

# 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

Thursday, March 18, 1937.

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

Prayer by the Rev. Mr. Gessner of Augusta.

Journal of the previous session read and approved.

Paper from the Senate disposed of in concurrence.

#### Senate Bill in First Reading

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

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

#### Taxation

Remonstrance of Arthur Kallenberg and 64 others of Washington County against any legislation which will impose a tax on admissions (H. P. No. 1734) (Presented by Mr. Murchie of Calais)

Remonstrance of Kenneth R. Gammon and 90 others of Limestone and Caswell against same (H. P. No. 1735) (Presented by Mr. Phair of Caswell)

#### Orders

Mr. Dutil of Lewiston, presented the following order and moved its passage:

Ordered, the Senate concurring, that H. P. 1059, L. D. 377, an act amending an act to incorporate the city of Lewiston, be recalled from the committee on Legal Affairs to the House.

The order received passage and was sent up for concurrence.

#### Reports of Committees

Mr. Varney from the Committee on Reference of Bills on bill an act to protect the right of employees to organize and bargain collectively and creating a Labor Relations Board (H. P. No. 1293) (L. D. No. 488) reported that same be recommended to the Committee on Legal Affairs.

Mr. Hinckley from the Committee on Judiciary reported ought not to pass on bill an act to establish uniform jurisdiction and practice in all Municipal Courts of the State (H. P. No. 1515) (L. D. No. 538)

Mr. Philbrick from same Committee reported same on bill an act relating to the consolidation of cor-

porations where parent corporation owns at least ninety per centum of the stock of the other consolidating corporations (H. P. No. 1668) (L. D. No. 800)

Mr. Thorne from same Committee reported same on bill an act relative to judgments against real estate (H. P. No. 618) (L. D. No. 200)

Reports read and accepted and sent up for concurrence.

Mr. Stilphen from the Committee on Temperance reported ought not to pass on bill an act relating to tie votes in liquor referendum questions (H. P. No. 465) (L. D. No. 157)

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

Mr. Finden from the Committee on Agriculture reported ought to pass on bill an act to provide for cooperation by the State of Maine with other States and with the Secretary of Agriculture of the United States in order to promote the conservation and profitable use of agricultural land resources (H. P. No. 1471) (L. D. No. 666)

Mr. Stilphen from the Committee on Temperance reported same on bill an act relative to the peddling of malt liquors (H. P. No. 1596) (L. D. No. 658)

Same gentleman from same Committee reported same on bill an act relative to delivery of malt beverages (H. P. No. 1599) (L. D. No. 661)

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

(H. P. No. 1727) (L. D. No. 839)  
An act relating to fishing for gain or hire

(H. P. No. 1728) (L. D. No. 840)  
An act designating a certain road as "Pine Tree Trail."

(H. P. No. 1729) (L. D. No. 841)  
An act relating to the incorporating of cemeteries, and the operation of burying grounds, burial structures, and the disposal of dead human bodies

(H. P. No. 1730) (L. D. No. 842)  
An act relating to plumbing

(Tabled by Mr. Martin of Oakland, pending first reading)

#### Passed to be Engrossed

(S. P. 434) (L. D. 829) An act relating to revocation of fish and game licenses.

Mr. Noyes of Franklin, offered House Amendment A, and moved its adoption as follows:

House Amendment A to S. P. 434, L. D. 829, bill an act relating to revocation of fish and game licenses.

Amend the title of said bill by striking out the words "fish and game" and inserting in place thereof the words 'hunting and fishing.'

Thereupon, House Amendment A was adopted, and the bill as amended by House Amendment A was passed to be engrossed in non-concurrence.

(S. P. No. 435) (L. D. No. 830)  
An act extending the Standish Game Preserve

(H. P. No. 1448) (L. D. No. 636)  
An act relating to wild animals in captivity

(H. P. No. 1452) (L. D. No. 521)  
An act relative to importation of wild birds and animals

(H. P. No. 1494) (L. D. No. 549)  
An act relating to the horning of deer

(H. P. No. 1723) (L. D. No. 838)  
An act relating to hunting of raccoons

(Tabled by Mr. Boothby of Shapleigh, pending acceptance of the report of the committee on Bills in the Third Reading)

(H. P. 1722) (L. D. 837) Resolve relative to fishing in certain Somerset County waters.

Mr. NOYES of Franklin: Mr. Speaker, I move that this resolve be recommitted to the committee on Inland Fisheries and Game for the correction of a clerical error.

On motion by Mr. Thorne of Madison, the resolve was tabled pending the motion of the gentleman from Franklin, Mr. Noyes, that it be recommitted to the committee on Inland Fisheries and Game.

