

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 26, 1937.

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

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: The following order:

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, March 29th, 1937, at 4 o'clock in the afternoon, S. P. 473.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

Resolution of Penobscot Pomona Grange No. 10 in favor of revoking licenses for at least two years on first offense when convicted of operating motor vehicles when under the influence of liquor and revoking for life on second offense (H. P. No. 1762) (Presented by Mr. Martin of Milford)

Read and ordered placed on file and sent up for concurrence.

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

Ways and Bridges

Resolution of Cumberland County Pomona Grange No. 15 in favor of S. P. 377, an act to aid unimproved rural roads (H. P. No. 1763) (Presented by Mr. Seabury of Yarmouth)

Resolution of Westcustogo Grange No. 27 of North Yarmouth in favor of same (H. P. No. 1764) (Presented by same gentleman)

On motion by Mr. Brown of Eagle Lake, the rules were suspended to permit the introduction of the following Memorial, out of order.

To the Honorable, the Senate and House of Representatives of the United States of America, in Congress Assembled:

We, your Memorialists, the Senate and House of Representatives of this State of Maine in 88th legislative session assembled, most re-

spectfully petition your honorable body as follows:

Whereas, one of the major menaces confronting the American farmer today is the "Noxious Weed"; and

Whereas, the 88th Legislature of the State of Maine is desirous of assisting the farmer in any way possible; now, therefore, be it

Resolved: That the Senate and House of Representatives of the State of Maine respectfully urge the present Congress now in session to promptly enact H. R. 4009; and be it further

Resolved: That this Memorial be immediately transmitted by the Secretary of State to the proper officers and committees of the United States Senate and House of Representatives, and a copy sent to each of the Representatives and Senators representing the State of Maine in the United States Congress.

Mr. BROWN of Eagle Lake: Mr. Speaker, I have taken this matter up with our Commissioner of Agriculture and he agrees with me that it would be a good thing to do. At any time in the future, if we wanted to furnish any amount of money, Congress would give us three dollars for one.

On motion by Mr. Flanders of Auburn, the Memorial was tabled, pending adoption.

Reports of Committees

Majority Report of the Committee on Judiciary reporting ought to pass on resolve authorizing D. M. Susi to bring a suit at law against the State of Maine (H. P. No. 1516) (L. D. No. 60F)

Report was signed by the following members:

Miss Laughlin of Cumberland
Messrs. Fernald of Waldo
Willey of Cumberland
—of the Senate.

Varney of Berwick
Bird of Rockland
Philbrick of Cape Elizabeth
Weatherbee of Lincoln
—of the House.

Minority report of same Committee reporting ought not to pass on same resolve.

Report was signed by the following members:

Messrs. McGlaflin of Portland
Thorne of Madison
Hinckley of So. Portland
—of the House.

On motion by Mr. Philbrick of Cape Elizabeth, a viva voce vote being taken, the majority report, ought to pass, was accepted.

Thereupon, this being a printed bill, the rules were suspended, the bill was given its two several readings and the next legislative day assigned.

Mr. Boothby from the Committee on Inland Fisheries and Game on bill an act relating to open season on fur-bearing animals (H. P. No. 31) (L. D. No. 16) which was re-committed reported same in a second new draft (H. P. No. 1765) under same title and that it ought to pass.

Same gentleman from same Committee on bill an act relative to sale of fish (H. P. No. 1447) (L. D. (No. 635) reported same in a new draft (H. P. No. 1768) under same title and that it ought to pass.

Mr. Higgins from same Committee on resolve relative to fishing in certain Somerset County waters (H. P. No. 1074) which was re-committed reported a second new draft (H. P. No. 1766) under same title and that it ought to pass

Same gentleman from same Committee on bill an act relating to bounty on bears (H. P. No. 351) (L. D. No. 106) reported same in a new draft (H. P. No. 1767) under same title and that it ought to pass

Mr. Noyes from same Committee on bill an act relating to transportation of game (H. P. No. 1075) (L. D. No. 342) reported same in a new draft (H. P. No. 1769) under same title and that it ought to pass

Mr. Seabury from the Committee on Salaries and Fees on bill an act relating to Northern Cumberland Municipal Court (H. P. No. 494) (L. D. No. 146) reported same in a new draft (H. P. No. 1770) under same title and that it ought to pass

Reports read and accepted and sent up for concurrence.

