

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

Tuesday, April 13, 1937.

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

Prayer by the Rev. Dr. Wood, of Augusta.

Journal of the previous session read and approved.

From the Senate: Report of the committee on Inland Fisheries and Game, reporting ought not to pass on bill an act relating to bounties or porcupines and hedgehogs, S. P. 172, L. D. 260.

Comes from the Senate with the bill substituted for the report and passed to be engrossed as amended by Senate Amendment A.

In the House, on motion by Mr. Flanders of Auburn, the bill and report were tabled pending acceptance of the report in concurrence and specially assigned for Thursday, April 15.

From the Senate: Report of the committee on Judiciary reporting ought to pass on bill an act relating to outdoor advertising, S. P. 277, L. D. 494.

Comes from the Senate, with the report and bill indefinitely postponed.

In the House:

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, I move the acceptance of the report of the committee, ought to pass. When the prohibitory amendment was repealed from our State Constitution, the argument was very widely used that all persons interested would now unite in one grand campaign for temperance. Liquor advertising on the billboards of this State hardly seems consistent with temperance, and there is a wide-spread demand throughout the State for its abolition. The Judiciary Committee unanimately voted such abolition. In view, however, of the action of the Senate yesterday, I now move that the bill and report be indefinitely postponed in concurrence.

The motion prevailed, and the bill and report were indefinitely postponed in concurrence.

From the Senate: Report of the committee on Claims, reporting ought not to pass on resolve to reimburse Rae Randlette of Hart-

land, for amount paid in settlement of Earl Wyman suit, S. P. 168.

Comes from the Senate, recommended to the committee on Claims.

In the House:

Mr. MOSHER of Farmington: Mr. Speaker, the proponents of this resolve were given a fair and impartial hearing before the Claims Committee, and it was the unanimous vote of that committee that this resolve ought not to pass. Therefore I move the acceptance of the report of the committee.

A viva voce vote being taken, the ought not to pass report of the committee on Claims was accepted in non-concurrence.

From the Senate: Memorial to the Congress of the United States urging it to appropriate money for the care of telephone and telegraph cables to Matinicus Island (S. P. No. 311) which was adopted in the House on April 10th.

Comes from the Senate that body voting to insist on its former action whereby the Memorial was recommended to the Committee on Federal Relations and asking for a Committee of Conference, and with the following Conferees appointed on the part:

Messrs. Fernald of Waldo
Goudy of Cumberland
Miss Martin of Pumbescot

In the House, on motion by Mr. Dwinall of Camden, a viva voce vote being taken, that body voted to insist and join in the committee of Conference.

The Chair appointed on that committee on the part of the House Messrs. Crockett of North Haven, Elliot of Thomaston and Dwinall of Camden.

Orders

Mr. Ellis of Rangeley, presented the following order and moved its passage:

Ordered, the Senate concurring, that House Paper 1821, Legislative Document 955, bill 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, and House Paper 1863, Legislative Document 1029, bill an act to provide for Old Age Assistance, be referred to the committee on Taxation with instructions to consolidate and forthwith report the two bills, together with such revenue-producing

measure as the committee may deem necessary and proper to finance the same. Any minority report or reports shall consolidate said bills together with a revenue measure. On the passage of this order in concurrence, said bills shall stand referred to the committee on Taxation without further action by either House.

Mr. ELLIS: Mr. Speaker and Members of the House: The time is getting short and it would seem that, if we are going to do anything, now is the time to get some of these bills together. It would seem improper to pass either of these bills, —the old age pension bill or the school bill,—without having them tied to some form of revenue measure so their provisions can be carried out, if passed. I hope this order will receive passage without delay.

A viva voce vote being taken, the order received passage and was sent up for concurrence.

Mr. Flanders of Auburn, presented the following order and moved its passage:

Ordered, whereas bill an act relative to bounties, being identified as Senate Paper 391, Legislative Document 732, having been reported ought to pass by the committee on Inland Fisheries and Game, was passed to be engrossed in the Senate on March 30th and was passed to be engrossed in the House on April 1st, 1937, and subsequently the original copy of said bill has been lost:

Now therefore be it Ordered, the Senate concurring, that the Secretary of the Senate be authorized and directed to substitute for the original bill a copy of the printed document, No. 732, together with his certificate of the action of the Senate thereon as shown by the Journal of the Senate, and a like certificate of the Clerk of the House;

And be it further Ordered, the Senate concurring, that the Engraving Department be directed to engross said bill, using said printed document copy in the place of the original bill.

