

# MAINE STATE LEGISLATURE

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**Legislative Record**

**OF THE**

**Eighty-Eighth Legislature**

**OF THE**

**STATE OF MAINE**

**IN SPECIAL SESSION**

**October 26, 1937**

**KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE**

**HOUSE**

Wednesday, October 27, 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.

Paper from the Senate disposed of in concurrence.

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

**Appropriations and Financial Affairs**

An act to provide for old age assistance; to guarantee a minimum educational program and to provide revenue therefor (H. P. 1903) (Presented by Mr. Hill of South Portland)

On motion by Mr. Ellis of Rangeley, the bill was referred to the committee as suggested, with instructions that the committee report thereon not later than four P. M. today, that 1,000 copies be printed, and the bill sent up for concurrence.

**Inland Fisheries and Game**

Resolve relating to fishing in Cobbosseecontee Lake (H. P. 1901) (Presented by Mr. Fellows of Augusta)

(500 copies ordered printed)

**Judiciary**

An act amending the law relating to unemployment compensation (H. P. 1904) (Presented by Mr. Hill of South Portland)

On motion by Mr. Ellis of Rangeley, the bill was referred to the Committee as suggested, with instructions that the committee report thereon not later than four P. M. today, that 500 copies be printed, and the bill sent up for concurrence.

An act relating to registration of stone-crushers, well-drillers, graders, rollers and wood-sawing outfits (H. P. 1905) (Presented by Mr. Hinman of Skowhegan)

(500 copies ordered printed)

**Legal Affairs**

An act relating to enforcement of the liquor laws (H. P. 1906) (Presented by Mr. Hill of South Portland)

On motion by Mr. Ellis of Rangeley, the bill was referred to the committee as suggested, with instructions to report thereon not later than four P. M. today, that 500 copies be printed, and the bill sent up for concurrence.

**Ways and Bridges**

An act providing for the reduction in fees for registration of motor vehicles (H. P. 1902) (Presented by Mr. Hill of South Portland)

On motion by Mr. Ellis of Rangeley, the bill was referred to the committee as suggested, with instructions to report thereon not later than four P. M. today, that 500 copies be printed, and the bill sent up for concurrence.

On motion by Mr. Ellis of Rangeley, the several bills and resolve were ordered sent forthwith to the Senate.

**Orders**

Mr. Leonard of Hampden, presented the following order and moved its passage:

Ordered, that the State Controller furnish to the House forthwith the names of the officials and employees of the Attorney General's Department and the wages received by them from January 1st, 1937, to date.

A viva voce vote being taken, the order received passage.

**Orders of the Day**

The SPEAKER: The Chair anticipates the reception of certain papers from the Senate and the House may be at ease until they arrive.

**House at Ease****After Recess**

Called to order by the Speaker.

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

From the Senate: Ordered, the House concurring, that free telephone service during the present special session be provided for each

member and officer of the Senate and House to the number of five calls of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the House and Senate be provided with a card, to be certified to by the Secretary of State or his deputy. The cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates, S. P. 545.

Comes from the Senate read and passed.

In the House:

Mr. NOYES of Franklin: Mr. Speaker, I move that this order be indefinitely postponed in non-concurrence.

A viva voce vote being doubted,

A division of the House was had.

Sixty-two voting in the affirmative and 40 in the negative, the motion prevailed and the order was indefinitely postponed in non-concurrence.

Paper from the Senate, out of order and under suspension of the rules, disposed of in concurrence.

The SPEAKER: The House is proceeding under Orders of the Day. Is there any further business to come before the House at this time?

The Chair recognizes the gentleman from Auburn, Mr. Flanders.

On motion by Mr. Flanders,  
Recessed until 4 P. M.

**After Recess—4 P. M.**

Called to order by the Speaker.

On motion by Mrs. Latno of Old Town, the rules were suspended to permit smoking in the Hall of the House for the remainder of today's session. (Applause)

The SPEAKER: The House is proceeding under Orders of the Day. Is there any business to be brought before the House? The Chair recognizes the gentleman from Hampden, Mr. Leonard.

On motion by Mr. Leonard, the House voted by a viva voce vote to reconsider its action taken earlier in today's session whereby it passed an order relative to the Department of the Attorney General.

Mr. LEONARD: Mr. Speaker and Members of the Legislature: I

have talked with the Attorney General, Mr. Burkett, and he assures me that unless some expensive murder trials come up, he will make more substantial reductions than were submitted to the Legislature for his Department. This explanation is satisfactory to me and I move the indefinite postponement of my order.

