

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, March 11, 1937.

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

Prayer by the Rev. Mr. Poole of Gardiner.

Journal of the previous session read and approved.

Paper from the Senate disposed of in concurrence.

Communication from the State Controller:

Augusta, Maine,
March 10, 1937.

To the Honorable Members of the House of Representatives:

In compliance with the order dated March 3, 1937, directing me to furnish the House of Representatives information regarding old age assistance, I herewith submit detail covering your request.

The summary accompanying same shows that out of 605 units of government which comprise cities, towns or plantations, 371 have persons receiving old age assistance and 234 do not appear on the list. There are 3829 persons receiving assistance, of which 2166 were men and 1663 women. The summary shows payments by classes, the detail of which is enclosed showing 108 receiving under \$10.00 per month; 584 receiving between \$10.00 and \$14.00; 988 receiving between \$15.00 and \$19.00; 1091 receiving \$20.00 and \$24.00; 645 between \$25.00 and \$29.00; and 413 receiving \$30.00.

For an average for the 3829 persons receiving assistance, it was \$20.04 each of which the Federal Government pays fifty percent.

Respectfully submitted,

(Signed)

WILLIAM A. RUNNELLS,
State Controller.

On motion by Mr. Haskell of Lee, the communication and accompanying report were tabled pending acceptance of the report.

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

Inland Fisheries and Game

Remonstrance of Ernest E. Johnson of Belgrade Lakes and 23 others against H. P. 1450, L. D. 519, open season on fur-bearing animals, and H. P. 1456, L. D. 524, Bounty on foxes (H. P. No. 1712) (Presented by Mr. Martin of Oakland)

Taxation

Remonstrance of Aroostook County Theatres Inc. and others of Fort Kent against enactment of any legislation which will impose a tax on admissions (H. P. No. 1713) (Presented by Mr. Labbee of Fort Kent)

Remonstrance of L. C. Noddin and 90 others of Millinocket against same (H. P. No. 1714) (Presented by Mr. Mack of E. Millinocket)

Reports of Committees

Mr. Dow from the Committee on Legal Affairs reported ought not to pass on bill an act to provide for the surrender by the town of Chester of its organization (H. P. No. 1061) (L. D. No. 354)

Mr. Payson from same Committee reported same on bill an act relating to form of ballots (H. P. No. 1538) (L. D. No. 567)

Mr. Pike from same Committee reported same on bill an act relating to contracts for care of poor (H. P. No. 1165) (L. D. No. 442)

Mr. Ramsey from the Committee on Mercantile Affairs and Insurance reported same on bill an act relating to the standard form insurance policy (H. P. No. 684) (L. D. No. 225)

(Bill and report tabled by Mrs. Thurston of Bethel, pending acceptance of the report.)

Mr. Brown from the Committee on Public Health reported ought not to pass on bill an act to prohibit the sale of adulterated or misbranded cosmetic preparations (H. P. No. 1113) (L. D. No. 322)

Same gentleman from same Committee reported same on bill an act relating to beauty culture (H. P. No. 1558) (L. D. No. 687)

(Bill and report tabled by Mr. Weatherbee of Lincoln, pending acceptance of the report.)

Reports read and accepted and sent up for concurrence.

Mr. Cole from the Committee on Legal Affairs on bill an act relating to the termination of organization of towns or plantations (H. P. No. 1166) (L. D. No. 431) reported same in a new draft (H. P. No.

1710) under same title and that it ought to pass.

Mr. Crockett from the Committee on Mercantile Affairs and Insurance on bill an act providing for assessment of premium notes and insurance contracts (H. P. No. 626) (L. D. No. 179) reported same in a new draft (H. P. No. 1711) under same title and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Cole from the Committee on Legal Affairs reported ought to pass on bill an act to provide for the surrender by town of Carroll of its organization (H. P. No. 297) (L. D. No. 95)

Mr. Higgins from same Committee reported same on bill an act to regulate the sale, exchange, possession and distribution of merchandise manufactured in whole or in part by convicts or prisoners (H. P. No. 1528) (L. D. No. 678)

(Bill and report tabled by Mr. Flanders of Auburn, pending acceptance of the report.)

Mr. Ramsey from the Committee on Mercantile Affairs and Insurance reported ought to pass on bill an act relating to delinquency in payment of insurance assessments (H. P. No. 625) (L. D. No. 180)

Same gentleman from same Committee reported same on bill an act defining membership in mutual fire insurance companies (H. P. No. 624) (L. D. No. 181)

Reports read and accepted and the bills having already been printed, were read twice under suspension of the rules and tomorrow assigned.