The order received passage and was sent up for concurrence.

At this point Mr. Sleeper of Rockland, assumed the Chair as Speaker pro tem, amid the applause of the House, Speaker Hill retiring.

Reports of Committees

Mr. Findlen from the Committee on Agriculture on bill an act relating to growers' and packers' contracts (H. P. No. 1547) (L. D. No. 557) reported that legislation thereon is inexpedient.

Mr. Palmer from the Committee on Claims on resolve in favor of Edward M. Haley reported leave to withdraw (H. P. No. 1488) (Unprinted).

Mr. Ellis from the Committee on Ways and Bridges on bill an act to provide a highway bridge between Wiscasset and Westport (H. P. No. 1135) (L. D. No. 419) reported that same be referred to the 89th Legislature.

Mr. Cambridge from the Committee on Claims reported ought not to pass on resolve in favor of Joseph H. Lindsay of Yarmouth (H. P. No. 1403)

Same gentleman from same Committee reported same on resolve in favor of Edward Cote of Biddeford (H. P. No. 944)

Same gentleman from same Committee reported same on resolve in favor of Ralph K. Lothrop of Leeds (H. P. No. 571)

Same gentleman from same Committee reported same on resolve in favor of Freaul L. Bagley of Topshfield (H. P. No. 174)

Same gentleman from same Committee reported same on resolve in favor of Bucksport & Prospect Ferry Company, of Bucksport, Maine, for the loss of the ferry business by reason of the construction of Waldo-Hancock Bridge across the Penobscot River (H. P. No. 822) (L. D. No. 299)

Mr. Churchill from same Committee reported same on resolve in favor of H. S. Perkins of Exeter (H. P. No. 1258)

Same gentleman from same Committee reported same on resolve in favor of Harland B. Webber of Cumberland (H. P. No. 1344)

Same gentleman from same Committee reported same on resolve in favor of Oscar E. Young of Fayette (H. P. No. 287)

Same gentleman from same Committee reported same on resolve in favor of the city of Augusta for the support of Martin Savage (H. P. No. 954)

Mr. Cushing from same Committee reported same on resolve to reimburse the town of Albion for as-

assistance to Claude Spaulding (H. P. No. 1369)

Same gentleman from same Committee reported same on resolve in favor of Morten A. Harlow of Mercer (H. P. No. 25)

Same gentleman from same Committee reported same on resolve in favor of A. M. Curtis of Leeds (H. P. No. 792)

Same gentleman from same Committee reported same on resolve in favor of Alfred D. Andrews of West Paris (H. P. No. 39)

Same gentleman from same Committee reported same on resolve in favor of Ralph Willett of Winterport (H. P. No. 787)

Same gentleman from same Committee reported same on resolve in favor of Leon R. Perkins of Winterport, Maine (H. P. No. 788)

Mr. Dorr from same Committee reported same on resolve in favor of Francis H. Gould of Charleston (H. P. No. 803)

Same gentleman from same Committee reported same on resolve in favor of the town of Etna (H. P. No. 645)

Same gentleman from same Committee reported same on resolve in favor of the town of Stetson (H. P. No. 962)

Mr. Fuller from same Committee reported same on resolve in favor of Jason R. Bennett of Locke's Mills (H. P. No. 430)

Same gentleman from same Committee reported same on resolve reimbursing the town of Berwick for medical services for Cora Pike Scribner (H. P. No. 1404)

Same gentleman from same Committee reported same on resolve in favor of J. Frank Campbell of Kingman (H. P. No. 781)

Same gentleman from same Committee reported same on resolve in favor of the Belfast and Moosehead Lake Railroad Company (H. P. 1356)

Same gentleman from same Committee reported same on resolve in favor of Harry C. Edgecomb of Appleton (H. P. No. 1243)