Thereupon, the order was indefinitely postponed.

The SPEAKER: The Chair notes the presence of the gentleman from Lubec, Mr. Pike, whose presence is not shown by the record. If there is no objection, the Clerk will make an entry in the Journal indicating the presence of the gentleman from Lubec. Is there objection? The Chair hears none, and it is so ordered.

On motion by Mr. Ellis of Rangeley,

Recessed until 4.30 P. M.

**After Recess**

Called to order by the Speaker.

**Reports of Committees**

(Out of order and under suspension of the rules)

Mr. Flanders from the committee on Appropriations and Financial Affairs reported ought to pass on bill an act to provide for old age assistance; to guarantee a minimum educational program and to provide revenue therefor. (H. P. 1903) (L. D. 1078)

Mr. FLANDERS of Auburn: Mr. Speaker: In keeping with the recommendations of the regular session of the 88th Legislature, the Governor and Council have accepted the same in a most whole-hearted manner. The results are effecting savings and economies of about \$860,000 for the biennium. You may reasonably expect their most sincere and earnest effort resulting in further savings and economies.

Therefore, in view of the most worthy endeavor previously mentioned and having given reasonable consideration to conditions leading up to this action, your committee on Appropriations and Financial Affairs unanimously recommend "ought to pass."

Thereupon, the rules were suspended and the bill given its two several readings.

Mr. ELLIS of Rangeley: Mr. Speaker, I wish to offer House

Amendment A to L. D. 1078, an oral amendment. On page 4 you will find section 4-A, and I wish to move that that section be numbered Section 5, Section 5 number Section 6, and so on, up to Section 20, which will read Section 21.

The SPEAKER: Does the gentleman's suggestions relate only to the numbering of the sections?

Mr. ELLIS: Yes, Mr. Speaker.

The SPEAKER: Under the Rules, mistakes in a bill of a merely clerical nature may be corrected by the Clerk without the formality of an amendment, merely by suggestion. If there is no objection, the Clerk will make the suggested correction and renumber the sections. The Chair hears no objections, and it is so ordered.

Mr. Demers of Sanford, offered House Amendment A to H. P. 1903, L. D. 1078, and moved its adoption as follows:

House Amendment A to H. P. 1903, L. D. 1078, entitled: "An Act to Provide for Old Age Assistance; to Guarantee a Minimum Educational Program and to Provide Revenue Thereof."

Amend said bill by adding after the word "state" where it first appears in section 4-A of TITLE II of said bill the following words:

'one of whom shall be a member of the minority party.'

Mr. DEMERS: Mr. Speaker, the bill provides that a Commission of three members shall be appointed by the Governor, ratified by the Council, to take care of old age assistance. It has been the custom in the past, where there is a Commission of three, that one of the members shall be of the minority party, and this amendment simply specifies that one of the members shall be of the minority party. That is the only objection I have to the measure, and I believe that the minority party is quite favorable to it providing this change is made.

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

Mr. Tabbut of Columbia Falls, then offered House Amendment B and moved its adoption, as follows:

House Amendment B to H. P. 1903, L. D. 1078, entitled: "An Act to Provide for Old Age Assistance; to Guarantee a Minimum Educational Program and to Provide Revenue Thereof."

Amend said bill by striking out the whole of section 11 of Title II

of said bill and inserting in place thereof the following:

"Sec. 11. Disposal of funds received from estate of person assisted. Upon the death of a beneficiary, if the state has participated in federal funds for the purpose of this act, one-half of any amount received from the estate of the beneficiary, with respect to old age assistance furnished him, shall be promptly paid by the treasurer of state to the United States as required by the laws of the United States."

Mr. VARNEY: Mr. Speaker, if I understand the purpose of this amendment correctly, it is to strike out that part of Section 11 which provides a method by which the State of Maine can collect from the estate of a deceased person who has been receiving benefits, provided, of course, that he leaves any estate,—such amount as they may have paid to him in old age benefits, and then pay one-half of the amount which they secure back to the Federal government.

Now as to whether or not it is possible for the State of Maine to collect back from the estate of a deceased person such money as it may have paid that person for any old age benefits, I must differ with the gentleman from Columbia Falls (Mr. Tabbut); but I also understand that the Federal government participates in paying our old age pension and that one of the requirements is that we shall not pay old age pensions with its money to people who have estates sufficient to support them, unless we collect it back after they die.