Mr. Story from the Committee on Inland Fisheries and Game reported ought to pass on bill an act relating to foxes and raccoons (H. P. No. 1263) (L. D. No. 456)

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.

The SPEAKER: The Clerk has a report of a committee, not on the calendar, which he will read:

Mr. Noyes from the Committee on

Inland Fisheries and Game on resolve in favor of the town of Alton (H. P. No. 1213) reported that the same be referred to the Committee on Interior Waters.

Report read and accepted and sent up for concurrence.

First Reading of Printed Bills and Resolves

(H. P. No. 1744) (L. D. No. 859)
An act relating to the salary of the Judge of the Old Town Municipal Court

(H. P. No. 1745) (L. D. No. 858)
An act relating to Deputy Clerk of Courts in Penobscot County

(H. P. No. 1749) (L. D. No. 860)
An act providing for the exemption from taxation of certain farm animals

(H. P. No. 1750) (L. D. No. 861)
An act relating to payment of damages done by dogs or wild animals and to the registration and licensing of dogs

(Tabled by Mr. Ellis of Rangeley, pending second reading)

(H. P. No. 1751) (L. D. No. 862)
An act relating to the Brunswick Municipal Court

(H. P. No. 1753) (L. D. No. 863)
An act relating to the terms of office of the members of the Interstate Authority for the Portsmouth-Kittery Bridge

(H. P. No. 1754) (L. D. No. 864)
An act to provide a Town Council and Manager form of government for the town of Fort Kent, in the county of Aroostook

(H. P. No. 1755) (L. D. No. 865)
An act relating to the permits for moving heavy objects over ways and bridges

(H. P. No. 1756) (L. D. No. 866)
An act relating to operating certain vehicles on roads and bridges without special permit

(H. P. No. 1757) (L. D. No. 867)
An act relating to the civil jurisdiction of Municipal Courts

(H. P. No. 1758) (L. D. No. 868)
An act relating to pauper settlements

(H. P. No. 1759) (L. D. No. 869)
An act relating to pauper expense

(H. P. No. 1760) (L. D. No. 870)
An act relating to the Board of Trustees of the town of Hodgdon School District

(H. P. No. 1761) (L. D. No. 871)
An act relating to mileage compensation for county officials

(H. P. No. 704) (L. D. No. 872)
Resolve relating to the taking of clams within the town of Pembroke

(H. P. No. 706) (L. D. No. 873)
Resolve relating to the taking of
clams within the town of Robbin-
ston

(H. P. No. 707) (L. D. No. 874)
Resolve relating to the taking of
clams within the town of Dennys-
ville

(H. P. No. 895) (L. D. No. 875)
Resolve relating to Atlantic sal-
mon fishing in certain waters

(H. P. No. 896) (L. D. No. 876)
Resolve relating to digging for
clams in certain waters

(H. P. No. 1121) (L. D. No. 877)
Resolve relating to taking of clams
in Milbridge

(H. P. No. 1752) (L. D. No. 878)
Resolve relating to the taking of
clams within the town of Perry

Passed to be Engrossed

(S. P. No. 133) (L. D. 169) An act
relating to pension for State em-
ployees

(S. P. No. 207) (L. D. No. 293) An
act relating to the water supply of
Boothbay Harbor

(S. P. No. 251) (L. D. No. 846)
An act to extend the charter of the
Vanceboro Water Company

(S. P. No. 272) (L. D. No. 779)
An act relating to Loan and Build-
ing Associations

(S. P. No. 307) (L. D. No. 514)
An act regulating pledge of assets
by Trust Companies

(S. P. No. 365) (L. D. No. 622)
An act relating to salary for clerks
in the office of Register of Deeds,
in Kennebec County.

