

# 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**

Monday, April 5, 1937.

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

Prayer by the Rev. Mr. Webber of Hallowell.

Journal of the previous session read and approved.

At this point Mr. Varney of Berwick, assumed the Chair, amid the applause of the House.

**Conference Report**

Report of the committee of Conference on the disagreeing action of the two branches of the Legislature on resolve relating to ice fishing in Eagle Lake and St. Froid Lake, in Aroostook County, H. P. 863, L. D. 854, reporting that they are unable to agree.

(Signed)

Messrs. Brown of Bangor  
Sleeper of Rockland  
Brown of Eagle Lake  
—Committee on part of House.  
Worthen of Penobscot  
Ashby of Aroostook  
Cook of Somerset  
—Committee on part of Senate.

Report of the committee was accepted and sent up for concurrence.

Papers from the Senate disposed of in concurrence.

**Senate Bills and Resolve in First Reading**

S. P. 456, L. D. 895: Resolve relating to an investigation of the pollution of rivers in the State.

S. P. 61, L. D. 41: An act relating to reports of tax collectors.

S. P. 393, L. D. 738: An act providing for the establishment of a Judicial Council.

From the Senate: Bill an act relating to pauper settlement, H. P. 1545, L. D. 629, which was passed to be engrossed in the House on March 26th.

Comes from the Senate, indefinitely postponed in non-concurrence.

In the House:

Mr. PALMER of Island Falls: Mr. Speaker, this is Representative Payson's bill, and in his absence I would move that it be tabled pending further consideration.

The motion prevailed and the bill was tabled pending further consideration.

From the Senate: Bill an act relating to beauty culture, H. P. 1558, L. D. 687, on which the bill was substituted for the ought not to pass report on March 24th and subsequently on April 1st, was passed to be engrossed in the House as amended by House Amendment A.

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

In the House, on motion by Mr. Fellows of Augusta, the bill and report were tabled pending further consideration and specially assigned for Thursday, April 8th.

**Orders**

On motion by Mr. Ellis of Rangeley, it was

Ordered, that Rev. James L. Hayes of Waterville, be invited to officiate as Chaplain of the House on Tuesday, April 6th.

**Reports of Committees**

Majority report of the Committee on Judiciary reporting ought not to pass on bill an act relating to trailers and semi-trailers (H. P. No. 1443) (L. D. No. 584)

Report was signed by the following members:

Mr. Fernald of Waldo  
—of the Senate.

Messrs. Hinckley of So. Portland  
Varney of Berwick  
Bird of Rockland  
Philbrick of Cape Elizabeth  
McGlauffin of Portland  
Weatherbee of Lincoln  
Thorne of Madison  
—of the House.

Minority report of same Committee reporting ought to pass on same bill.

Report was signed by the following members:

Miss Laughlin of Cumberland  
Mr. Willey of Cumberland  
—of the Senate.

On motion by Mr. Philbrick of Cape Elizabeth, the majority report, ought not to pass, was accepted and sent up for concurrence.

Mr. Chase from the Committee on Labor on bill an act relating to weekly payment of wages (H. P. No. 1291) (L. D. No. 480) reported same in a new draft (H. P. No. 1823) under same title and that it ought to pass.

Mr. Pike from the Committee on Legal Affairs on bill an act to provide a Town Council and Manager Form of Government for the town of Bridgton (H. P. No. 476) (L. D. No. 139) reported same in a new draft (H. P. No. 1824) under same title and that it ought to pass.

Mr. Paul from same Committee on bill an act relative to Presque Isle Sewer District (H. P. No. 1106) (L. D. No. 416) reported same in a new draft (H. P. No. 1826) under same title and that it ought to pass.

Mr. Elliot from the Committee on Maine Publicity on bill an act relating to members of Maine Development Commission (H. P. No. 685) (L. D. No. 226) reported same in a new draft (H. P. No. 1825) under same title and that it ought to pass.

Mr. Haskell from the Committee on Taxation on bill an act relating to the gasoline tax (H. P. No. 1183) (L. D. No. 441) reported same in a new draft (H. P. No. 1827) under same title and that it ought to pass.

Mr. Fellows from same Committee on bill an act relating to the gasoline tax (H. P. No. 898) (L. D. No. 314) reported same in a new draft (H. P. No. 1828) under same title and that it ought to pass.

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

Mr. Jewett from the Committee on Pensions reported ought to pass on resolve providing for a State pension for Lucie F. Parlin, of Dover-Foxcroft (H. P. No. 1020)

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

### First Reading of Printed Bills and Resolves

H. P. No. 1800) (L. D. No. 987) An act relating to settlement of estate of absentees.

(H. P. No. 1815) (L. D. No. 946) An act relating to impeachment of witnesses.