Same gentleman from same Committee reported same on resolve in favor of the town of Monroe (H. P. No. 972)

Mr. Mosher from same Committee reported same on resolve to reimburse the city of Portland for support of Charles F. Harris, Maurice C. Paul, William Clark, Malcolm M. Clark and their families (H. P. No. 967)

Same gentleman from same Committee reported same on resolve in favor of Winterport Ferry Company of Winterport, Maine, for the loss of ferry business by reason of the construction of Waldo - Hancock Bridge across the Penobscot River (H. P. No. 821) (L. D. No. 298)

Same gentleman from same Committee reported same on resolve compensating certain persons for damages to their property by a State dam (H. P. No. 1275)

Same gentleman from same Committee reported same on resolve in favor of Herbert Hopkins of Orland (H. P. No. 575)

Same gentleman from same Committee reported same on resolve to reimburse the town of Wayne for support of the family of Nathan Handy (H. P. No. 1148)

Same gentleman from same Committee reported same on resolve in favor of Havener Webster of Bucksport (H. P. No. 576)

Same gentleman from same Committee reported same on resolve to reimburse the city of Portland for the support of Robert Burgoyne, his wife and child, having a settlement in Stacyville Plantation, in the county of Penobscot, in the State of Maine (H. P. No. 809)

Same gentleman from same Committee reported same on resolve in favor of William Douglas of Crystal (H. P. No. 968)

Mr. Palmer from same Committee reported same on resolve in favor of Robert McLellan of Baileyville (H. P. No. 175)

Same gentleman from same Committee reported same on resolve to reimburse the town of Greene (H. P. No. 1343)

Same gentleman from same Committee reported same on resolve in favor of Ella Howland of Clinton (H. P. No. 1367)

Mr. Weatherbee from the Committee on Judiciary reported same on bill an act to prevent deceptive merchandising practices, to restrain unfair competition in trade and industry and to protect fair trade practices in distribution (H. P. No. 34) (L. D. No. 29)

Mr. Prince from the Committee on Sea and Shore Fisheries reported same on bill an act relating to the legal length of lobsters (H. P. No. 1577) (L. D. No. 640)

Reports read and accepted and sent up for concurrence.

Mr. Flanders from the House Committee on County Estimates which was authorized to report recommendations for legislation regulating the financial affairs of the several counties, by Joint Order, (H. P. No. 1785) reported as follows:

The Committee recommends the eventual establishing of a uniform accounting system for all counties, under the direction of the State Department of Audit, but are satisfied that all of the counties should not be compelled at this time to change their present systems. As initial legislation to bring about this desirable result, the Committee recommends at this time the passage of legislation requiring that the accounts of the several counties be kept in a manner approved by the Department of Audit and that the Department of Audit conduct annual audits of the county books and financial transactions and to that end they report herewith bill an act relating to county accounts (H. P. No. 1864) and that it ought to pass (Tabled by Mr Flanders of Auburn pending acceptance of the report.)

First Reading of a Printed Bill

(H. P. No. 1863) (L. D. No. 1029)
An act to provide for old age assistance

Passed To Be Engrossed

(S. P. No. 494) (L. D. No. 995)
An act relating to aid to libraries, expenses of State Historian, topographic mapping, and abolishment of grade crossings

(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

(Tabled by Mr. Lee of Rumford, pending third reading and specially assigned for tomorrow morning)

(S. P. No. 500) (L. D. No. 994)
Resolve in favor of Stanley Gerow of Bangor

(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 Ed-dington

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

(At this point Speaker Hill resumed the Chair, Mr. Sleeper retiring, amid the applause of the House)

(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

(H. P. No. 115) (L. D. No. 49)
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 as amended by House Amendment A

Passed To Be Enacted (Emergency Measure)

H. P. 1753, L. D. 863: An act relating to the terms of office of the members of the Interstate Authority for the Portsmouth-Kittery Bridge.

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 eighteen voting in the affirmative, and none in the negative, 118 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

(Emergency Measure)

H. P. 1108, L. D. 363: An act to incorporate the Berwick School District.

The SPEAKER: This bill being an emergency measure, it 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.