#### Passed to be Enacted

(S. P. No. 145) (L. D. No. 172)  
An act relative to junior non-resident fishing licenses

(S. P. No. 248) (L. D. No. 399)  
An act to authorize the Maine Automobile Association to change its form of organization

(H. P. No. 853) (L. D. No. 303)  
An act relating to fishing in Pocumcus 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

#### Orders of the Day

On motion by Mr. Higgins of Ellsworth, it was voted to take from the table the sixth unassigned matter, House report ought to pass of the committee on Legal Affairs 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. 1528, L. D. 678, tabled by that gentleman on March 16th, pending motion of Mr. Flanders of Auburn that the report and bill be recommitted to the committee on Legal Affairs.

Mr. HIGGINS: Mr. Speaker, I trust that the motion of the gentleman from Auburn, Mr. Flanders, will now prevail.

The SPEAKER: The question is on the motion of the gentleman from Auburn, Mr. Flanders, that the bill and the report be recommitted to the committee on Legal Affairs. Those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the bill and report were recommitted to the committee on Legal Affairs.

On motion by Mr. Higgins of Ellsworth, it was voted to take from the table the eleventh unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act relating to payment of personal property tax, H. P. 1517, L. D. 611, tabled by that gentleman on March 17th, pending acceptance of the report; and on further motion by the same gentleman the report of the committee was accepted and sent up for concurrence.

On motion by Mr. Thorne of Madison, it was voted to take from the table resolve relative to fishing in certain Somerset County waters, H. P. 1722, L. D. 837, tabled by that gentleman earlier in today's session, pending the motion of the gentleman from Franklin, Mr. Noyes, that the resolve be recommitted to the committee on Inland Fisheries and Game; and on further motion by

the same gentleman, a viva voce vote being taken, the resolve was recommended to the committee on Inland Fisheries and Game.

On motion by Mr. Elliot of Thomaston, it was voted to take from the table the nineteenth unassigned matter, resolve proposing an amendment to the Constitution relating to signers on referendum petitions, H. P. 1636, L. D. 775, tabled by that gentleman on March 17th, pending second reading.

Mr. SLEEPER of Rockland: Mr. Speaker, since the bill goes before the people at the next State election, I tabled this for the purpose of perfecting the phraseology of the bill, and an amendment has been prepared by a member of the Judiciary Committee in cooperation with the Attorney General's Department.

The SPEAKER: Does the Chair understand that the gentleman from Rockland (Mr. Sleeper) presents an amendment?

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, I offer House Amendment A and move its adoption. This amendment has been prepared in cooperation with members of the Judiciary Committee and the Attorney General's Department.

The SPEAKER: The Clerk will read House Amendment A.

House Amendment A to resolve, proposing an amendment to the Constitution relating to the number of signers on referendum petitions H. P. 1636, L. D. 775.

Amend said resolve by striking out the first 3 paragraphs of said resolve and inserting in place thereof the following:

Constitutional Amendment. Resolved: Two-thirds of the legislature concurring, that the following amendment to the Constitution of this state be proposed for the action of the legal voters of this state in the manner provided by the Constitution:

Article XXXI constitution amended. Section 17 of Article XXXI of the constitution is hereby amended by striking out in the first line thereof the word "ten" and inserting in lieu thereof the word "thirty" so that said section as amended shall read as follows:

'Upon written petition of not less than thirty thousand electors, addressed to the governor and filed

in the office of the secretary of state within ninety days after the recess of the legislature, requesting that one or more acts, bills, resolves or resolutions, or part or parts thereof passed by the legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until thirty days after the governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. As soon as it appears that the effect of any act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next general election not less than sixty days after such proclamation, or in case of no general election within six months thereafter the governor may, and if so requested in said written petition therefor, shall order such measure submitted to the people at a special election not less than four nor more than six months after his proclamation thereof."

Thereupon, House Amendment A was adopted, the resolve had its second reading and was passed to be engrossed as amended by House Amendment A and sent up for concurrence.

On motion by Mr. Wilkes of Portland, it was voted to take from the table the eighth unassigned matter, House report ought not to pass of the committee on Judiciary on bill an act authorizing the relief of persons and corporations by suspending attachment on execution sale and mortgage foreclosure proceedings which may work unjust hardship, H. P. 1164, L. D. 430, tabled by that gentleman on March 17th, pending acceptance of the report; and on further motion by the same gentleman the ought not to pass report was accepted and sent up for concurrence.

On motion by Mr. Demers of Sanford,

Adjourned until ten o'clock tomorrow morning.