First Reading of Printed Bills and Resolve

(H. P. No. 1706) (L. D. No. 831)
An act to provide for issuing duplicate hunting and fishing licenses.

(H. P. No. 1707) (L. D. No. 832)
An act relating to hunting while intoxicated or under the influence of drugs.

(H. P. No. 1708) (L. D. No. 833)
Resolve limiting weir fishing for salmon in Penobscot River.

Passed to be Engrossed

(S. P. No. 254) (L. D. No. 396) An act relating to examiners of the Public Utilities Commission.

(S. P. No. 255) (L. D. No. 391) An act relating to appointment of commissioners; tenure of office; vacancies; clerks and their duties;

Chief Inspector of Utilities; office and equipment.

(S. P. No. 256) (L. D. No. 392)

An act relating to grade crossings.

(H. P. No. 608) (L. D. No. 199)

An act relating to closed time on deer in York County.

(H. P. No. 853) (L. D. No. 303)

An act relating to fishing in Pocompus Lake and Western Grand Lake in Washington County.

(H. P. No. 1078) (L. D. No. 343)

An act relative to sale and transportation of wild hares and rabbits.

(H. P. No. 1082) (L. D. No. 409)

An act relative to the sale of deer.

(H. P. No. 1128) (L. D. No. 371)

An act to annex Hurricane Island to the town of Vinalhaven.

(H. P. No. 1270) (L. D. No. 457)

An act relative to Game Preserve in the towns of Limington and Hollis in York County.

(H. P. No. 1500) (L. D. No. 608)

An act relative to Game Preserve in York County.

(H. P. No. 1533) (L. D. No. 665)

An act relating to commitment of the insane.

(H. P. No. 120) (L. D. No. 54)

Resolve relating to an official song for the State of Maine.

(H. P. No. 1636) (L. D. No. 775)

Resolve proposing an amendment to the Constitution relating to signers on referendum petitions.

(Tabled by Mr. Sleeper of Rockland, pending third reading.)

(S. P. No. 202) (L. D. No. 292)

An act relating to motor vehicle road and tourist service.

(H. P. No. 1095) (L. D. No. 375)

An act to require the use of safety glass on motor vehicles.

Orders of the Day

On motion of Mr. Snow of Dover-Foxcroft, it was voted to take from the table the first unassigned matter, Senate report—leave to withdraw—from the committee on Public Utilities on bill an act relating to the Guilford and Sangerville Water District, S. P. 209, L. D. 295, tabled on March 9th by that gentleman, pending acceptance in concurrence, and on further motion by the same gentleman, the report of the committee was accepted in concurrence.

On motion by Mr. Ellis of Castle Hill, it was voted to take from the table the fourth unassigned matter, bill an act relating to prepayment of excise tax on motor vehicles, H. P. 877, L. D. 279, tabled March 9th

by that gentleman, pending third reading.

Mr. ELLIS: Mr. Speaker and Members of this Legislature: The motor vehicles mentioned in this document are motor vehicles owned by non-residents of the State of Maine. They are the motor vehicles that are used in the State, those used by the oil companies, the Standard Oil and Shell and others, also the transport trucks, those large trucks we see on the road every day. We pass these transport trucks in almost every nook and corner of our State of Maine, on the country roads and back roads as well as the main roads.

At the present time the excise tax under the law is paid directly to the Secretary of State. Last year this amounted to \$41,009.73, and where this is paid to the Secretary of State we all share alike in the distribution of it.

This bill provides that the excise tax will be paid to comparatively few towns where the trucks are stored, and for that reason, that the trucks are using all the roads in all the State, I feel the excise tax should continue to be paid in to the Secretary of State as it is now, so we will all share in it. Therefore, I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Castle Hill, Mr. Ellis, moves that the bill be indefinitely postponed. The Chair recognizes the gentleman from Cape Elizabeth, Mr. Philbrick.

Mr. PHILBRICK: Mr. Speaker, this bill was introduced by the gentleman from Portland, Mr. Payson. Mr. Payson received leave of absence this morning to go home because of the sudden illness of his mother. I therefore move that the bill be retabled pending the motion of the gentleman from Castle Hill, Mr. Ellis, that the bill be indefinitely postponed.

The motion prevailed.

On motion by Mr. Richardson of South Portland, it was voted to take from the table the ninth unassigned matter, bill an act imposing a tax of one cent per barrel on potatoes for advertising and stabilizing the potato industry of the State, H. P. 691, L. D. 895, tabled by that gentleman on March 10th, pending third reading.

Mr. RICHARDSON: Mr. Speaker, I understood that the Chair ruled a while ago that a member could not yield the floor.

The SPEAKER: The gentleman is correct.