(Emergency Measure)

H. P. 1741, L. D. 848: An act to incorporate the Southwest Harbor School District.

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 eight voting in the affirmative and none in the negative, 108 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

On motion by Mr. Norwood of Southwest Harbor, it was voted that this bill be sent forthwith to the Senate.

Passed to be Enacted

(S. P. No. 130) (L. D. No. 170) An act to amend the absent voting law

(S. P. No. 308) (L. D. No. 513) An act relating to individual liability of stockholders

(S. P. No. 478) (L. D. No. 912) An act relating to the charter of the city of Waterville

(S. P. No. 479) (L. D. No. 900) An act relating to malt liquors.

On motion by Mr. Philbrick of Cape Elizabeth, the rules were suspended in order to permit that gentleman to make a motion to reconsider the former action of the House whereby the bill was passed to be engrossed; and on further motion by the same gentleman the House voted to reconsider its former action whereby this bill was passed to be engrossed.

Mr. Philbrick then offered House Amendment A and moved its adoption, as follows:

House Amendment A to S. P. No. 479, L. D. No. 900, bill, an act relating to malt liquors.

Amend said bill by adding after

the word "premises" in the 24th line of Section 10 thereof the following words: 'as are used for hotel purposes or'.

Mr. PHILBRICK: Mr. Speaker, this amendment has been submitted to the House Chairman of the committee on Temperance and has his approval. It is intended to clarify and carry out the intention which the framers of the new draft intended should be done.

Thereupon, a viva voce vote being taken, House Amendment A was adopted and the bill was passed to be engrossed as amended by House Amendment A, in non-concurrence.

Passed to Be Enacted—Cont.

(S. P. No. 480) (L. D. No. 901) An act relating to reports to towns of excise tax payments.

(Tabled by Mr. Donahue of Biddeford, pending passage to be enacted.)

(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. 1596) (L. D. No. 658) An act relative to the peddling of malt liquors

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

(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

Finally Passed

(S. P. No. 477) Resolve designating a certain road as "Douglas Highway"

(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
land

(H. P. No. 1579) (L. D. No. 923)
Resolve authorizing the Forest Com-
missioner to convey certain pro-
perty

(H. P. No. 1580) (L. D. No. 924)
Resolve authorizing the Forest Com-
missioner to convey certain interest
of the State in land in Somer-
set County to A. L. Gaudet of Rock-
wood

(H. P. No. 1581) (L. D. No. 925)
Resolve authorizing the Forest Com-
missioner to convey certain pro-
perty

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

(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 fish-
ing in reservoirs of water supply,
city of Belfast

(H. P. No. 1791) (L. D. No. 929)
Resolve relative to fishing in Cum-
berland, 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 Walk-
er's Pond in Brooksville and Sar-
gentville

(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

(S. P. No. 227) (L. D. No. 974)
Resolve relative to fur-bearing ani-
mals on Plymouth Pond

(S. P. No. 488) (L. D. No. 938)
Resolve in favor of Augustus D.
Phillips, of Northeast Harbor

(S. P. No. 489) (L. D. No. 939)
Resolve in favor of E. O. Brown of
Vassalboro

(H. P. No. 65) (L. D. No. 966)
Resolve in favor of William A. Mo-
ran of Oxbow

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

(H. P. No. 67) (L. D. No. 964)
Resolve in favor of William A. Mo-
ran 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. Chase 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. 1809) (L. D. No. 956)
Resolve in favor of Eugene P. Hig-
gins of Bar Harbor.

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

(H. P. No. 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. Myrtle P.

Webber of Farmington Falls.

(H. P. No. 1913) (L. D. No. 948)

Resolve in favor of Prince H. Thom-
as of Masardis.

(H. P. No. 1914) (L. D. No. 947)

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

(S. P. No. 312) (L. D. No. 588) Resolve in favor of the United States of America.

(S. P. No. 482) (L. D. No. 915) Resolve authorizing sale of certain lands to Eugenia A. Powers.

(H. P. No. 1020) (L. D. No. 976) Resolve providing for a State pension for Lucia F. Parlin of Dover-Foxcroft.

