

# 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 12, 1937.

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

Prayer by the Rev. Mr. Akeley of Gardiner.

Journal of the previous session read and approved.

From the Senate: Resolve creating a Recess Committee on Labor Relations, S. P. 502, L. D. 1028.

Comes from the Senate, received by unanimous consent, given its several readings without reference to a committee and passed to be engrossed.

In the House:

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

On motion by Mr. Ellis of Rangeley, tabled until tomorrow, pending reference to a committee, and 500 copies ordered printed.

From the Senate: Report of the committee on Judiciary on bill an act to amend the Workmen's Compensation Act, S. P. 281, L. D. 495, reporting that same be referred to the 89th Legislature as the matter is to be studied by a Recess Committee.

In the House, on motion by Mr. Ellis of Rangeley, tabled pending acceptance of the report in concurrence.

From the Senate: Report of the committee on Judiciary on bill an act creating a State Workmen's Compensation Fund, S. P. 280, L. D. 502, reporting that same be referred to the 89th Legislature, as the matter is to be studied by a Recess Committee.

In the House, on motion by Mr. Ellis of Rangeley, tabled pending acceptance of the report in concurrence.

Papers from the Senate disposed of in concurrence.

From the Senate: Majority report of the Committee on Judiciary reporting ought not to pass on bill an act to clarify the meaning of practice of law (S. P. No. 422) (L. D. No. 818)

Report was signed by the following members:

Messrs. Fernald of Waldo

—of the Senate.

Philbrick of Cape Elizabeth

Weatherbee of Lincoln

Varney of Berwick

Hinckley of So. Portland

Thorne of Madison

McGlauffin of Portland

Bird of Rockland

—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

Willey of Cumberland

—of the Senate.

Comes from the Senate with the majority report read and accepted.

In the House, on motion by Mr. Philbrick of Cape Elizabeth, the majority report, ought not to pass, was accepted in concurrence.

**Senate Bill and Resolve in First Reading**

S. P. 494, L. D. 995: An act relating to aid to libraries, expenses of State Historians, topographic mapping, and abolishment of grade crossings.

S. P. 500, L. D. 994: Resolve in favor of Stanley Gerow of Bangor.

From the Senate: Bill an act relating to the support of paupers, S. P. 342, L. D. 613, which was passed to be engrossed in the House on April 1st as amended by House Amendment A in non-concurrence.

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

In the House, on motion by Mr. Fuller of China, that body voted to reconsider its former action where-by this bill was passed to be engrossed; and on further motion by the same gentleman a viva voce vote being taken, Senate Amendment A was adopted in concurrence, that amendment being ready by the Clerk.

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

From the Senate: Bill an act relating to the maintenance of the

Androscoggin Lake Dam, H. P. 615, L. D. 187, which was passed to be enacted in the House on March 16th and passed to be engrossed on March 3rd.

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

In the House, on motion by Mr. Newton of Readfield, the bill was tabled pending further consideration and specially assigned for tomorrow morning.

From the Senate: Bill an act to provide for the surrender of the town of Somerville of its organization, H. P. 1748, L. D. 855, which was passed to be engrossed as amended by House Amendment A in the House on April 1st.

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

In the House, on motion by Mr. Ellis of Rangeley, tabled pending further consideration and specially assigned for tomorrow morning.

#### Reports of Committees

Majority report of the committee on Judiciary reporting ought to pass on bill an act to protect trade mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a trade mark, brand or name (H. P. No. 115) (L. D. No. 49)

Report was signed by the following members:

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

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

Report was signed by the following members:

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

On motion by Mr. Thorne of Madison, the majority report ought to pass was accepted.

Thereupon, the rules were sus-

pending and the bill given its two several readings.

Mr. Philbrick of Cape Elizabeth, offered House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. No. 115, L. D. No. 49, bill an act to protect trade mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a trade mark, brand or name.