(H. P. No. 1816) (L. D. No. 945) An act to provide for the surrender by town of Argyle of its organization.

(H. P. No. 1817) (L. D. No. 969) An act to incorporate Great Indian Stream Log Driving Company.

(H. P. No. 1818) (L. D. No. 968) An act to incorporate Black Stream Log Driving Company.

(H. P. No. 1819) (L. D. No. 944) An act to empower towns and cities

to establish pensions and retirements for employees.

(H. P. No. 1820) (L. D. No. 943) An act relative to operation of motor vehicles for transporting property for hire.

(H. P. No. 1821) (L. D. No. 955) An act to guarantee a minimum educational program and to provide for the equalization of educational opportunity for the youth of the State of Maine.

(H. P. No. 65) (L. D. No. 966) Resolve in favor of William A. Morar, of Oxbow.

(H. P. No. 66) (L. D. No. 965) Resolve in favor of William A. Moran of Oxbow.

(H. P. No. 67) (L. D. No. 964) Resolve in favor of William A. Moran of Oxbow.

(H. P. No. 72) (L. D. No. 962) Resolve in favor of Willis Bartlett of Stillwater.

(H. P. No. 1402) (L. D. No. 963) Resolve in favor of Hoyt F. Parks of Clifton.

(H. P. No. 1801) (L. D. No. 961) Resolve regulating hunting and trapping of muskrats.

(H. P. No. 1802) (L. D. No. 960) Resolve in favor of Will T. Libby of Oxbow.

(H. P. No. 1803) (L. D. No. 959) Resolve in favor of Fred Johnson of Mt. Chas. Plantation.

(H. P. No. 1804) (L. D. No. 958) Resolve in favor of Mrs Gilbert Grant of Columbia Falls.

(H. P. No. 1805) (L. D. No. 957) Resolve in favor of J. S. Bryant of Searsmont.

(H. P. No. 1806) (L. D. No. 956) Resolve in favor of Eugene P. Higgins of Bar Harbor.

(H. P. No. 1807) (L. D. No. 954) Resolve in favor of Archie Robbins of Biddeford.

(H. P. 1808) (L. D. No. 953) Resolve in favor of Everett S. Knight of Limerick.

(H. P. No. 1809) (L. D. No. 952) Resolve granting a bonus for Henry P. Russell of South Portland.

(H. P. No. 1810) (L. D. No. 951) Resolve in favor of Olin L. Jordan of Aurora.

(H. P. No. 1811) (L. D. No. 950) Resolve in favor of J. Ralph Higgins.

(H. P. No. 1812) (L. D. No. 949) Resolve in favor of Mrs. Myrtie P. Webber of Farmington Falls.

(H. P. No. 1813) (L. D. No. 948) Resolve in favor of Prince H. Thomas of Masardis.

(H. P. No. 1814) (L. D. 947) Re-

solve in favor of V. M. Smith of Machias.

At this point Mr. Varney retired as acting Speaker, amid the applause of the House, and Speaker Hill resumed the Chair.

### Passed to be Engrossed

(S. P. No. 240) (L. D. No. 387)  
An act relating to the practice of law

(H. P. No. 1311) (L. D. No. 484)  
An act relating to temporary permits for motor vehicle contract carriers

(H. P. No. 1420) (L. D. No. 572)  
An act relating to carrying capacity of certain motor vehicles

(H. P. No. 1438) (L. D. No. 632)  
An act relating to the length of motor vehicles

(H. P. No. 1482) (L. D. No. 529)  
An act making mortgages insured and debentures issued by the Federal Housing Administrator eligible for deposit purposes

(H. P. No. 1483) (L. D. No. 561)  
An act to permit Loan and Building Associations to issue prepaid shares

(H. P. No. 1607) (L. D. No. 546)  
An act relating to snow removal and sanding of highways

(H. P. No. 1741) (L. D. No. 848)  
An act to incorporate the Southwest Harbor School District

Mr. Norwood of Southwest Harbor, presented House Amendment A and moved its adoption as follows:

House amendment A to H. P. No. 1741, L. D. No. 848, entitled, An act to incorporate the Southwest Harbor School District.

Amend said bill by striking out at the end of the 4th paragraph of the emergency preamble the colon, and the word "and", and substituting in place thereof the following, 'thereby jeopardizing the health, welfare and peace of said students'.

Further amend said bill by inserting in the 1st line of section 1 thereof after the word "The" the words 'inhabitants of the', and inserting in the 2nd line of said section after the word "Harbor" the word 'and', and by striking out the words in the 2nd line thereof "and the people therein".