(H. P. No. 1477) (L. D. No. 560) Resolve appropriating money to restore the early records in the office of the Register of Probate for York County.

(H. P. No. 1766) (L. D. No. 892) Resolve relative to fishing in certain Somerset County Waters.

Passed to be Enacted

(S. P. No. 120) (L. D. No. 129) An act relating to highways.

(S. P. No. 187) (L. D. No. 250) An act relative to Racing Commission.

(S. P. No. 192) (L. D. No. 451) An act relating to beauty culture to include registering and licensing of barbers and barber shops and to create a Board of Barber Examiners.

(S. P. No. 434) (L. D. No. 829) An act relating to revocation of hunting and fishing licenses.

(S. P. No. 486) (L. D. No. 937) An act to incorporate the "Calais Safety Deposit Company".

(S. P. No. 487) (L. D. No. 940) An act relative to operation of motor vehicles for transporting property for hire.

(S. P. No. 490) (L. D. No. 941) An act relating to enforcement of divorce decrees.

H. P. No. 1134) (L. D. No. 331) An act relating to the Maine Kennebec Bridge

(H. P. No. 1523) (L. D. No. 676) An act requiring the installation of pick clocks, so-called, on looms in textile factories

(H. P. No. 1542) (L. D. No. 569) An act relating to pauper settlement

(H. P. No. 1554) (L. D. No. 722) An act relating to the Maine State Planning Board

(H. P. No. 1563) (L. D. No. 641) An act relating to motor vehicles carrying passengers for hire

(H. P. No. 1696) (L. D. No. 823) An act relating to a State Geologist

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

(H. P. No. 1800) (L. D. No. 967) An act relating to settlement of estates 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. 1824) (L. D. No. 975) An act to provide a Town Council and Manager form of government for the town of Bridgton

(H. P. No. 1825) (L. D. No. 974) An act relating to members of the Maine Development Commission

(H. P. No. 1826) (L. D. No. 972) An act relative to Presque Isle Sewer District

(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

(Tabled by Mr. Flanders of Auburn, pending passage to be enacted)

Orders of the Day

The Chair lays before the House the first tabled and today assigned matter, majority report, ought to pass, and minority report, ought not to pass, of the committee on Sea and Shore Fisheries on bill an act relating to shipping clams beyond the borders of the state, H. P. 1575, L. D. 716, tabled on April 9th by Mr. Sleeper of Rockland, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. SLEEPER: Mr. Speaker and Members of the House: It appears that this clam bill which has been the subject of so much controversy through the corridors has been vastly over-emphasized, but I would like to make clear the reason why this bill was introduced. It might have been told to you that the bill

was introduced by a group of grasping, scheming so-called cannerns. We will come back to that later.

The bill originated solely as a conservation measure. It was my pleasure last fall, in company with Mr. Briggs of Portland, to go clamming right outside of Rockland, and at a place where I used to get clams by the barrel, the young man and I worked a whole tide and were rewarded with less than half a peck. I wondered what had happened to the clams, so I inquired and I found that the law which was passed in 1904, which prohibited the shipping of clams outside the State during the spawning season in the summer, had been repealed about three or four years ago, and the clams were again being dug to extinction.

This bill is not radical or new; it merely says that we return to the old conservation measure that clams cannot be dug during the spawning season of May, June, July and August.

It has developed that my biggest boosters in this measure have been the cannerns. Much has been said about the cannerns and much has been said about the shippers. Who are they? I will give you my definition of a canner and a shipper. A shipper is an individual, perhaps in this State and perhaps out of the State, who sends trucks to every nook and cranny in the State, buying clams at from 35 to 50 cents a bushel, depending on how desperate the condition of the digger may be. The clams are loaded on this truck and that is the last Maine sees of its most delectable national resource. The clams are shipped outside the State, and whatever profit may accrue goes to this shipper, and he may be an outside individual. The canner, the insidious, grasping individual who is supposed to be backing this bill—but he is not, because the bill is a conservation measure, first, last and always—the canner is a man who has an investment in the State running from thirty-five to fifty thousand dollars on each factory. Bear in mind that the canner has not the right to can clams in these months; so what is fair for the goose is fair for the gander—if the canner should not be allowed to handle these clams, certainly the shipper should not be allowed to do so.