Amend said bill by striking out all of section 5 thereof.

Further amend said bill by re-numbering section 6, section 5.

Mr. PHILBRICK: Mr. Speaker, this amendment removes any criminal penalties in the bill as printed.

The SPEAKER: The question is on the motion of the gentleman from Cape Elizabeth, Mr. Philbrick, that House Amendment A be adopted.

A viva voce vote being taken, House Amendment A was adopted, and tomorrow assigned for the third reading of the bill as amended by House Amendment A.

Mr. Payson from the Committee on Pensions on bill an act to provide for old age assistance (S. P. No. 37) L. D. No. 4) reported same in a new draft (H. P. No. 1863) under same title and that it ought to pass.

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

#### First Reading of Printed Bills and Resolves

(H. P. No. 1853) (L. D. No. 1023)  
An act relating to payment of damages done by dogs or wild animals and to the registration and licensing of dogs

(H. P. No. 1862) (L. D. No. 1014)  
An act relating to a State Racing Commissioner

(H. P. No. 1271) (L. D. No. 1022)  
Resolve in favor of Harold L. Wentworth of Cornish

(H. P. No. 1854) (L. D. No. 1015)  
Resolve in favor of the town of Eddington

(H. P. No. 1855) (L. D. No. 1016)  
Resolve in favor of Henry L. Martin of Boston, Massachusetts

(H. P. No. 1856) (L. D. No. 1017)  
Resolve in favor of John Ruggles of Carmel

(H. P. No. 1857) (L. D. No. 1018)  
Resolve in favor of Rowland Batchelder of Augusta

(H. P. No. 1858) (L. D. No. 1019)

Resolve in favor of Charles E. Taylor of Freeport

(H. P. No. 1859) (L. D. No. 1020)

Resolve in favor of Enos G. Lambert of Freeport

(H. P. No. 1860) (L. D. No. 1021)

Resolve authorizing the sale of State's interest in certain lands

(H. P. No. 1861) (L. D. No. 1027)

Resolve relating to the taking of clams in Bar Harbor and Lamoine

#### Passed to be Engrossed

(S. P. No. 507) (L. D. No. 1026)

An act relating to the Calais School District

(Tabled by Mr. Murchie of Calais, pending third reading)

(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

(Tabled by Mr. Stilphen of Dresden, pending third 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 Arsenaull, having no known settlement in the State

(H. P. No. 1181) (L. D. No. 437)

Resolve relating to taking of shellfish and worms within the limits of the towns of Yarmouth, North Yarmouth and Cumberland

(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

#### Orders of the Day

The SPEAKER: The Chair will appoint the following conferees on the part of the House on bill an act relating to uniforms for deputy sheriffs, S. P. 454, L. D. 849: Messrs. Varney of Berwick, Ellis of Rangeley and Sleeper of Rockland.

The SPEAKER: The Chair will appoint the following conferees on the part of the House on bill an act relating to insanity as cause of divorce, H. P. 669, L. D. 214: Messrs. Thorne of Madison, Dow of Norway and Bird of Rockland.

The SPEAKER: Proceeding under Orders of the Day, the Chair lays before the House the matter tabled and specially assigned for today, Senate report "A," ought to pass, and report "B," ought not to pass, of the Committee on Judiciary, on bill an act providing that employers of four or more persons shall be subject to the Unemployment Compensation Law, S. P. 278, L. D. 501. The bill and reports came from the Senate with the reports and bill indefinitely postponed. This matter was tabled on April 10th by Mr. Philbrick of Cape Elizabeth, pending the motion of Mr. Thorne of Madison, that report "A" be accepted. The Chair recognizes the gentleman from Cape Elizabeth, Mr. Philbrick.

Mr. PHILBRICK: Mr. Speaker, the Maine Unemployment Compensation Law was passed at the special session of the 87th Legislature last December. The purpose of that act, as I understand it, was to alleviate in some nature the terrible misfortune that comes upon men who through no fault of their own lose their employment or are unable to find employment.