Mr. RICHARDSON: I would like to call on the gentleman from Fort Fairfield, Mr. Findlen.

The SPEAKER: The Chair feels that it is not within the province of any member of the House to call upon another member. Any member rising and addressing the Chair in order will be recognized.

Mr. FINDLEN of Fort Fairfield: Mr. Speaker—

The SPEAKER: The Chair recognizes the gentleman from Fort Fairfield, Mr. Findlen.

Mr. FINDLEN: Mr. Speaker, I offer House Amendment A to H. P. 1691, L. D. 825, bill an act imposing a tax of one cent per barrel on potatoes for advertising and stabilizing the potato industry of the State.

In explanation of this amendment, I wish to say that Section 6 of this document needs to be clarified just a bit in order to make it more clear to anyone reading the bill just exactly how the tax would be collected and so forth. Instead of offering it in the usual way, that is by striking out a word here and putting a word there, we have struck out the whole Section 6 and have re-written another section, so that the Clerk may read it to you and you will be able to understand it. It just puts in a few more words that clarify the law. For the information of the House, I wish to state at this time that this law has been made a law in the State of Idaho, this same one. That is for your information.

The SPEAKER: The gentleman from Fort Fairfield, Mr. Findlen, presents House Amendment A and moves its adoption. The Clerk will read House Amendment A.

House Amendment A to H. P. 1691, L. D. 825, entitled An act imposing a tax of one cent per barrel on potatoes for advertising and stabilizing the potato industry of the State.

Amend said bill by striking out all of section six thereof and inserting in place thereof the following:

'Sec. 6. Shipper entitled to deduct tax from selling price. Each shipper purchasing potatoes and paying, or becoming liable to pay

the tax imposed by section 3, shall charge and collect from the seller a tax at the rate of 1 cent per barrel, to be deducted from the purchase price of all potatoes, subject to the tax, so purchased by such shipper.'

And further amend said bill by striking out the word "and" in the 6th line of section 7 and inserting in place thereof the word 'or', and further amend said section by striking out the word "and" in the 11th line and inserting in place thereof the word 'or'.

The SPEAKER: The question is on the motion of the gentleman from Fort Fairfield, Mr. Findlen, that House Amendment A be adopted. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, House Amendment A was adopted, and on further motion by Mr. Findlen the bill as amended by House Amendment A had its third reading and was passed to be engrossed.

The SPEAKER: The House may be at ease to assemble at the sound of the gong.

HOUSE AT EASE

Paper from the Senate

(Out of order and under suspension of the rules.)

From the Senate:

Communication

STATE OF MAINE

Office of the Secretary of State,

March 9th, 1937.

To the Honorable Senate of the Eighty-eighth Legislature of the State of Maine:

I have the honor to herewith transmit a petition of William T. Mayberry of Dexter and others to initiate a bill to amend an act entitled "An Act Appropriating Monies for Overdrafts Already Incurred Due to Insufficient Appropriations and Anticipated Overdrafts and Other Obligations for Which no Legislative Appropriations Have Been Made" and to substitute another in lieu thereof.

This measure is in accordance with the provisions of section 18 of Article XXXI of the Constitution of the State of Maine. The measure is proposed by what is purported to be not less than twelve thousand

electors, namely; fourteen thousand seven hundred twenty-one as shown by the signatures, the sufficiency of which have not been checked in the office of the Secretary of State.

The date of filing was March 9, 1937.

Respectfully yours,

(Signed) **FREDERICK ROBIE,**
Secretary of State (S. P. 433)

Comes from the Senate, the communication and accompanying papers referred to the committee on Judiciary.

In the House, the communication and accompanying papers were referred to the committee on Judiciary in concurrence.

From the Senate:

Ordered, the House concurring, that a joint committee of three members on the part of the Senate, appointed by the President of the Senate, and three members on the part of the House, appointed by the Speaker, be authorized and instructed to forthwith investigate the condition of the affairs of the State, and each and every department thereof, for the purpose of determining what, if any, economies may be effected in the administration of the affairs of the State, with power vested in the Committee to summons and require the attendance of witnesses, the production of records, books and papers, and to take evidence pertinent to such matter. Said Committee shall make prompt report to this Legislature now in session of its findings and recommendations as to such economies as in their opinion may be made, together with any bill or bills for appropriate remedial legislation, which bill or bills shall be received in either branch of this Legislature regardless of the cloture rule heretofore adopted by this Legislature.

Comes from the Senate, in that body Senate Amendment B read and adopted, and the order as amended by Senate Amendment B passed.

Senate Amendment B.