To get back to the canner. He

buys clams at 50, 55 to 60 cents a barrel of the digger and carries them to the factory, where they are shocked by Maine labor, packed in cans by Maine labor, and, to cap the climax, even those cans are constructed by Maine labor. He eventually sells most of those clams outside of the State and the profit thereon remains in the hands of Maine cannerns and Maine business. There is no comparison. For every bushel of clams which goes into the hands of the canner at least two dollars circulates through the hands of Maine labor. What is that, compared with the few cents the shipper pays for clams as he hustles them out of the State?

That is only half the question. It is a conservation measure from start to finish. If the clam spawns, it, he or she, whatever the case may be, lays eggs in the summer. Why shouldn't it be allowed to lay these eggs in peace? We are protecting the deer; we are protecting rabbits, and protecting everything; so why not protect the clams? I think the bill is purely a conservation measure. The clam was being dug to extinction in the first part of the twentieth century, and a law exactly like this one was enacted, which prohibited their being shipped out of the State. The clam man began to gain a new lease of life. Now there are a few in some parts of the State, mostly in the far end of Washington County, or the islands there, who are again agitating to ship these clams out of the State. So I hope that all of the members who do not come from the coastal counties will help us protect this national resource of ours, and I hope you will accept the favorable report of the committee. So Mr. Speaker, I move that the majority report, ought to pass, be accepted.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the majority report of the committee, ought to pass, be accepted.

Mr. VARNEY of Berwick, Mr. Speaker, I do not know anything about the propagation or the conservation of clams; but in the absence of my seatmate, Mr. Cole of Kittery, who, I understand, was very much interested in this bill, I move that it lie on the table.

The motion prevailed, and the bill and accompanying reports were tabled, pending the motion of the

gentleman from Rockland, Mr. Sleeper, that the majority report be accepted.

The Chair lays before the House the second tabled and today assigned matter, bill an act relating to the State Police retirement system, H. P. 1838, L. D. 992, tabled on April 9th by Mr. Douglass of Gorham, pending assignment for third reading; and the Chair recognizes that gentleman.

Mr. DOUGLASS: Mr. Speaker, this bill is much the same as the bill that was indefinitely postponed last Saturday insofar as it asks to have State employees retired at the age of 65 instead of 70 as the law now provides. For this reason, I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Gorham, Mr. Douglass, moves that the bill be indefinitely postponed. The Chair recognizes the gentleman from Bath, Mr. Owen.

Mr. OWEN: Mr. Speaker and Members of the House: The bill was approved by the committee on Pensions as being a measure for the improvement of the efficiency of the State Police. The arduous duties of these police officers are certainly not suitable to the average man over sixty-five years of age. There are, the committee was told, in the State, a certain number of officers who have passed an age where they are useful as police officers, who have had the required amount of service and who are excluded from retirement, not by the change relating to the lessening of the age but by the provision which limits the number of officers which may be retired to five per cent of the police force. The bill changes that limit from five per cent to ten per cent. I submit that these officers who have rendered efficient service up to the retiring time, service which is both arduous and hazardous, and have reached the age of sixty-five years, that they should be, in all justice, permitted to retire under the terms of this bill, and I sincerely hope that the motion of the gentleman will not prevail.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Rangeley, Mr. Ellis.

Mr. ELLIS: Mr. Speaker, it would seem to me that this bill is quite unlike any other. It provides that the State Police at the age of

sixty-five shall be retired on a pension. Now I submit to this House that any man sixty-five or over is not able physically to do the job that is required of the State Police. I hope the motion does not prevail.

The SPEAKER: The question is on the motion of the gentleman from Gorham, Mr. Douglass, that the bill be indefinitely postponed. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being doubted, A division was had.

Fifty-one having voted in the affirmative and fifty in the negative, the motion prevailed and the bill was indefinitely postponed, and sent up for concurrence.

The Chair lays before the House the third tabled and today assigned matter, bill an act relative to termination of registration of motor vehicles, H. P. 1840, L. D. 991, tabled on April 9th by Mr. Larrabee of West Bath, pending assignment for third reading; and the Chair recognizes that gentleman.

