

# 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**

Friday, March 12, 1937.

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

Prayer by the Rev. Mr. Hart of Gardiner.

Journal of the previous session read and approved.

From the Senate: The following order:

Ordered, the House concurring, that a committee of five be appointed by the President of the Senate and Speaker of the House, two on the part of the Senate and three on the part of the House, to investigate the feasibility of the enactment into law, requirements for the adoption of blood tests of persons charged with operating motor vehicles when intoxicated or under the influence of liquor and drugs.

The committee shall be requested to serve voluntarily without compensation either for services or expenses, S. P. 439.

Comes from the Senate, read and passed.

In the House, on motion by Mr. Ellis of Rangeley, the order was tabled pending passage in concurrence.

Papers from the Senate disposed of in concurrence.

The SPEAKER: The Clerk will read a paper from the Senate not on the printed Journal.

From the Senate: The following order:

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, March 16th, 1937, at 11 o'clock in the forenoon, S. P. 440.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

**First Reading of a Senate Bill**

S. P. 145. L. D. 172: An act relative to junior non-resident fishing licenses.

From the Senate: Report of the committee on Legal Affairs reporting ought to pass on bill an act to authorize the Maine Automobile Association to change its form of organization, S. P. 248, L. D. 399.

Comes from the Senate, report

read and accepted and the bill passed to be engrossed as amended by Senate Amendment A.

In the House, the report was accepted in concurrence.

Thereupon, the bill had its two several readings, Senate Amendment A was read by the Clerk and adopted in concurrence, and the next legislative day assigned for the third reading of the bill as amended.

From the Senate: Report of the committee on Legal Affairs, on bill an act to protect the right of employees to organize and bargain collectively and creating a Labor Relations Board, H. P. 1293, L. D. 488, reporting that the same be referred to the committee on Labor, which was recommitted to the committee on Legal Affairs in the House on March 4th.

Comes from the Senate, recommitted to the committee on Reference of Bills in non-concurrence.

In the House, on motion by Mr. Higgins of Ellsworth, it was voted to recede and concur with the Senate in the reference of this bill to the committee on Reference of Bills.

From the Senate: Report of the committee on Legal Affairs reporting ought not to pass on bill an act to repeal the organization of the Plantation of Dallas, H. P. 622, L. D. 202, which was recommitted to the committee on Legal Affairs in the House on March 10th.

Comes from the Senate, the ought not to pass report accepted in non-concurrence.

In the House, on motion by Mr. Ellis of Rangeley, the bill and report were tabled pending further consideration.

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

**Legal Affairs**

Remonstrance of Iva M. Skillins and 34 others of Bangor against legalizing beano (H. P. No. 1715) (Presented by Mr. Whitney of Bangor)

**Taxation**

Remonstrance of William E. McPhee and 56 others of Bangor against enactment of any legislation which will impose a tax on admissions (H. P. No. 1716) (Presented by Mr. Whitney of Bangor)

Remonstrance of Frank Frost and 72 others of Calais, Maine and St. Stephens, N. B. against same. (H. P. No. 1717) (Presented by Mr. Chase of Baring)

Remonstrance of Hugh O'Neill and 49 others of Washington Co. against same (H. P. No. 1718) (Presented by Mr. Higgins of Dennysville)

Remonstrance of W. H. McFarlane and 73 others of Calais and vicinity against same (H. P. No. 1719) (Presented by Mr. Melanson of Cherryfield)

### Orders

On motion by Mr. Flanders of Auburn, it was

Ordered, that there be printed 1,000 copies of I. B. No. 1, bill an act to amend Chapter 15 of the Public Laws of 1937, entitled an act appropriating moneys for overdrafts incurred due to insufficient appropriations and anticipated overdrafts and other obligations for which no legislative appropriations have been made.

### Reports of Committees

Mr. Higgins from the Committee on Legal Affairs on bill an act granting Charles H. Scott the right to maintain a ferry across Egge-moggin Reach in Hancock County (H. P. No. 621) (L. D. No. 201) reported same in a new draft (H. P. No. 1720) under same title and that it ought to pass.

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

Mr. Dow from the Committee on Legal Affairs reported ought to pass on bill an act relating to registration fees to be paid for motor vehicles used for the carrying of passengers for hire and operating over regular routes (H. P. No. 875) (L. D. No. 310)

Report read and accepted and the bill, having already been printed, was read twice under suspension of the rules and the next legislative day assigned.

Mr. Higgins from the Committee on Legal Affairs reported ought to pass on bill an act to amend the city charter of Brewer (H. P. No. 1104) (L. D. No. 360)

Report read and accepted and the bill, having already been printed, was read twice under suspension of the rules.

Mr. Higgins of Ellsworth, offered House Amendment A as follows, and moved its adoption:

House Amendment A to H. P. 1104. L. D. 360, entitled an act to amend the City Charter of Brewer.

Amend said bill by striking out in the third line of Sec. 5 thereof the word "second" and substituting in place thereof the word 'third.'

And further amend said bill by striking out in said third line thereof the word "September" and inserting in place thereon the word 'December.'

Thereupon, House Amendment A was adopted, and the next legislative day was assigned for the third reading of the bill as amended.

Mr. Richardson from the committee on Sea and Shore Fisheries reported ought to pass on bill an act relating to the safeguarding of clam flats (H. P. No. 631) (L. D. No. 189)

Report read and accepted and the bill, having already been printed, was read twice under suspension of the rules and the next legislative day assigned.