I read this amendment over hastily and this is practically the same old age pension bill which we had before us at the regular session, and I believe that we are running the risk of having our old age pension plan turned down by the Federal government should we adopt this amendment because we would then have no provision for collecting back from the estate of the deceased person whatever pension we had paid to that person, and of course if the amendment should pass, while it says that "upon the death of a beneficiary, if the State has participated in Federal funds for the purpose of this act, one-half of any amount received from the estate of the beneficiary shall be paid back to the United States,"—of course that would never happen,

because we could not collect anything for we would have no machinery for collecting it. I therefore move, Mr. Speaker, that this amendment be indefinitely postponed.

Mr. TABBUT of Columbia Falls: Mr. Speaker and members of the House: The Federal law requires simply that the State law must provide that if there is any money from the estate one-half of it shall be paid to the Federal government. The Federal law does not require that the State must take the estate of deceased persons.

I was told at the last session of the Legislature, early in the winter, that this provision was absolutely necessary under the Federal law.

After reading the Federal law, I was of the opinion that it was not necessary, and I wrote to Washington and found out that it is not necessary for the State to provide in the law to take the estate that anyone has left. It is not necessary under the Federal law for the State to do that, but they must provide that if any money is received voluntarily—the chances are they wouldn't receive very much—but if any should be paid in voluntarily to the State on account of money the person had, the State must provide in the law to pay one-half of what they receive to the Federal government.

Now when this came up in August, one of the principal causes of the defeat of that bill in August—and I do not say but what there are other causes—but that was one of the principal causes. If this bill passes as it is, without the amendment, it simply pensions paupers, and there is nothing for those who have a little property.

We are providing a Commission to look after that, and I am perfectly willing to trust those people to see that no one who has property gets a pension. Those that happen to have saved enough so that they have a little shelter over their heads and who possibly might have some relatives who are having all they can do to feed themselves, but because they happen to help them out a little bit, the investigator is not going to allow that person as large a pension as someone who has wasted all they have earned and have got nothing. That person gets \$30 a month, while the others get \$10, \$12, or \$15, according to

the way the investigator feels or the way the neighbors feel.

I personally, and I know a lot of others in my section, would like to see this amendment in the law.

Mr. HINMAN of Skowhegan: The gentleman from Columbia Falls, Mr. Tabbut, spent about half an hour with the Committee on appropriations this afternoon, and although I think we were universally in sympathy with his sincerity, we did not believe that it was right at this stage of the game to interfere with this clause, for the reason that, in the first place there is the possibility if we had such an amendment that it would not be acceptable to the Federal government.

We are going to have a Commission, and it is reasonably sure that various things in this law will turn out to be more or less defective, and it is expected that they will have to be changed by the next Legislature. With that in mind, and with the belief that there is no serious result from the enactment in its present form until such time as faults may be found, we are entirely in sympathy with it as written, and I want to second the motion of the gentleman from Berwick, Mr. Varney.

The SPEAKER: The pending question is on the motion of the gentleman from Berwick, Mr. Varney, that House Amendment B be indefinitely postponed. Is the House ready for the question? As many as are in favor of the motion for indefinite postponement will say aye, those opposed no.

A viva voce vote being taken, the motion prevailed, and House Amendment B was indefinitely postponed.

Mr. McGLAUF LIN of Portland: Mr. Speaker, I would like permission to briefly address the House.

The SPEAKER: The question before the House is on the assignment of the bill for its third reading. Does the gentleman wish to speak on that question?

Mr. McGLAUF LIN: No, Mr. Speaker: I am ahead of time.

The SPEAKER: Do the gentleman's remarks relate to the bill? Does the gentleman wish to be heard on this bill?

Mr. McGLAUF LIN: Briefly, I do, Mr. Speaker.

The SPEAKER: The gentleman from Portland, Mr. McGlaulin, asks unanimous consent to address

the House briefly. Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. McGLAUFLIN: Mr. Speaker, may I have the privilege of facing the House?

The SPEAKER: The gentleman may do so.

Mr. McGLAUFLIN: Mr. Speaker, my position here makes it imperative.

Last April we passed a one percent sales tax to take care of the three great problems that we came here to solve, and, had that sales tax gone through, we would have completed our task one hundred percent. I believed then, and I believe now that we acted wisely.

The matter went to a referendum, and, due to misrepresentation, to prejudice, to ignorance and to selfishness, that bill was defeated. Following that defeat there was criticism made of our Governor, severe criticism, blaming him for that tax.