Mr. Hammond of Strong, offered
House Amendment A and moved its
adoption, as follows:

House Amendment A to S. P. No.
365, L. D. No. 622, bill an act relat-
ing to salary for clerks in the office
of Register of Deeds Kennebec
County.

Amend said bill by striking out
from the title thereof the follow-
ing: "Salary for Clerks" and in-
serting in lieu thereof the words
'Clerk Hire'.

Thereupon, House amendment A
was adopted, the bill had its third
reading and was passed to be en-
grossed as amended by House
Amendment A, in non-concurrence,
and sent up for concurrence.

(H. P. No. 473) (L. D. No. 137)
An act to repea acts incorporating
the town of Freeman.

Mr. Dow of Norway, offered
House Amendment A and moved its
adoption, as follows:

House amendment A to H. P. 473,
L. D. 137, entitled "an act to re-

peal acts incorporating the town of
Freeman".

Amend said bill by adding at the
end thereof the following:

'Sec. 2. Ratification. This act
shall be submitted for approval or
rejection to the qualified voters of
the town of Freeman at the annual
town meeting of such town or at
any special town meeting called for
that purpose held on or before the
annual town meeting held in 1938.
The votes shall be taken by ballot
at said meeting in answer to the
question, "Shall an act passed by
the 88th legislature entitled 'An Act
to Repeal Acts Incorporating the
Town of Freeman' be accepted?",
which shall be printed on the
official ballots, and at said meeting
the voters of said town in favor of
accepting this act shall vote "Yes"
and those opposed shall vote "No".
If a majority of the ballots de-
posited as aforesaid shall favor
accepting the same this act shall
immediately become effective.'

On motion by Mr. Dow, the bill
and amendment were tabled pend-
ing the adoption of House Amend-
ment A.

Passed to be Engrossed (Continued)

(H. P. No. 623) (L. D. No. 178)
An act to provide for the surrender
by Mayfield Plantation of its
organization

(On motion by Mr. Robinson of
Bingham, tabled pending passage to
be engrossed.)

(H. P. No. 680) (L. D. No. 237)
An act to provide a Town Manager
form of government for the town
of Dover-Foxcroft

Mr. Snow of Dover-Foxcroft,
offered House Amendment A and
moved its adoption, as follows:

House amendment A to H. P. No.
680, L. D. No. 237, entitled "an act
to provide a Town Manager Form
of Government for the Town of
Dover-Foxcroft."

Amend said bill by striking out
the period at the end of the 3rd
sentence of section 5 thereof and
inserting in place thereof the fol-
lowing: "and said health officer shall
appoint a plumbing inspector or in-
spectors in accordance with the
provisions of section 171 of chapter
1 of the Public Laws of 1935."

And further amend said bill by
adding at the end of section 15
thereof the following sentence:
'Unless this act is ratified by said
town within 5 years of the effective
date thereof, this act shall be null
and void.'

Thereupon, House Amendment A was adopted, the bill was passed to be engrossed as amended by House Amendment A and sent up for concurrence.

Passed to be Engrossed (Continued)

(H. P. No. 700) (L. D. No. 240)
An act relating to compensation of the Register of Probate of Hancock County.

(H. P. No. 1058) (L. D. No. 352)
An act relating to the use of check lists in Sanford.

(H. P. No. 1106) (L. D. No. 416)
An act relative to Presque Isle Sewer District.

Mr. McGAUGHY of Presque Isle: Mr. Speaker, as members of the committee on Bills in the Third Reading and the committee on Legal Affairs are not pleased with the wording of this bill, I move that it be recommitted to the committee on Bills in the Third Reading.

Mr. HIGGINS of Ellsworth: Mr. Speaker, I move that the bill lie on the table pending the motion of the gentleman from Presque Isle, Mr. McGaughy, that it be recommitted to the committee on Bills in the Third Reading.

The motion prevailed and the bill was so tabled.

(H. P. No. 1545) (L. D. No. 629)
An act relating to pauper settlements.

