

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

Saturday, April 10, 1937.

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

Prayer by the Rev. Mr. Barnard of Gardiner.

Journal of the previous session read and approved.

Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on bill an act to validate the acts of the County Commissioners of the county of Oxford (H. P. No. 76) (L. D. No. 32) reporting that the Senate recede and concur in the acceptance of the majority report ought to pass and pass the bill to be engrossed.

(Signed) Messrs. Dorr of Mexico
McGlaulin of Portland

Fadden of Hiram
—Committee on part of House.

Fernald of Waldo
Osgood of Oxford
Miss Laughlin of Cumberland

—Committee on part of Senate.
Read and accepted and sent up for concurrence.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Federal Relations on Memorial to the Congress of the United States, urging it to appropriate money for the care of telephone and telegraph cables to Martinus Island, S. P. 311, reporting that the same be adopted.

Comes from the Senate, recommended to the committee on Federal Relations.

In the House, on motion by Mr. Dwinall of Camden, it was voted to accept the report of the committee in non-concurrence.

Thereupon, the Memorial was adopted in non-concurrence.

Report "A" of the Committee on Judiciary reporting ought to pass on bill an act providing that employers of 4 or more persons shall be subject to the Unemployment Compensation Law (S. P. No. 278) (L. D. No. 501)

Report was signed by the following members:

Miss Laughlin of Cumberland
—of the Senate.

Messrs. Hinckley of So. Portland
Thorne of Madison
Philbrick of Cape Elizabeth
Varney of Berwick

—of the House.

Report "B" of the same Committee reporting ought not to pass on same bill.

Report was signed by the following members:

Messrs. Fernald of Waldo
Willey of Cumberland

—of the Senate.

McGlaulin of Portland

Weatherbee of Lincoln

Bird of Rockland

—of the House.

Comes from the Senate with the reports and bill indefinitely postponed.

Mr. THORNE: Mr. Speaker, I move the acceptance of Report "A", ought to pass.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlaulin.

Mr. McGLAULIN: Mr. Speaker, I would like to read to the House briefly an extract from a letter that I have received about this subject, which explains better than I can the minority position that I have taken on this report.

"This bill may appear entirely harmless on the surface, but the detrimental effect of it if enacted into law can easily be far-reaching, and I wish to file with you in behalf of the company I represent an emphatic disapproval of it. I believe the enactment of this bill into law will have a distinct tendency to discourage the bringing into existence of small business enterprises which, if unmolested by additional taxes of this nature over a period of time, might mutually develop to the extent that they would employ the present taxable number of eight and ultimately several times that number.

"Small business needs much encouragement, and with the hands of the Social Security tax collectors in the pockets of every employer and employee in every business in America, I believe the State should be as lenient as possible and make an honest effort to encourage the promotion and enlargement of legitimate business regardless of how small it is at the present time."

I simply want to say to the House that this tax, as I understand it, is a two per cent tax on the employers, at the present time, of eight or more persons. This bill, if passec, would put this tax on the employers of four or more persons. I simply want to make this explanation, so you will understand how you are voting.

Mr. HINCKLEY of South Portland. Mr. Speaker, I simply want to say a word in regard to the position of the signers of the majority report.

We feel that if employees who work for employers of eight persons are entitled to this benefit, then employees who work for employers employing four or less are entitled to it. Now this goes down as far as four employees. I believe the Social Security Act is for the benefit of employees as well as, possibly, of employers; and I cannot see any distinction between employees who happen to be working for a small business and those who are working for a large business. If we are going to legislate for the employees—and I think that is what the Social Security Act is for—then we certainly ought to pass this amendment.

The gentleman from Portland, Mr. McGlauffin, has presented a letter here. I presume he could get many more letters from employers; and we could also get letters from employees covering the whole State of Maine; and I do not think these letters would have any effect upon the action of the members of the House. I think this amendment should be adopted and the report accepted.

Mr. MOSHER of Farmington: Mr. Speaker and members of the House, if this amendment called for one person or more, I would have no objection to it; but I see no reason for changing the number from eight to four. The employer who employs not more than eight is small enough, and is in the same class, in my judgment, with the one who employs four or more. For that reason alone, I am opposed to the acceptance of Report A at this time.

The SPEAKER: Since there has been some reference to a majority report, the Chair wishes to make it clear that there is no majority report of the committee on this bill.

Mr. HINCKLEY: Mr. Speaker, I

referred to Report A instead of majority report in my remarks.

The SPEAKER: Report A, signed by five members of the committee, is ought to pass, and Report B, signed by five members of the committee is ought not to pass.