I want to say to this House and to the people of the State of Maine, that the Governor was not responsible for that tax or for the attempt to get that tax. He did not advocate a sales tax. We ourselves were the ones responsible for that tax, and, whether it involved blame or censure or praise, it was our responsibility and ours alone.

I say this because I want to make it clear that we ourselves are capable of taking our own responsibilities and not resting them upon the Governor.

But, following that act on our part, the Governor did stand by us. He stood by his Legislature, and for that he should receive praise by every right-thinking man in this State.

Now that left us in a state of uncertainty as to what to do. The fact that particular sales tax had been defeated did not mean that some other sales tax would be turned down, yet that is exactly what the newspapers and the politicians said; that was their interpretation, that there could be no kind of a sales tax.

It did not mean that we could not raise revenues from some other source. And yet I know that the newspapers and the politicians have led people to believe that we could not raise more money. So we were placed in the position where we had a great task to perform and our

hands were tied right and left as to any method of performing it. Under those circumstances, the Governor of this State has worked out an admirable plan that he suggested in the Joint Convention yesterday. And now I say, fellow members of this House, as the Governor stood by us when we tried to put through our measure, let us too, the last man and woman, stand by him where he is trying to put through his measure. I am for this bill one hundred per cent. (Applause.)

Mr. ELLIS of Rangeley: Mr. Speaker, I move that the rules be suspended and that the bill be given its third reading and passed to be engrossed at this time.

The motion prevailed, and, under suspension of the rules, the bill was given its third reading and passed to be engrossed.

Mr. CHASE from the committee on Legal Affairs reported ought to pass on bill an act relating to enforcement of the liquor laws (H. P. 1906) (L. D. 1080).

The report was accepted, and this being a printed bill the rules were suspended, and the bill had its two several readings.

On motion by Mr. Ellis of Rangeley, the rules were suspended and the bill given its third reading and passed to be engrossed.

Mr. ELLIS from the committee on Ways and Bridges reported ought to pass on bill an act providing for the reduction in fees for registration of motor vehicles (H. P. 1902) (L. D. 1077).

The report was accepted, and this being a printed bill the rules were suspended, and the bill had its two several readings.

On motion by Mr. Ellis of Rangeley, the rules were suspended, the bill had its third reading and was passed to be engrossed.

Mr. PHILBRICK from the committee on Judiciary on bill an act amending the law relating to unemployment compensation (H. P. 1904) (L. D. 1079) reported that Committee Amendment A be adopted and that the bill as amended ought to pass.

The report was accepted, and this being a printed bill, the rules were suspended and the bill had its two several readings.

Committee Amendment A to House Paper 1904, L. D. 1079, bill

an act amending the law relating to unemployment compensation.

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

“Emergency Clause. In view of the emergency set forth in the preamble, this act shall take effect when approved.”

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

Thereupon, on motion by Mr. Ellis of Rangeley, and this being a printed bill, the rules were suspended, the bill had its third reading as amended by Committee Amendment A, and was passed to be engrossed.

Mr. ELLIS of Rangeley: Mr. Speaker, for the purpose of offering an amendment, I move to reconsider our former action whereby we passed to be engrossed H. P. 1902, L. D. 1077, bill an act providing for the reduction in fees for registration of motor vehicles.

A viva voce vote being taken, the motion prevailed.

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

House Amendment A to H. P. 1902, L. D. 1077, entitled bill an act providing for the reduction in fees for registration of motor vehicles.

Amend said act by inserting after the words “motor vehicles” in the third line thereof, the words “trailers and semi-trailers.”

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

On motion by Mr. Ellis of Rangeley, the four bills which were just passed to be engrossed were ordered sent forthwith to the Senate.

The SPEAKER: Is it now the pleasure of the House to take up out of order and under suspension of the rules the reception of petitions, bills and resolves requiring reference to any committee?

Mr. HINMAN of Skowhegan: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, asks unanimous consent to address the House. Is there objection? The Chair hears no objection, and the gentleman may proceed.

Mr. HINMAN: Mr. Speaker and

Members of the House, it is my understanding that with the present status of this Legislature the enactment of any further bills is going to cost the State several hundreds of dollars. I feel free to take this stand because I have presented an amendment here myself. I am wondering if we cannot take such action as will stop right here the presentation of any further bills and the reference of any that we have had to the next Legislature, thereby facilitating as much as possible the specific business for which we are here and saving the State whatever money would be involved in their consideration.

The SPEAKER: The gentleman may present an order if he wishes, under suspension of the rules.

Mr. ELLIS: May we have a recess long enough to do that?