On motion by Mr. Larrabee the bill was assigned for its third reading tomorrow morning.

The Chair lays before the House the fourth matter tabled and today assigned, bill an act relating to pauper settlements, H. P. 1545, L. D. 629, which was passed to be engrossed in the House on March 26th and which came from the Senate indefinitely postponed in non-concurrence, tabled April 9th by Mr. Ellis of Fairfield pending further consideration; and the chair recognizes that gentleman.

On motion by Mr. Ellis, the House voted to reconsider its former action whereby this bill was passed to be engrossed.

Mr. Ellis then offered House Amendment A and moved its adoption as follows:

House Amendment A to H. P. No. 1545, L. D. No. 629, bill an act relating to pauper settlements.

Amend said bill by inserting after the word "the" and before the word "settlement" in the 9th line of the bill, the words existing derivative.

And further amend said bill by inserting after the word "however" in the 13th line of the bill, the words "that said derivative settlement which cannot be determined shall

involve a period of more than 20 years or the 3rd generation and'.

And further amend said bill by striking out from the 13th and 14th lines of the bill the words "or his duly authorized agent" and inserting in lieu thereof the words 'and the attorney general'.

A viva voce vote being taken, House Amendment A was adopted, and the bill as amended by House Amendment A was passed to be engrossed in non-concurrence.

The Chair lays before the House the fifth tabled and today assigned matter, bill an act relating to hunting while intoxicated or under the influence of drugs, H. P. 1707, L. D. 382, which was passed to be enacted in the House on March 30th and which came from the Senate passed to be engrossed as amended by Senate Amendment A in non-concurrence, and which was tabled on April 10th by Mr. Stilphen of Dresden, pending further consideration; and the Chair recognizes that gentleman.

On motion by Mr. Stilphen, the House voted to reconsider its former action whereby this bill was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its former action whereby this bill was passed to be engrossed.

Senate Amendment A read by the Clerk.

Mr. VARNEY of Berwick: Mr. Speaker, from a hasty reading of Senate Amendment A it would appear to me that this nullifies the entire act inasmuch as it says that no license shall be revoked by any municipal court or trial justice if the party accused and found guilty enters an appeal on the decision of any such municipal or trial justice. I am wondering if it does not nullify the whole thing so that no license could be revoked in case an appeal is entered. If I am wrong about that, I would be glad to have it explained.

Mr. STILPHEN of Dresden: Mr. Speaker, I am offering House Amendment A, to clarify Senate Amendment A.

The SPEAKER: The gentleman presents an amendment to the Senate amendment?

Mr. STILPHEN: To the bill.

The SPEAKER: The pending question is on the adoption of Senate Amendment A. The Chair rec-

ognizes the gentleman from Portland, Mr. McGlaulin.

Mr. McGLAULIN: Mr. Speaker, I do not know anything about this measure, but I agree with Brother Varney that that looks dangerous. I would like to look it over a little more. I move that it be tabled until tomorrow.

The motion prevailed, and the bill and amendment were retabled, pending adoption of Senate Amendment A in concurrence.

The Chair lays before the House the sixth tabled and today assigned matter, bill an act as to the importation of intoxicating liquors other than those consigned to wholesale malt liquor licensees; emergency, H. P. 1847, L. D. 998, tabled on April 10th by Mr. Demers of Sanford, pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. Demers of Sanford, the bill was given its second reading and tomorrow assigned.

The Chair lays before the House the seventh tabled and today assigned matter, bill an act relating to sale of alcohol, H. P. 1836, L. D. 993, tabled on April 10th by Mr. Sleeper of Rockland, pending third reading; and the Chair recognizes that gentleman.

Mr. SLEEPER: Mr. Speaker, this bill was tabled for the purpose of preparing an amendment, and as that amendment is still in the process of being prepared, I would like to retable this bill and have it specially assigned for tomorrow.

The motion prevailed and the bill was retabled pending third reading and specially assigned for tomorrow.