(H. P. No. 1574) (L. D. No. 639)
An act relating to taking of soft shelled clams

(H. P. No. 1638) (L. D. No. 777)
An act relating to the salary of County Treasurer of Washington County

(H. P. No. 1687) (L. D. No. 821)
An act to incorporate the town of Livermore School District

(H. P. No. 1748) (L. D. No. 855)
An act to provide for the surrender by town of Somerville of its organization

(H. P. No. 863) (L. D. No. 854)
Resolve relating to ice fishing in Eagle Lake and St. Froid Lake in Aroostook County

(H. P. No. 1069) (L. D. No. 378)
Resolve regulating the taking and sale of clams in the town of Cape Elizabeth

(H. P. No. 1315) (L. D. No. 462)
Resolve relating to close time in Gouldsboro, Eden, Trenton, Hancock, Sullivan and Sorrento

(H. P. No. 1316) (L. D. No. 463)
Resolve relating to close time in waters adjacent to Petit Manan

(H. P. No. 1571) (L. D. No. 650)

Resolve in favor of the location of a fish weir off Calf Island

(H. P. No. 1635) (L. D. No. 772)
An act to make uniform the costs in Municipal Courts as amended by House Amendment A

Passed to be Enacted

(Emergency Measure)

H. P. 297, L. D. 95: An act to provide for the surrender by town of Carroll of its organization.

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 and remain standing until counted and the monitors will make and return the count.

A division being had,

One hundred and fourteen voting in the affirmative, and none in the negative, 114 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

Passed to be Enacted

(H. P. No. 1599) (L. D. No. 661)
An act relating to delivery of malt beverages.

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

Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, House Order relative to printing or reproducing amendments, tabled yesterday pursuant to Rule 59 of the House, pending its passage. Is it the pleasure of the House that this order have a passage?

The order received passage.

On motion by Mr. Sleeper of Rockland, it was voted to take from the table the twenty-seventh unassigned matter, House report ought not to pass of the committee on Sea and Shore Fisheries on bill an act relating to the taking of crabs, H. P. 893, L. D. 309, tabled on March 25th by that gentleman, pending acceptance of the report; and on further motion by the same gentleman the bill and report were recommitted to the committee on Sea and Shore Fisheries, and sent up for concurrence.

On motion by Mr. Varney of Ber-

wick, it was voted to take from the table the twenty-sixth unassigned matter, majority report ought to pass and minority report ought not to pass of the committee on Judiciary on bill an act to validate the acts of the county commissioners of the county of Oxford, H. P. 76, L. D. 32, tabled on March 25th by that gentleman, pending motion of Mr. Dorr of Mexico that the majority report, ought to pass, be accepted.

Mr. DORR of Mexico: Mr. Speaker, I move that the majority report be accepted.

The SPEAKER: The pending question is on the motion of the gentleman from Mexico, Mr. Dorr, that the majority report of the committee, ought to pass, be accepted.

The report was accepted, the rules were suspended and the bill given its two several readings and the next legislative day assigned.

Mr. WILKES of Portland: Mr. Speaker, I move to take from the table the second unassigned matter, majority report ought not to pass and minority report ought to pass of the committee on Military Affairs on resolve to provide for the completion of the payment of a bonus to Maine soldiers and sailors in the war with Spain, S. P. 52, L. D. 15, tabled on March 23rd, pending acceptance of either report.

Mr. FLANDERS of Auburn: Mr. Speaker, I move that the resolve and reports be tabled.

The SPEAKER: The gentleman's motion is not in order, no action or debate having taken place since the matter was taken from the table. The Chair recognizes the gentleman from Portland, Mr. Wilkes.

Mr. WILKES: Mr. Speaker, I was going to move that the majority report be accepted. I understood that it would take \$75,000 to make payments to the Spanish War Veterans. This certainly is a very worthy cause. I was informed by one of the members of the committee that there was not that amount on hand at the present time without a further tax or raising additional funds. Therefore I move that the majority report, ought not to pass, be accepted.