Amend said order by striking out all of said order except the first nine words therein and substituting in place thereof the following, so that said order as amended will read as follows:

Ordered, the House concurring, that a Joint Committee consisting of two members on the part of the

Senate appointed by the President of the Senate, and three members on the part of the House appointed by the Speaker of the House, be ordered, instructed, and directed to meet with the Joint Standing Committee on Appropriations and Financial Affairs and, together with said committee on Appropriations and Financial Affairs, to forthwith make a survey of the affairs of the State and each and every department thereof, for the purpose of determining what, if any, economies may be effected in the administration of the affairs of the State. Said committee shall make prompt report to this Legislature now in session of its findings and recommendations as to such economies as in their opinion may be made, together with any bill or bills for appropriate remedial legislation, which bill or bills shall be received in either branch of the Legislature regardless of the cloture order, heretofore, adopted by this Legislature.

Mr. ELLIS of Rangeley: Mr. Speaker, I move that Senate Amendment B be adopted in concurrence.

I have all kinds of faith in the committee on Appropriations and Financial Affairs, but there are some who think that an extra committee or an addition to this committee would be of assistance.

I hope the order receives passage. That committee is made up of business men and contractors from all parts of Maine. They have considered the articles of appropriation for eight weeks, and three of that committee, Mr. Flanders and Mr. Donahue and the Chairman in the Senate, Mr. Hussey, worked three weeks before we came down here with the Appropriations Committee.

The newspapers have come out in the last few days stating that we think of nothing but taxes. Well, with the petitions and demands from the people all the time that we raise more money for roads and old age pensions and schools and Bangs Disease and state police and hospitals and health and welfare and what not, I cannot see how we can think of much except taxes. We are thinking of taxes, but we are thinking of cutting those taxes down just as far as we can. I hope that this order has a passage and that we may find ways to economize further.

Mr. FLANDERS of Auburn: Mr.

Speaker and Members of the 88th Legislature: I will say that the Appropriations and Financial Affairs Committee are very glad to welcome any committee and will be glad to work with them to the best of our ability.

There are a few things I would like to call your attention to. Mr. Ellis, our floor leader, has referred to the fact that the people are asking for larger appropriations. Two years ago the State of Maine voted a two million dollar bond issue to put an addition on the institution at Pownal, and another addition on the institution at Augusta. Now if these buildings are going to be occupied, it requires large appropriations. The institution at Pownal can take care of some 306, and I think the institution at Augusta can take care of some 60 or 70. Now you can all see what that means. It means more expenditures in maintenance. Not only that, when we think of what we are faced with on old age assistance, what we are faced with on welfare, what we are faced with on Bangs Disease, all those things, you can see this Legislature is facing one of the most serious sessions it has had for many years. I am only too glad to welcome the committee, and we will work with them. I hope that this order has a passage.

Mr. MURCHIE of Calais: Mr. Speaker and Members of the 88th Legislature: If this order had been presented to this Legislature in its modified form at an earlier date, I feel sure that I would have been for it through and through. While I feel that it involves considerable delay, for the reason that it would appear to make it necessary that the heads of all the bureaus and departments of the State be again called in before the joint committee, and while I cannot and will not admit that I think the idea has any particular merit, nevertheless I agree with the two members who have spoken previously and who say they hope for its passage, which I also do. My idea is that in a spirit of cooperation we may find here, in a sort of an understanding contact, the thing that we are really put here to do, and, pressing forward shoulder to shoulder in this same spirit of cooperation let us prove that this particular spirit, in the light of this Legislature, is going to be the saving grace of the

State of Maine in this very unusual situation.

The SPEAKER: The Chair understands that the motion of the gentleman from Rangeley, Mr. Ellis, is that Senate Amendment B be adopted in concurrence. Is this the pleasure of the House?

A viva voce vote being taken, Senate Amendment B was adopted in concurrence, and the order as Amended by Senate Amendment B was passed in concurrence.

The SPEAKER: The Chair will name as the committee on the part of the House Mr. Chase of Baring, Mr. Noyes of Franklin, and Mr. Varney of Berwick.

The SPEAKER: The House is proceeding under Orders of the Day. Is there any further business to be brought before the House?

On motion by Mr. Payson of Brooks, it was voted to take from the table the eighth tabled and unassigned matter, House report ought to pass of the committee on Inland Fisheries and Game on bill an act relating to fly fishing, H. P. 856, L. D. 264, tabled on March 10th by that gentleman pending acceptance of the report; and on further motion by the same gentleman the report was accepted.

Thereupon, the rules were suspended, the bill given its two several readings and tomorrow assigned.

On motion by Miss Smith of Van Buren,

Adjourned until ten o'clock tomorrow morning.