The question is on the motion of the gentleman from Madison, Mr. Thorne, that Report A, ought to pass, be accepted. Is the House ready for the question.

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, this is a very far-reaching bill, and I doubt if the House is ready to vote on it this morning. I move the bill lie on the table and be assigned for Monday.

The motion prevailed, and the bill and the accompanying reports were tabled and specially assigned for Monday, April 12th.

From the Senate: Bill an act to enlarge and define the powers of the Androscoggin and Kennebec Railway Company, H. P. 1695, L. D. 824, which was passed to be engrossed as amended by Senate Amendment A, in the House, on April 6th.

Comes from the Senate, passed to be engrossed as amended by Senate Amendments A and B in non-concurrence.

In the House, on motion by Mr. Webber of Auburn, that body voted to reconsider its action whereby it passed this bill to be engrossed.

Mr. WEBBER: Mr. Speaker, I move that Senate Amendment B be adopted in concurrence.

The SPEAKER: The Clerk will read Senate Amendment B.

(Senate Amendment B read)

Thereupon, the House voted to adopt Senate Amendment B in concurrence, and the bill as amended by Senate Amendment A and Senate Amendment B was passed to be engrossed in concurrence.

From the Senate: Bill an act relating to terms and salaries of city of Lewiston officials, S. P. 457, L. D. 850, which was passed to be engrossed as amended by House Amendment A, in the House, on April 8th, in non-concurrence.

Comes from the Senate with House Amendment A indefinitely postponed and the bill passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Boucher of Lewiston, tabled pend-

ing further consideration and specially assigned for Wednesday, April 14th.

From the Senate: Report of the committee on Claims, reporting ought not to pass on resolve in favor of B. L. Kennedy of Belmont, H. P. 981, which was recommitted to the committee on Claims in the House on April 8th.

Comes from the Senate, the report accepted in non-concurrence.

In the House, that body voted to recede and concur with the Senate in the acceptance of the ought not to pass report.

From the Senate: Bill an act relating to insanity as cause of divorce, H. P. 669, L. D. 214, on which the House accepted the majority report of the committee on Judiciary, ought to pass, and passed the bill to be engrossed as amended by House Amendments A and B on April 6th.

Comes from the Senate with the bill and report indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Dow of Norway, that body voted in insist, by a viva voce vote, on its former action and ask for a committee of Conference.

The SPEAKER: The Chair will name the House members of the committee of Conference at a later time.

From the Senate: Bill an act relating to uniforms for Deputy Sheriffs, S. P. 454, L. D. 849, which was indefinitely postponed in the House on April 8th in non-concurrence.

Comes from the Senate, that body insisting on its former action whereby the bill was passed to be engrossed and asking for a committee of Conference, with the following conferees appointed on its part: Miss Laughlin of Cumberland and Messrs. Wentworth of York and Goudy of Cumberland.

In the House, on motion by Mr. Philbrick of Cape Elizabeth, a viva voce vote being taken, that body voted to insist on its former action and join the committee of Conference.

The SPEAKER: The Chair will name the conferees on the part of the House later.

From the Senate: Bill an act relating to hunting while intoxicated or under the influence of drugs, H. P. 1707, L. D. 832, which was passed to be enacted in the House on March 30th.

Comes from the Senate, passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House, on motion by Mr. Stilphen of Dresden, tabled and specially assigned for Tuesday, April 13th.

From the Senate: The following Order:

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Monday, April 12, 1937, at 4 P. M. S. P. 506.

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

Reports of Committees

Mr. Findlen from the Committee on Agriculture on bill an act relating to payment of damages done by dogs or wild animals (H. P. No. 1473) (L. D. No. 559) reported same in a second new draft (H. P. No. 1853) under title of an act relating to payment of damages done by dogs or wild animals and to the registration and licensing of dogs and that it ought to pass.

Mr. Churchill from the Committee on Claims on resolve in favor of Henry L. Martin of Boston, Massachusetts (H. P. No. 10) reported same in a new draft (H. P. No. 1855) under same title and that it ought to pass.

Same gentleman from same Committee on resolve in favor of John Ruggles of Carmel (H. P. No. 426) reported same in a new draft (H. P. No. 1856) under same title and that it ought to pass.

Mr. Cushing from same Committee on resolve in favor of Rowland Batchelder of Augusta (H. P. No. 23) reported same in a new draft (H. P. No. 1857) under the same title and that it ought to pass.

Same gentleman from same Committee on resolve in favor of Charles E. Taylor of Freeport (H. P. No. 791) reported same in a new draft (H. P. No. 1858) under same title and that it ought to pass.