To a man who happens to lose his employment, it makes no difference that I can see whether he is one of four employees or one of eight employees. The line at eight was picked when the Social Security Act was passed by Congress as a result of a compromise between a larger number suggested and several smaller numbers, running down even to one.

The experience of the last year in many states that have adopted a similar law is that the demand for reducing the number has been accepted, and in most of the states, including most, I believe, of our neighboring states of New England,

the number has been reduced, in some cases to four and in some cases to one.

If this law is to stay on the statute books, and if it is to prove of any use to labor, it seems desirable that it should cover as many employees as possible.

I believe that reducing this number from eight to four will be in line with the tendency throughout the country. I therefore hope the motion of the gentleman from Madison (Mr. Thorne) will prevail.

Mr. BIRD of Rockland: Mr. Speaker and members of the House, I trust that Report A will not be accepted by this House, for the following reasons: This act is in accordance with the Federal act which states eight employed or more. When the special session of this Legislature enacted this law, the law was in accordance with the Federal law, and we accepted the act. The way this bill is drafted, it is compulsory for any employer, if the bill is enacted, employing four or more men, to accept the act.

Now upon reading the Federal act, you will find there is nothing to prevent any employer who now employs one or more men from coming under the act. It seems to me there is the bite of the whole proposition. There are many employers who are employing four or less who probably cannot afford to come under this act, but if that employer has these men and the men desire to come under the act he has the privilege of accepting the act. If you accept this bill as written, the employer has no discretion whatsoever.

Now before the committee when we had a hearing there was hardly any support at all for the bill, and I understand that this bill is not supported by the commission. So I believed in signing the minority report that any man who employed four men ought to have the right to determine as to whether or not he should come under the act.

Furthermore, members of this Legislature, you understand that the constitutionality of this act is now or will soon be before the Supreme Court of the United States. Now it seems to me in presenting this bill at this time before we know about the constitutionality of this act, that we are hurrying matters somewhat; so I should say that a delay would do no harm, and I

trust that this House will not accept Report A, the majority report.

Mr. McGLAUFLIN of Portland: Mr. Speaker, last Saturday I read a part of a letter where there was objection raised to the passage of this bill. At that time I made no argument myself other than to point out to this Legislature what was involved; but, Mr. Speaker, I am now definitely arguing against that bill.

The United States government now has its hands on the throat of practically every employer in the State of Maine. They have passed two acts—or it may be one act which involves two parts. There is the Old Age Pension Law, which requires that employers contribute to that, and there is this compensation measure that requires the employers, whether they will or no, to pay two per cent of the wages into this fund, thus already making, as I understand it, a double taxation upon every employer in the State.

There are a few employers in this State who employ less than eight employees. They feel that they ought not to be required to pay this double taxation. They feel that they are doing pretty well when they are contributing to the compensation for Old Age Security, and that if they can be left alone perhaps they can build up their business to a point where they can employ eight.

This matter, as I understand it, has come up in the Senate, and the motion was made to indefinitely postpone the bill. If this motion before the House is defeated, I shall ask this House to indefinitely postpone the bill in concurrence with the Senate.

Mr. THORNE of Madison: Mr. Speaker, again I feel called upon to disagree with my learned colleagues on the committee on Judiciary in a friendly way. I do not attempt to say what is right in this matter, but I would call the attention of this body to what I understand is the fact: That in the beginning, in the enactment of the Federal law, the number of eight employees was a compromise number. As I learned from those who appeared before the committee—and I quote them, not giving this as my own proof of the situation—but I quote those who appeared before the committee that that was the fact, that some wanted one, some wanted it higher, and that the number of eight was finally agreed upon as a compromise. I can see no reason why the figure

eight should have any particular significance in the matter.