The Chair lays before the House the eighth tabled and today assigned matter, bill an act to provide for the surrender by 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, and which came from the Senate passed to be engrossed as amended by House Amendment A, as amended by Senate Amendment A, in non-concurrence, and which was tabled on April 12th by Mr. Ellis of Rangeley, pending further consideration.

The Chair recognizes the gentleman from Alna, Mr. Carleton.

On motion by Mr. Carleton, the House voted to reconsider its former action whereby this bill was passed to be engrossed; and on further motion by the same gentleman the House voted to reconsider its former action whereby House Amendment A was adopted.

Mr. CARLETON: Mr. Speaker, I now move that Senate Amendment A to House Amendment A be adopted in concurrence.

The SPEAKER: The Clerk will read Senate Amendment A to House Amendment A.

Senate Amendment A to House Amendment A read by the Clerk.

Mr. CARLETON: Mr. Speaker, a word in explanation of this is that it simply means that the date of the fiscal year of the town is changed from January 1st to February 1st so that they may close their books at the end of their fiscal year as a town and commence on February 1st the beginning of the fiscal year as a plantation.

The SPEAKER: The question is on the motion of the gentleman from Alna, Mr. Carleton, that Senate Amendment A to House Amendment A be adopted in concurrence.

A viva voce vote being taken, that amendment was adopted in concurrence.

The SPEAKER: The pending question now is on the adoption of House Amendment A as amended by Senate Amendment A.

A viva voce vote being taken, House Amendment A as amended by Senate Amendment A was adopted in concurrence, and the bill as amended by House Amendment A, as amended by Senate Amendment A, was passed to be engrossed in concurrence.

The Chair lays before the House the ninth tabled and today assigned matter, resolve creating a recess committee on Labor Relations, S. P. 502, L. D. 1023, which came from the Senate, received by unanimous consent, given its several readings without reference to a committee and passed to be engrossed, and which was received by unanimous consent in the House on April 12th, and on motion by Mr. Ellis of Rangeley, tabled pending reference to a committee; and the Chair recognizes that gentleman.

On motion by Mr. Ellis, the resolve was given its two several readings under suspension of the rules

without reference to a committee, and, under further suspension of the rules, was passed to be engrossed, in concurrence.

The Chair lays before the House the tenth tabled and today assigned matter, bill an act relating to the maintenance of 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, and which came from the Senate passed to be engrossed as amended by Senate Amendment A in non-concurrence tabled on April 12th by Mr. Newton of Readfield, pending further consideration; and the Chair recognizes that gentleman.

On motion by Mr. Newton, the House voted to reconsider its former action whereby this bill was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its former action whereby this bill was passed to be engrossed.

On further motion by Mr. Newton Senate Amendment A was read and adopted in concurrence, and the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

The SPEAKER: This completes the items specially assigned for today. Are there any matters among the unassigned matters that can be taken from the table and acted on this morning?

On motion by Mr. Murchie, of Calais, it was voted to take from the table the seventh unassigned matter, bill an act relating to the Calais School District, S. P. 507, L. D. 1026, tabled by that gentleman on April 12th, pending third reading.

The same gentleman offered House Amendment A and moved its adoption, as follows:

House Amendment A to S. P. No. 507, L. D. No. 1026, bill an act relating to the Calais School District.

Amend said bill by striking out from the 1st and 2nd lines thereof the following: "Effective date of S. P. 409, L. D. 786 clarified, S. P. 409, L. D. 786 of the 88th legislature" and inserting in place thereof the following: "Effective date of Calais School District Act clarified. The act"

And further amend said bill by

inserting after the word "District" in the 3rd line of said bill the following: 'enacted by the 88th legislature and approved by the Governor March 11, 1937'

The SPEAKER: As many as are in favor of the adoption of House Amendment A will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and House Amendment A was adopted.

On further motion by the same gentleman the bill was given its third reading, and the bill as amended by House Amendment A

was passed to be engrossed in non-concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. Is there any further business to come before the House? The Chair understands that the gentleman from Auburn, Mr. Flanders, has an announcement to make, if the members will kindly remain in their seats for a few minutes after adjournment.

On motion by Mr. Ellis of Rangeley,

Adjourned until ten o'clock tomorrow morning.