Thereupon, House Amendment A was adopted, the bill had its third reading and was passed to be engrossed, as amended by House

Amendment A and sent up for concurrence.

(H. P. No. 1779) (L. D. No. 911)  
An act relating to overnight parking of trailers, auto-homes and house-cars.

(H. P. No. 1793) (L. D. No. 916)  
An act relating to tenure of office of officers.

(H. P. No. 1799) (L. D. No. 917)  
An act relating to the taking of crabs.

(S. P. No. 483) Resolve providing for the payment of certain damages caused by protected wild animals.

(H. P. No. 357) (L. D. No. 918)  
Resolve regulating deer hunting on Swans Island in the county of Hancock.

(H. P. No. 463) (L. D. No. 919)  
Resolve in favor of Megunticook Lake Anglers' Club.

(H. P. No. 665) (L. D. No. 920)  
Resolve in favor of Magalloway Plantation for building a fish screen on Pond Brook.

(H. P. No. 1570) (L. D. No. 921)  
Resolve relating to the digging of clams in Milbridge.

(H. P. No. 1578) (L. D. No. 922)  
Resolve authorizing the Forest Commissioner to convey certain lands.

(H. P. No. 1579) (L. D. No. 923)  
Resolve authorizing the Forest Commissioner to convey certain property.

(H. P. No. 1580) (L. D. No. 924)  
Resolve authorizing the Forest Commissioner to convey certain interest of the State in land in Somerset County to A. L. Gaudet of Rockwood.

(H. P. No. 1581) (L. D. No. 925)  
Resolve authorizing the Forest Commissioner to convey certain property.

(H. P. No. 1582) (L. D. No. 926)  
Resolve authorizing the Forest Commissioner to convey certain interest of the State in a certain lot of land to the Van Buren Trust Company.

(H. P. No. 1786) (L. D. No. 936)  
Resolve regulating fishing in the various waters of the State.

(H. P. No. 1788) (L. D. No. 927)  
Resolve for screening certain lakes and ponds in the State.

(H. P. No. 1790) (L. D. No. 928)  
Resolve relating to hunting and fishing in reservoirs of water supply, city of Belfast.

(H. P. No. 1791) (L. D. No. 929)  
Resolve relative to fishing in Cumberland, Knox and York Counties.

(H. P. No. 1792) (L. D. No. 930)

Resolve relating to establishment of feeding station at Brownfield.

(H. P. No. 1794) (L. D. No. 931)

Resolve for screening the outlet of Lower Shin Pond in Penobscot County.

(H. P. No. 1795) (L. D. No. 932)

Resolve relating to fishing in Walker's Pond in Brooksville and Sargentville.

(H. P. No. 1796) (L. D. No. 933)

Resolve opening Little Androscoggin River to ice fishing.

(H. P. No. 1797) (L. D. No. 934)

Resolve for screening certain waters in Hancock County.

(H. P. No. 1798) (L. D. No. 935)

Resolve in favor of Carrie Ramsdell Fisher of St. Albans.

(H. P. No. 1108) (L. D. No. 363)

An act to incorporate the Berwick School District as amended by House Amendment A.

(H. P. No. 1766) (L. D. No. 892)

Resolve relative to fishing in certain Somerset County waters.

### Orders of The Day

On motion by Mr. Wilkes of Portland, it was voted to take from the table the twenty-first unassigned matter, Senate report ought not to pass of the committee on Judiciary on bill an act relating to hospital liens, S. P. 282, L. D. 701 tabled by that gentleman on April 2nd pending acceptance of the report in concurrence; and on further motion by the same gentleman the report ought not to pass of the committee was accepted in concurrence.

On motion by Mr. Paul of Portland, it was voted to take from the table the seventh unassigned matter, bill an act relating to payment of damages done by dogs or wild animals and to the registration and licensing of dogs, H. P. 1750, L. D. 861, tabled by that gentleman on March 30th pending third reading; and on further motion by the same gentleman the bill had its third reading.

Thereupon, Mr. Ellis of Rangeley, presented House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. No. 1750, L. D. No. 861, bill an act relating to payment of damages done by dogs or wild animals and to the registration and licensing of dogs.

Amend said bill by striking out beginning in the first line of Sec-

tion 166, the words "owned by a resident of this state."

Also amend said bill by striking out the word "such" in the third line of said section and inserting in place thereof the word "the."

Also amend said bill by striking out in the second line of the last paragraph of said section the words "less than \$50 nor."

Thereupon, House Amendment A was adopted.

Mr. Findlen of Fort Fairfield, then presented House Amendment B and moved its adoption, as follows:

House Amendment B to H. P. No. 1750, L. D. No. 861, bill an act relating to payment of damages done by dogs or wild animals and to the registration and licensing of dogs.