Same gentleman from same Committee on resolve in favor of Enos

G. Lambert of Freeport (H. P. No. 790) reported same in a new draft (H. P. No. 1859) under same title and that it ought to pass.

Mr. Palmer from same Committee on resolve in favor of the town of Eddington (H. P. No. 114) reported same in a new draft (H. P. No. 1854) under same title and that it ought to pass.

Mr. Norwood from the Committee on Sea and Shore Fisheries on resolve relating to the taking of clams in Bar Harbor (H. P. No. 1180) (L. D. No. 436) reported same in a new draft (H. P. No. 1861) under title of resolve relating to the taking of clams in Bar Harbor and Lamoine and that it ought to pass.

Mr. Story from the Committee on State Lands and Forest Preservation on resolve authorizing the sale of State's interest in certain lands (H. P. No. 1625) reported same in a new draft (H. P. No. 1860) under same title and that it ought to pass.

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

Mr. Cushing from the Committee on Claims reported ought to pass on resolve in favor of Harold L. Wentworth of Cornish (H. P. No. 1271).

Report read and accepted and the resolve was ordered printed under the Joint Rules.

Mr. Melanson from the Committee on Sea and Shore Fisheries reported ought to pass on resolve relating to taking of shellfish and of worms within the limits of the towns of Yarmouth, North Yarmouth and Cumberland. (H. P. No. 1181) (L. D. No. 437)

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

Mr. Donahue from the Committee on Appropriations and Financial Affairs on bill an act relating to the State Racing Commission (H. P. No. 1502) (L. D. No. 646) reported same in a new draft (H. P. No. 1852) under title of an act relating to a State Racing Commissioner and that it ought to pass.

Report read and accepted and bill ordered printed under the Joint Rules.

First Reading of Printed Bills and Resolves

(H. P. No. 1845) (L. D. No. 996)
An act relating to automobile junk yards.

(H. P. No. 1846) (L. D. No. 997)
An act relating to the transportation of intoxicating liquor.

(H. P. No. 1847) (L. D. No. 998)
An act as to the importation of intoxicating liquors other than those consigned to whole sale malt liquor licensees; emergency.

(Tabled by Mr. Demers of Sanford, pending second reading.)

(H. P. No. 1848) (L. D. No. 1009)
An act relating to licenses of importers of malt liquors; emergency.

(H. P. No. 1849) (L. D. No. 1008)
An act regulating the sale of liquor near National Home.

(H. P. No. 1851) (L. D. No. 1007)
An act relating to the extension of the jurisdiction of Municipal Courts in certain cases.

(H. P. No. 343) (L. D. No. 1006)
Resolve in favor of L. D. Chandler of Boston, Massachusetts

(H. P. No. 802) (L. D. No. 1005)
Resolve in favor of Harry C. Austin & Co., Ellsworth for burial expenses of Mark Arsenault, having no known settlement in the State

(H. P. No. 1487) (L. D. No. 1003)
Resolve, bonus granted to John Charles Maher of Old Town

(H. P. No. 1841) (L. D. No. 1002)
Resolve in favor of Henry E. Redmond of Solon

(H. P. No. 1842) (L. D. No. 1001)
Resolve in favor of Guy M. Babcock of West Gardiner

(H. P. No. 1843) (L. D. No. 1000)
Resolve to reimburse the town of Benton for burial expenses of J. Wilkes Hall, a veteran of the Civil War

(H. P. No. 1844) (L. D. No. 999)
Resolve reimbursing the town of Stonington for support of Harry Taylor

Passed to be Engrossed

(S. P. No. 385) (L. D. No. 739)
An act relating to production and sale of milk

(Tabled by Mr. Paul of Portland, pending third reading, and specially assigned for Wednesday, April 14th)

(H. P. No. 1829) (L. D. No. 979)
An act exempting trucking of farm products and certain lumbering products from the Common Carrier Law

Mr. TABBUT of Columbia Falls:
Mr. Speaker, I offer House Amend-

ment A and move its adoption as follows:

House Amendment A to H. P. No. 1829, L. D. No. 979, bill, an act exempting trucking of farm products and certain lumbering products from the Common Carrier Law.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

Sec. 1. P. L., 1935, c. 146, § 10, amended. That part numbered (3) of paragraph (A) of section 10 of chapter 146 of the public laws of 1935 is hereby amended to read as follows:

'(3) while engaged exclusively in the delivery of the United States mail; while engaged exclusively in the transportation of fresh fruits and vegetables from farms to canneries, place of storage or place of shipment during the harvesting, canning or packing season; while engaged exclusively in the hauling of wood, pulpwood and logs from the wood lot or forest area where cut to points within 40 miles thereor, or while hauling horses, crew, equipment and supplies to or from such wood lot or forest area. Nothing in this act contained shall apply to persons, firms or corporations operating motor vehicles carrying property of which they are the actual and bona fide owners.'