Mr. FLANDERS: Mr. Speaker, as the gentleman from Portland (Mr. Wilkes) has said, this would necessitate the expenditure of some \$75,000, and I move that the matter lie on the table pending the motion of the gentleman from Port-

land, Mr. Wilkes, that the majority report be accepted.

The motion prevailed, and the bill and reports were so tabled.

On motion by Mrs. Currier of Bangor, it was voted to take from the table the third unassigned matter, bill an act relating to dogs chasing game or killing or attacking domestic animals, H. P. 1739, L. D. 844, tabled on March 23rd by that member pending first reading; and on further motion by the same member, the bill had its two several readings and the next legislative day assigned.

Mr. HIGGINS of Ellsworth: Mr. Speaker, I move to take from the table H. P. 1106, L. D. 416, bill an act relative to the Presque Isle Sewer District, tabled by me earlier in today's session.

The SPEAKER: The gentleman from Presque Isle, Mr. McGaughy, withdraws his motion that the bill be recommitted to the committee on Bills in the Third Reading.

Thereupon, the report of the committee on Bills in the Third Reading, that no further verbal amendments are necessary, was accepted, and on motion by Mr. McGaughy of Presque Isle, the bill was referred to the committee on Legal Affairs.

The SPEAKER: Are there any further matters that can be taken from the table and disposed of this morning?

Mr. HINMAN of Skowhegan: Mr. Speaker, it is my understanding that there are some measures from the Senate to come over here at any moment, and, if in order, I move that we recess for a few moments.

The motion prevailed, and the House recessed.

After Recess

Papers from the Senate, out of order and under suspension of the rules.

From the Senate: The majority report and reports A and B of the committee of fifteen, created under Joint Order, S. P. 430, as amended, which was directed to make a survey with reference to possible economy in administration of the affairs of State.

Augusta, Maine, March 24, 1937.

"To the Senate and House of Representatives of the 88th Legislature:

By a Joint Order passed on the

11th day of March, 1937, which was clarified and amended by a second Joint Order passed on the 17th day of March, 1937, a Special Committee of 15 members, consisting of two on the part of the Senate and three on the part of the House, together with the ten members of the Joint Standing Committee on Appropriations and Financial Affairs, was appointed for the purpose of making a survey of the State Departments, and to promptly report to the Legislature such recommendations as it should deem necessary for the purpose of effecting economies in the management of state affairs, and to file with the Legislature such bills as it should recommend to effect such economy.

Several meetings of this Committee of 15, so constituted, have been held, at which meetings a large number of more or less radical changes in the management of various State activities were suggested. Many of these proposals were radical in the extreme and without merit. The others, while possessing some merit, were such that they should not be recommended to this Legislature for adoption without extensive study which would entail an expenditure of time and money not available to the Committee at this time. The time already devoted to this survey has prevented the proper functioning of the Committee on Appropriations and Financial Affairs and, if continued at this time, will undoubtedly delay adjournment of the Legislature and interfere further with the work of the Committee which should now engage intensively in reporting on the large number of bills awaiting consideration.

For these reasons the undersigned members of the Committee feel that no further time should be devoted to the purposes of the Orders by the Committee, and that the Committee should be discharged from its duties.

In making this recommendation the Committee is not insensible to the need for effecting all possible economies in the management of our State Departments. It realizes that over the past decade the expense of government in this State has greatly increased. It believes that there are economies that possibly could be effected in our State departments. It feels, moreover, that if any department is overmanned, or is costing more to oper-

ate than it should, this condition is not due to any irregularities or illegal acts on the part of the heads of such departments, and that to pick out any one department for reduction of personnel or expense without a complete survey of the whole system of government would be unfair and destructive to proper government. The various heads of departments are not personally responsible for the increase of State expenditures. Every extension of State activity that has become effective within recent years has been due to demands made upon the State by some group of citizens and all of it has been authorized and made necessary by various legislative enactments.