Amend said bill by striking out the period at the end of the eighth paragraph thereof after the word "unlicensed", and inserting in place thereof the following: "; provided, however, that if investigation shows such dog or dogs to have been legally licensed the state shall accept liability and adjust the damage."

Thereupon, House Amendment B was adopted.

Mr. Stilphen of Dresden, then presented House Amendment C and moved its adoption, as follows:

House Amendment C to H. P. No. 1750, L. D. No. 861, bill, an act relating to payment of damages done by dogs or wild animals and to the registration and licensing of dogs.

Amend said bill by striking out from the seventh paragraph thereof the following: "except that, whenever sheep, lambs or other domestic animals are killed or injured by unlicensed dog or dogs, the city or town in which said dog or dogs are harbored or maintained shall be held liable and all such damage shall be paid out of city or town funds without recovery from the state."

Mr. FINDLEN of Fort Fairfield: Mr. Speaker, I hope this amendment is not adopted, for this reason: We have endeavored for some time to put some sort of a curb on dogs. The damage dogs do is quite considerable in the State of Maine, so much so that in five years the sheep have been reduced from 80,000 to 43,000. The sheep men in this State would like to have some protection for their sheep.

We have at the present time 45,000 licensed dogs in the State of Maine. It is estimated on very good authority that there are between

80,000 and 100,000 dogs in the State, and therefore we have about half of them licensed. Now if you adopt this amendment you take all the teeth out of the law, because we want to put the burden of licensing dogs back onto the towns.

I would like to say that the State of Maine paid this last year \$9,630.50 damage for sheep that were killed by dogs, and also \$1,117 for cattle. There were 1795 sheep killed this past season. The number of sheep that were killed and the amount of dollars I have stated here do not represent more than a quarter of the damage done, because, as the members very well know, when a dog gets into a sheep pasture and kills several sheep and spoils several more, that herd is ruined, and that man who is in the sheep business has got to sell his flock out because they won't be worth a cent when fall comes. Every little noise or every little provocation, the sheep start to run.

Now I am not a sheep man, but as a member of our committee on Agriculture I heard a lot of sheep men talk; I believe they are conscientious men, and I believe that they have got an industry that ought to be protected in this State. We have got altogether too many dogs. You know in your own town probably every pauper has two dogs and almost everybody else has one. If your town is anywhere near like mine, just about half of the dogs are licensed.

If you adopt this amendment, you have ruined our laws, you have taken the teeth out of it. Let us put the burden back on the town, on the selectmen of the town; make them clean up their dogs, make them license them; and I think the sheep and the sheep men and the farmers all will derive a great benefit from it.

Mr. STILPHEN of Dresden: Mr. Speaker, in presenting this amendment I believe I have presented something in defense of every town and city treasurer in the State of Maine. You all know the present procedure of collecting the dog tax. It is collected in the towns and sent to the State. Now this bill hands it right back to the towns, to pay the damages. We have no appropriation to pay for that damage in our town. In other words, it leaves the town holding the bag.

The gentleman from Fort Fair-

field (Mr. Findlen) says what they want to do is put teeth in the law. That is all right; I will accept that, but I do not accept putting teeth into my town treasury or any town I represent.

In talking today with a gentleman who belongs with the department, he explained that what he wanted to do was make the selectmen do their duty, and if any dog that was unlicensed killed sheep the town would have to pay for them.

Now the definition of an unlicensed dog is a dog that is not properly collared. The State militia could not keep every dog in this State collared and properly licensed, and I consider it an insult to the selectmen of these towns to pass this buck back to them in this manner. I hope that you as representatives of your towns will vote to accept this amendment.

Mr. HINMAN of Skowhegan: Mr. Speaker, if in order, I will suggest that this bill together with the many and varied amendments be recommitted to the committee on Agriculture.

Mr. FINDLEN: Mr. Speaker, I would like to say just one word regarding that.

I went to several members of this committee, and most every one of them had a red mark drawn right around this amendment I offered here, and they claimed it would not be accepted by the Department with that amendment taken out. Now I am questioning whether the Department is making these laws or whether we are making them.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman moves that the bill as amended together with House Amendment C be recommitted to the committee on Agriculture and sent up for concurrence. As many as are in favor of the motion of the gentleman from Skowhegan to recommit the bill as amended and amendment will say aye; those opposed no.

A viva voce vote being doubted, a division was had:

Ninety having voted in the affirmative and six in the negative, the motion prevailed, and the bill and amendments were recommitted to the committee on Agriculture and sent up for concurrence.

On motion by Mr. Mack of East Millinocket,

Adjourned until ten o'clock tomorrow morning.