Sec. 2. Validating clause. If any sentence, section, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the provisions of chapter 259 of the public laws of 1933, as amended by chapter 146 of the public laws of 1935 as now in effect.

The **SPEAKER**: The question is on the motion of the gentleman from Columbia Falls, Mr. Tabbut, that House Amendment A be adopted.

A viva voce vote being taken, House Amendment A was adopted.

Mr. **TABBUT**: Mr. Speaker, there were two reports which came from the Public Utilities Committee neither report seems to be exactly what it should be. I drew up this amendment, which has been shown to the attorneys for the railroads and to the attorneys for the trucking interests. I think also the members who are in favor of the original bill agree to it and was also agreed that one of these reports should go through.

On motion by Mr. Coolidge of Livermore, the bill as amended was tabled pending passage to be engrossed and specially assigned for Tuesday, April 13th.

Passed to be Engrossed

(Continued)

(H. P. No. 1833) (L. D. No. 983) An act relating to the registration of stone-crushers, well-drillers, steam shovels, graders, rollers, and wood-sawing outfits.

Mr. Varney of Berwick, offered House Amendment A and moved its adoption as follows:

House Amendment A to H. P. No. 1833, L. D. No. 983, bill an act relating to the registration of stone-crushers, well-drillers, steam shovels, graders, rollers and wood-sawing outfits.

Amend said bill by striking out from the 12th line thereof the word "this" and inserting after the word "chapter" in the same line thereof the following words: '29 of the revised statutes, as amended'.

A viva voce vote being taken, 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.

Passed to be Engrossed

(Continued)

(H. P. No. 1835) (L. D. No. 987) An act to provide for licenses for outdoor advertising.

(H. P. No. 1836) (L. D. No. 993) An act relating to sale of alcohol.

Mr. Maxwell of Orient, offered House Amendment A and moved its adoption, as follows:

House Amendment A. to L. D. No. 998, H. P. No. 1836, bill an act relating to sale of alcohol, is hereby amended by inserting before the word "commission" in the first line thereof the words 'State liquor.'

A viva voce vote being taken, the amendment was adopted.

On motion by Mr. Sleeper of Rockland, the bill as amended was tabled pending third reading, and specially assigned for Tuesday, April 13th.

(H. P. No. 1837) (L. D. No. 990) Resolve relating to State pensions.

Resolve providing pensions for certain soldiers and sailors and dependents (H. P. No. 1839) (L. D. No. 988)

Resolve creating a Recess Committee on compensation for occupa-

tional diseases (H. P. No. 1852) (L. D. No. 1004)

(S. P. No. 481) (L. D. No. 899)
An act to appropriate moneys for the expenditures of State Government and for other purposes for the fiscal years ending June 30, 1938, and June 30, 1939

The report of Committee on bills in Third Reading was accepted, the bill had its third reading, was passed to be engrossed in non-concurrence and sent up for concurrence.

Orders of the Day

The Chair lays before the House the first tabed and today assigned matter, House Amendment A to bill an act relating to the Knox Arboretum, H. P. 1697, L. D. 989, tabled on April 9th by Mr. Hinman of Skowhegan, pending adoption, and specially assigned for Saturday, April 10th.

The Chair notes the absence of the gentleman from Skowhegan, and recognizes the gentleman from Rangeley, Mr. Ellis.

Mr. ELLIS: Mr. Speaker, the gentleman from Skowhegan, Mr. Hinman, asked me to say that he was perfectly in accord with the adoption of House Amendment A, and that he has no objection to the bill moving along in the regular course.

Mr. ELLIOT of Thomaston: Mr. Speaker, I withdraw House Amendment A and present House Amendment B and move its adoption.

Mr. ELLIS: Mr. Speaker, I want to correct my remarks. Mr. Hinman had no objection to this amendment, which is House Amendment B instead of House Amendment A.

House Amendment B read by the Clerk as follows:

House Amendment B to H. P. No. 1123, L. D. No. 420, bill, an act relating to the Knox Arboretum.