### First Reading of Printed Bills

(H. P. No. 1710) (L. D. No. 835)  
An act relating to the termination of organization of towns or plantations.

(H. P. No. 1711) (L. D. No. 834)  
An act providing for assessment of premium notes and insurance contracts.

### Passed to be Engrossed

(H. P. No. 297) (L. D. No. 95)  
An act to provide for the surrender by town of Carroll of its organization.

(H. P. No. 624) (L. D. No. 181)  
An act defining membership in Mutual Fire Insurance Companies.

(H. P. No. 625) (L. D. No. 180)  
An act relating to delinquency in payment of insurance assessments.

(H. P. No. 856) (L. D. No. 264)  
An act relating to fly-fishing.

(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 Enacted

(H. P. No. 1290) (L. D. No. 469)  
An act to enable courts to impose sentence in vacation.

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

**Finally Passed**

(H. P. No. 310) (L. D. No. 98)  
Resolve granting authority to the Forestry Department to sell certain land.

(H. P. No. 897) (L. D. No. 276)  
Resolve authorizing the Forest Commissioner to convey certain lands.

(H. P. No. 1274) (L. D. No. 797)  
Resolve changing the name of Greeley Pond.

**Orders of the Day**

Mr. KELLER: Mr. Speaker, I Speaker, under suspension of the rules, I now ask for unanimous consent to address the House.

Permission was granted.

Mr. KELLER: Mr. Speaker, I realize at this time that time is valuable. Sometime back we had a set date when the introduction of bills should end, but I did not know anything about this until yesterday noon, when it was called to my attention.

In the early part of 1936 The Texas Company, a wholesale dealer of petroleum products, came to the City of Hallowell and through its agents negotiated the purchase of a portion of the muster field, so called, which is the field on the east side of Water Street in the City of Hallowell contiguous to the Augusta-Hallowell city line and extending from said line a distance of approximately 600 feet to the Hallowell Cemetery, this property having been in the possession of the City of Hallowell since 1833.

The Texas Company offered to purchase a strip of this land, 200 feet wide bordering Water Street and extending a distance of 600 feet back to the Maine Central Railroad right of way, and on the other side of the Maine Central Railroad tracks bordering the river a small strip of land approximately 10 feet wide.

The Texas Company sought permission from the Maine Central Railroad to establish a pipe line under their tracks for pumping petroleum products from boats up into storage tanks which they intended to install on the property in question. They also desired a crossing over the tracks for foot passengers to make connections with pipe lines to the boats lying in the river for the discharging of said products.

The Maine Central Railroad refused to give such permission although the Texas Company asked

to have a spur track installed to deliver petroleum products by rail when the river was closed and at other times when expedient.

Following this refusal The Texas Company not desiring to purchase the property under such restrictions gave up the negotiations and purchased the wharf property, so called, at the lower end of Water Street in the City of Hallowell and have now asked and secured permission to install property consisting of oil storage tanks to a valuation of over \$200,000, but will not have any rail connections at that site.

Two months ago the City of Hallowell negotiated a sale of the muster field property to another concern for the purpose of establishing an oil storage station and granted an option for the purchase of the same. This concern now reports that they have been to the Maine Central Railroad and asked permission to install pipe lines under the tracks of the Maine Central Railroad and an overpass for foot passengers and such small handling as will be necessary for connecting pipe lines to boats so that petroleum products can be pumped from boats in the river into the storage tanks which they contemplate installing, all this construction to be done at the expense of the said concern and at no expense to the railroad.

They further request permission to install a short spur track for the purpose of securing delivery of petroleum products by rail when necessary or expedient and said spur track to be installed at no expense to the Maine Central Railroad.

It is reported to me that the Maine Central Railroad has again refused permission to permit the installation of said pipe lines or crossings.

There appears to be no way in which this desirable development estimated at \$100,000 valuation can be brought into this community except by special legislation.

Now, Mr. Speaker, I ask the unanimous consent of the House to present this bill.

The SPEAKER: The gentleman from Hallowell, Mr. Keller, asks the unanimous consent of the House to present a bill notwithstanding the provisions of the joint closing order. Is there objection? The Chair hears no objection and rules that the bill is received.

On motion by Mr. Keller, the bill was referred to the Committee on Public Utilities and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. Are there any matters that can be taken from the table and disposed of this morning?

On motion by Mr. Haskell of Lee, it was voted to take from the table the eleventh unassigned matter, Communication of State Controller submitting information regarding old age assistance pursuant to House Order of March 3rd and accompanying papers, tabled by that gentleman on March 11th, pending consideration.

The SPEAKER: The gentleman from Lee, Mr. Haskell, moves that the communication and accompanying papers be received and placed on file, and that the report be reproduced, one copy for each member of the House.

The motion prevailed.

The SPEAKER: The Chair has in its possession a communication, which the Clerk will read, if there is no objection.

"To the Honorable Governor and Legislature,

State House, Augusta, Maine.

Gentlemen:

Representing the Townsend Club No. 1 of Gardiner, with a request that you memorialize Congress to enact into law the Townsend Business Recovery Plan, known as General Welfare Act of 1937, and in the present session of Congress the bill is known as H. R. 4199. I am

Very respectfully,

(Signed) LEROY R. ANDREWS,  
Vice President."

On motion by Mr. Ellis of Rangeley, the communication was tabled pending consideration.

On motion by Mr. Phair of Caswell Plantation,

Adjourned until Tuesday forenoon, March 16th, at 11 o'clock.