I wish to call your attention to the acts of certain other states regarding this matter, not for the purpose of even suggesting that for that reason this State should adopt or follow in the footsteps of other states, because if we did follow in the footsteps of our sister states in all legislation they have passed we would indeed be in a sorry mess; but I call your attention to it only for the purpose of showing the trend on this particular question.

There are forty-one states that have enacted this law. There are ten states where it is down to one employee; 19 states down to four, including Rhode Island and New Hampshire; Connecticut down to five; and in the Massachusetts Legislature there was pending at the time of our hearing two bills asking that it be reduced to four, and in Vermont one bill asking that it be reduced to four.

It seems inequitable that one employee out of eight who is a fellow employee with others employed by a concern who employs eight or more should be entitled to the benefit of this act and that another man who is a fellow employee of five or six or even seven should not come under the provisions of the act and receive its benefits. Therefore I say that the figure eight has no particular significance, and I believe that it would be for the best interests of every man in this State if this report were accepted and this bill passed to be enacted at the proper time.

It seemed to be the consensus of opinion of the labor representatives of this State that this would be an equitable disposition of this matter.

The SPEAKER: The pending question is on the motion of the gentleman from Madison, Mr. Thorne, that Report A, ought to pass, be accepted in non-concurrence. Is the House ready for the question?

Mr. PAYSON of Brooks: Mr. Speaker, we remember when we came back here in our special session that we passed this proposition, and they asked us for eight on it.

Now I am going to ask all of the members here who represent the rural districts not to penalize the small business man by voting for this today.

The SPEAKER: As many as are in favor of the motion of the

gentleman from Madison, Mr. Thorne, that Report A, ought to pass be accepted, will say aye; those opposed no.

A viva voce vote being taken, the motion did not prevail.

On motion of Mr. McGlauffin of Portland the bill and accompanying reports were indefinitely postponed in concurrence.

The SPEAKER: Are there any further matters to come before the House under Orders of the Day?

Mr. THORNE of Madison: Mr. Speaker, I ask unanimous consent to address the House.

Unanimous consent was given.

Mr. THORNE: Mr. Speaker and Fellow-Members of the House of Representatives: On your desks this afternoon I think you will find L. D. 1013, an act requiring owners of certain motor vehicles and trailers to furnish security for their civil liability on account of personal injuries and property damage caused by their motor vehicles and trailers. This is a redraft of the original measure presented at this session, and I understand that at the 87th Legislature there was an act relative to compulsory insurance of automobile owners relative to their public liability. This matter will perhaps be discussed in this body pro and con during this present week, and in view of the fact that this new draft has just been presented, I would ask you to familiarize yourselves with it.

I call your attention to Paragraph C on page 1 relative to the proof of financial responsibility which must be furnished to the Secretary of State as one of the steps to be taken before an automobile can be permitted on the highway.

On page 2, near the bottom of the page, there has been added to the bill a provision for property damage up to the limit of one thousand dollars, and further down, in the next to the last line on page 2, the fifty-dollar deductible clause, making it necessary, in case of an accident, for the insured to pay the first fifty dollars of any damage inflicted or injuries suffered.

I call your attention to this particularly because it is in several respects unlike the bill that was presented to the last Legislature, and also unlike the bill which was originally presented at this session.

Mr. ELLIS of Rangeley: Mr. Speaker, I ask unanimous consent to address the House.

Unanimous consent was given.

Mr. ELLIS: Mr. Speaker, the gentleman from Madison, Mr. Thorne, has said that this bill would probably be discussed this week. I hope that it will be, and that every other bill will be discussed this week, so that we may go home sometime. (Applause)

I hope every member will make a special effort to clean up the work

that is before us and let us get out of here. We have been here fifty-three days and it looks as though we will be here fifty-three more if we do not get to work.

There will be a Republican caucus this evening and I want every Republican member to make a special effort to be present.

On motion by Mr. Webber of Auburn,

Adjourned until ten o'clock tomorrow morning.