. P. No. 495) (L. D. No. 163)

Reports read and accepted and sent up for concurrence.

Mr. Hinckley from the Committee on Judiciary on bill an act creating a Recorder and raising the jurisdiction of the Norway Municipal Court (H. P. No. 1044) (L. D. No. 332) reported same in a new draft (H. P. No. 1681) under same title and that it ought to pass

Report read and accepted and the new draft ordered printed under the Joint Rules.

Mr. Dwinal from the Committee on State Lands and Forest Preservation reported ought to pass on resolve granting authority to the Forestry Department to convey certain land (H. P. No. 1317)

Mr. Mack from same Committee reported same on resolve granting authority to the Forestry Department to convey certain land (H. P. No. 1318)

Mr. Mack from same Committee reported same on resolve granting authority to the Forestry Department to convey certain land (H. P. No. 1319)

Reports read and accepted and the resolves ordered printed under the Joint Rules.

Mr. Varney from the Committee on Judiciary reported ought to pass on bill an act to enable courts to impose sentence in vacation (H. P. No. 1290) (L. D. No. 469)

Mr. Dwinal from the Committee

on State Lands and Forest Preservation reported same on resolve granting authority to the Forestry Department to sell certain land (H. P. No. 310) (L. D. No. 98)

Same gentleman from same Committee reported same on resolve authorizing the Forest Commissioner to convey certain lands (H. P. No. 897) (L. D. No. 276)

Reports read and accepted and the bill and resolves having already been printed, the bill was read twice under suspension of the rules, the resolves read once under suspension of the rules, and tomorrow assigned.

#### First Reading of a Printed Resolve

(H. P. 1274) (L. D. 797) Resolve changing the name of Greeley Pond.

#### Passed to be Engrossed

(S. P. No. 171) (L. D. No. 246) An act relating to State aid for academies.

(H. P. No. 615) (L. D. No. 187) An act relating to the maintenance of the Androscoggin Lake Dam.

(H. P. No. 1092) (L. D. No. 414) An act relating to "An Act to incorporate the Portland Water District".

(H. P. No. 1656) (L. D. No. 794) An act to provide for aid to dependent children.

(On motion by Mr. Hinman of Skowhegan, tabled pending acceptance of the report of the committee on Bills in the Third Reading)

(H. P. No. 1657) (L. D. No. 793) An act amending the Bates College charter.

(H. P. No. 1658) (L. D. No. 792) An act relating to clerk hire in the office of Register of Deeds in the county of York.

(H. P. No. 1659) (L. D. No. 791) An act relating to Recorders of Municipal Courts.

(H. P. No. 1660) (L. D. No. 790) An act relating to bounty on seals in Hancock and Washington Counties.

(H. P. No. 1663) (L. D. No. 795) An act to provide a manager form of government for the town of Milo in the county of Piscataquis.

(H. P. No. 32) (L. D. No. 17) Resolve changing the name of Big Indian Pond and Little Indian Pond.

(H. P. No. 702) (L. D. No. 787) Resolve relating to taking of clams in South Thomaston.

(H. P. No. 1661) (L. D. No. 788) Resolve relating to the taking of clams in Gouldsboro.

(H. P. No. 1662) (L. D. No. 789)  
Resolve relating to fishing for  
ground fish in Sheepscot Bay.

(H. P. No. 666) (L. D. No. 212)  
Resolve relating to Moosehead Lake.

**Passed to be Enacted**

(Emergency Measure)

H. P. 202, L. D. 71: An act requiring all resident fishermen of ground fish to obtain license.

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

A division being had,

One hundred and thirty-six voting in the affirmative, and none in the negative, 136 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

(Emergency Measure)

H. P. 204, L. D. 73: An act to prohibit non-residents from taking ground fish for commercial purposes.

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

A division being had,

One hundred and forty-four voting in the affirmative, and none in the negative, 144 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

(Emergency Measure)

H. P. 206, L. D. 75: An act to regulate the size of mesh in nets used by beam trawlers.

The **SPEAKER**: This bill is an emergency measure and requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this bill to be enacted will rise, remain standing until counted, and

the monitors will make and return the count.

A division being had,

One hundred and forty-two voting in the affirmative, and none in the negative, 142 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

(Emergency Measure)

H. P. 1631, L. D. 767: An act relating to an Interstate Bridge Authority for the Portsmouth-Kittery Bridge and Approaches thereto.

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

A division being had,

One hundred and forty-one voting in the affirmative, and none in the negative, 141 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

**Passed to be Enacted**

(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, resident and non-resident.

(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. 604) (L. D. No. 196)  
An act relating to the duties and functions of the Maine State Poultry Association and the Androscoggin Poultry and Pet Stock Association.

(H. P. No. 1630) (L. D. No. 763)  
An act relating to the Register of Deeds for the county of Knox.

(H. P. No. 1633) (L. D. No. 765)  
An act relating to State Board of Arbitration.

**Finally Passed**

(H. P. No. 81) (L. D. No. 36)  
Resolve relating to taking of clams in Harrington.

(H. P. No. 201) (L. D. No. 70)  
Resolve relating to lobster fishing in  
Winter Harbor.

(H. P. No. 308) (L. D. No. 96)  
Resolve relating to lobster fishing in  
clams within the town of Islesboro.

#### Orders of the Day

Mr. Newton of Readfield, was granted unanimous consent to introduce out of order and under suspension of the rules the following order:

Ordered, that the use of the hall of the House of Representatives be assigned to the Maine Society Sons of the American Revolution for the evening of March 11th, 1937, the occasion of an address on "The Why of the American Revolution" by Willis Blake Hall of Portland.

The order received passage.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion by Mr. Stoddard of Eastport, it was voted to take from the table the fifth unassigned matter. House report ought not to pass of the committee on Judiciary on bill an act relative to judgments against real estate, H. P. 618, L. D. 200, tabled by that gentleman on February 24th pending acceptance of the report.

Mr. STODDARD: Mr. Speaker, I now move that this bill be recommitted to the committee on Judiciary, and may I say in support of my motion that this is with the approval of the members of that committee.

The motion prevailed and the bill and report were recommitted to the committee on Judiciary.

On motion by Mr. Morgan of Farmingdale,

Adjourned until ten o'clock tomorrow morning.