The SPEAKER: The House may be at ease.

#### After Recess

Called to order by the Speaker.

The SPEAKER: The House is proceeding under reception of petitions, bills and resolves requiring reference to any committees.

#### Banks and Banking

An act relating to investments for savings banks (H. P. No. 1907) (Presented by Mr. Pike of Lubec) (500 copies ordered printed)

#### Inland Fisheries and Game

An act relating to damages done by beaver (H. P. No. 1919) (Presented by Mr. Howes of Charleston) (500 copies ordered printed)

An act relative to Game Preserve in Orrington (H. P. No. 1920) (Presented by Mr. Ryder of Orrington) (500 copies ordered printed)

Bill an act relative to hunting and fishing licenses; revocation of (H. P. No. 1921) (Presented by Mr. Noyes of Franklin)

(500 copies ordered printed)  
Bill an act relative to Game Preserve in Washington and Hancock Counties (H. P. No. 1908) (Presented by Mr. Higgins of Dennyville) (500 copies ordered printed)

#### Judiciary

An act providing that the State of Maine may enter into a compact with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses who may be on probation or



parole (H. P. No. 1909) (Presented by Mr. Ellis of Rangeley)

(500 copies ordered printed)

An act relating to aid to dependent children (H. P. No. 1922) (Presented by Mr. Flanders of Auburn)

(500 copies ordered printed)

An act relating to exceptions of persons entitled to parole (H. P. No. 1923) (Presented by Mr. Philbrick of Cape Elizabeth)

(500 copies ordered printed)

An act relating to the purity of the drinking water supplied to North Windham (H. P. 1924) (Presented by Mr. Haskell of Windham)

Mr. HASKELL: Mr. Speaker, I move that the bill be referred to the committee on Public Health and that it be referred to the committee without printing as it is very brief.

The motion prevailed, and the bill was so referred.

#### Legal Affairs

An act amending an act to incorporate the town of Orono School District (H. P. 1925) (Presented by Mr. Martin of Milford)

(500 copies ordered printed)

An act relating to temporary licenses for physicians and surgeons (H. P. 1926) (Presented by Mr. Philbrick of Cape Elizabeth)

An act to provide for the surrender by the town of Albany of its organization (H. P. No. 1910) (Presented by Mrs. Thurston of Bethel by request)

(500 copies ordered printed).

#### Pensions

Resolve providing for a State pension for Woodbury G. Love of Southport (H. P. 1911) (Presented by Mr. Haley of South Bristol)

#### Salaries and Fees

An act relating to clerk hire in the office of Register of Deeds in the county of Lincoln (H. P. No. 1912) (Presented by Mr. Stilphen of Dresden)

(500 copies ordered printed).

#### Taxation

An act imposing an income tax (H. P. No. 1927) (Presented by Mr. Leonard of Hampden)

(500 copies ordered printed).

An act to raise an excise tax on corporations organized for making,

generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes (H. P. No. 1928) (Presented by Mr. Leonard of Hampden)

(500 copies ordered printed).

An act defining, regulating and taxing games of skill (H. P. No. 1913) (Presented by Mr. Larrabee of West Bath)

(500 copies ordered printed).

An act providing for taxation of incomes of individuals and partnerships and franchises of corporations (H. P. No. 1929) (Presented by Mr. Packard of Houlton)

(500 copies ordered printed).

An act relating to licenses for retail stores, and to equalize the business opportunities in the State of Maine (H. P. No. 1914) (Presented by Mr. Wilkes of Portland by request)

(500 copies ordered printed).

An act relating to licenses for retail stores, and to equalize the business opportunities in the State of Maine (H. P. No. 1915) (Presented by the same gentleman by request)

(500 copies ordered printed).

Resolve creating a Recess Committee on income tax legislation (H. P. No. 1930) (Presented by Mr. Chase of Baring)

(500 copies ordered printed).

#### Ways and Bridges

Resolve relating to the road from Brownville to Millinocket (H. P. No. 1916) (Presented by Mr. Davis of Brownville)

(500 copies ordered printed).

Resolve relating to state highway in Boothbay, Boothbay Harbor and Southport (H. P. No. 1917) (Presented by Mr. Haley of South Bristol)

(500 copies ordered printed).

Resolve relating to Boothbay Harbor-Southport Bridge (H. P. No. 1918) (Presented by same gentleman)

(500 copies ordered printed).

On motion by Mr. Colby of South Paris,

Adjourned until ten o'clock tomorrow morning.