The undersigned, therefore, recommend, (1) that the Committee be discharged from further consideration of economy measures at this time, and, (2) that a Joint Order be adopted which would place upon the Governor and Council the duty to investigate, or cause to be investigated, all the various departments of the State prior to the convening of the 89th Legislature and report the results of their survey together with such recommendations as they might deem proper regarding the financial affairs of the State."

Respectfully submitted,

Senate—

Leroy F. Hussey
Geo. J. Wentworth
Chas. J. Chase

House—

George D. Varney
Clifford G. Chase
M. P. Noyes
William P. Donahue
Norman E. Whitney
Edgar W. Russ
Ned H. Murchie
William P. Viles
L. E. Flanders
William H. Hinman

Minority Report "A" as follows:

"I concur in the general conclusion of the Committee report.

I cannot, however, concur in the statement of purported facts promulgated by the Committee as the basis for its conclusion.

I further cannot concur that any economies suggested to the Committee by me for its consideration are in any degree radical.

I agree that in the limited time

available, that a conservative survey of the departments of state cannot be made by this Legislature.

I agree that a survey of the departments of state for the purpose of effecting economies should be made forthwith as recommended by this Committee, but recommend that it be made by non-partisan, non-political, out-of-state parties."

(Signed)

John E. Willey, Cumberland.

Minority Report "B" of same committee, as follows:

"Opposed to the report."

(Signed) Fernald, Waldo.

The three reports come from the Senate, in that body the majority report accepted.

In the House, the majority report was accepted in concurrence.

From the Senate: The following Order:

Ordered, the House concurring, that the joint committee created under Senate paper 430, as amended, be and hereby are discharged from further duties, S. P. 475.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: The following Joint Order:

Whereas the expenditures of the State have been substantially increased in recent years as the result of legislative enactment, and

Whereas expenditures in previous administrations have created large and oppressive financial problems that have increased the burdens of the taxpayers, and

Whereas it is realized that the economic condition confronting the State and its people is so serious that it must be alleviated in so far as may be possible, and it is recognized that additional time is necessary to make a sane and systematic survey of all State activities, and

Whereas it is the expressed desire of this Legislature to sponsor such effective and practicable re-trenchments as may be possible and not to rest with half-way measures, but to institute improvements that not only will decrease the expenses of state government, but also will result in improved public service and efficiency

Now, therefore, be it ordered, the House concurring, that the Governor and Council be requested to investigate, or cause to be investigated, all legislative enactments or State activities relating to the expenditure of money by the various departments of State, and that the Governor and Council forthwith put in effect such of the recommended economies as in their opinion may seem wise and expedient, and report further to the Eighty-ninth Legislature, and that the Governor be requested to communicate to the Eighty-ninth Legislature the results of such a survey, together with such recommendations as he may deem proper regarding the financial affairs of the State. All essential and necessary expenses pertaining to such investigation shall be paid by the Governor and Council out of the State Contingent Fund.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Bill an act to incorporate the Calais Safety Deposit Company, S. P. 474.

Comes from the Senate, received by unanimous consent and referred to the committee on Banks and Banking.

In the House:

The SPEAKER: Is there objection to the reception of this bill? The Chair hears no objection and declares the bill received.

Thereupon, the bill was referred to the committee on Banks and Banking in concurrence, and on motion by Mr. Murchie of Calais, 500 copies were ordered printed.

On motion by Mr. Flanders of Auburn, it was voted to take from the table the second unassigned matter relative to the payment of a bonus to Maine soldiers and sailors in the war with Spain, S. P. 52, L. D. 15, tabled earlier in today's session on motion of that gentleman, pending the motion of the gentleman from Portland, Mr. Wilkes, that the majority report, ought not to pass, be accepted.

Mr. FLANDERS: Mr. Speaker, I trust that the motion of the gentleman from Portland, Mr. Wilkes, may now prevail.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Wilkes, that the majority report of the committee, ought not to pass, be accepted.

A viva voce vote being taken, the motion prevailed, and the majority

report, ought not to pass, was accepted, and sent up for concurrence.

On motion by Mr. Donahue of Biddeford,

Adjourned until Monday afternoon, March 29, at 4 o'clock.