Amend said bill by striking out all after the title thereof, and substituting in place thereof the following:

"Whereas, a deed of the property known as the "Knox Arboretum" has been offered to the state, and

Whereas, although the 88th Legislature recognizes that the said "Knox Arboretum" is one of the outstanding attractions in the state, and worthy of support; it also realizes that the acceptance of this deed would cause extra expense to the state at a time that the people

demand that no additional expenses be authorized unless necessary, and

Whereas, some doubt may arise as to the title of the property of the said "Knox Arboretum," now therefore

Be it enacted by the People of the State of Maine, as follows:

Title of "Knox Arboretum" property clarified. The state of Maine hereby declares that it does not accept the offer of the conveyance of the lot of land with the buildings thereon, situated in the town of Warren, between Oyster river, and the St. Georges river, and known as "Knox Arboretum," and that no grants or donations made by the state or by its officials shall be construed as evidence of the acceptance of such conveyance.

The SPEAKER: The question is on the motion of the gentleman from Thomaston, Mr. Elliot, that House Amendment B be adopted. Is the House ready for the question? As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and House Amendment B was adopted, and the bill as amended by House Amendment B was assigned for third reading on the next legislative day.

Paper from the Senate

(Out of order and under suspension of the rules)

Bill an act relating to the Calais School District, S. P. 507, (unprinted) which was received in the Senate on April 10th by unanimous consent and under suspension of the rules was read twice and passed to be engrossed by the Senate, without reference to a committee, and sent down for concurrence.

The SPEAKER: Is there objection to the reception of this bill, notwithstanding the provisions of the Joint Closing Order? The Chair hears no objection and declares the bill received.

Thereupon, on motion by Mr. Murchie of Calais, the rules were suspended and the bill had its two several readings without reference to a committee and the next legislative day assigned.

On motion by Mr. Murchie, 500 copies were ordered printed.

Mr. ROBINSON of Bingham: Mr. Speaker, I move, out of order and

under suspension of the rules, that the sixth specially assigned matter, House report ought not to pass of the committee on Claims on resolve in favor of George L. Hall of Rockwood, H. P. 1152, specially assigned for Thursday, April 15, he taken from the table.

The SPEAKER: Mr. Robinson of Bingham, asks unanimous consent to take this matter from the table. Is there objection? The Chair hears no objection and the report is taken from the table.

On motion by Mr. Robinson the ought not to pass report of the committee was accepted and sent up for concurrence.

Mr. NEWTON of Readfield: Mr. Speaker, may I ask if we are proceeding under Orders of the Day?

The SPEAKER: The gentleman is correct.

Mr. NEWTON: Mr. Speaker, I move to take from the table the second unassigned matter.

The SPEAKER: The gentleman from Readfield, Mr. Newton, moves to take from the table the second unassigned matter, an act relating to pension for State employees, S. P. 133, L. D. 169, tabled on April 6th by Mr. Newton of Readfield, pending motion of Mr. Douglass of Gorham that the bill be recommitted to the Committee on Pensions.

Mr. DOUGLASS of Gorham: Mr. Speaker—

The SPEAKER: The motion to take from the table is not debatable. For what purpose does the gentleman rise?

Mr. DOUGLASS: Mr. Speaker, I wish to withdraw my motion of Tuesday to recommit this bill to the committee on Pensions.

The SPEAKER: The bill has not yet been taken from the table. Is it the pleasure of the House that the bill be taken from the table?

The motion prevailed and the bill was taken from the table.

The SPEAKER: The gentleman from Gorham, Mr. Douglass, now withdraws his motion that the bill be recommitted to the committee on Pensions.

Mr. DOUGLASS: I now move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Gorham, Mr. Douglass, moves that the bill be indefinitely postponed. As many as are in favor of the motion of the gentleman from Gorham, Mr. Douglass, that the bill, an act relating to pensions for State employees be indefinitely postponed will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the bill was indefinitely postponed, and sent up for concurrence.

Mr. DOUGLASS of Gorham: Mr. Speaker, out of order, and under suspension of the rules, I wish to take from the table the second specially assigned matter.

The SPEAKER: The Chair wishes to say at this time that it believes that it is a dangerous precedent and an unwise practice for members to take from the table matters that have been specially assigned for a definite date. It often happens that persons are expecting the matter to be taken up on the particular date to which it is assigned, and may not be present on the day on which unanimous consent is asked to take it up out of order. This has been done several times during the present session. The Chair believes it constitutes a departure from the customary practice and does not recommend it.

The gentleman from Gorham, Mr. Douglass, asks unanimous consent to take from the table the second specially assigned matter, bill an act relating to State Police retirement system, H. P. 1838, L. D. 992, tabled on April 9th on motion by the same gentleman, pending assignment for its third reading, and specially assigned for Tuesday, April 13th. Is there objection?

(There being objection, unanimous consent was declined.)

On motion by Mr. Merrill of Stetson.

Adjourned until Monday afternoon, April 12th, at four o'clock.