

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Thursday, February 11, 1937.

The Senate was called to order by the President.

Prayer by the Reverend Tom G. Ackley of Gardiner.

Journal of yesterday read and approved.

Order

(Out of Order)

On motion by Mr. Fernald of Waldo, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, February 16, 1937, at four o'clock in the afternoon. (S. P. 303)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, read and passed in concurrence.

Papers from the House disposed of in concurrence.

From the House:—"Resolve Appropriating Moneys for Relief of Towns in Hancock-Sullivan Bridge district." (S. P. 163) (L. D. 243)

(In the Senate on February 3rd, referred to the Committee on Appropriations and Financial Affairs)

Comes from the House, referred to the Committee on Ways and Bridges in non-concurrence.

In the Senate, that body voted to recede and concur with the House in the reference of the bill to the Committee on Ways and Bridges.

From the House:—Joint Order Relative to Use of Wood as Fuel in State Controlled Plants. (H. P. 1136)

In the House, read and passed.

In the Senate, on motion by Miss Martin of Penobscot, tabled pending passage in concurrence.

From the House:—"Resolve Appropriating Money to Build Fishway on Meduxnekeag River." (H. P. 1087) (L. D. 367)

In the House, referred to the Committee on Appropriations and Financial Affairs.

In the Senate, on motion by Mr. Worthen of Penobscot, tabled pending reference in concurrence.

From the House:—Bill, "An Act

Relating to Registration of Voters." (H. P. 1050) (L. D. 336)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Ashby of Aroostook, tabled pending reference in concurrence.

From the House:—Bill, "An Act Amending 'An Act to Incorporate the City of Lewiston.'" (H. P. 1059) (L. D. 377)

In the House, referred to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Fortin of Androscoggin, tabled pending reference in concurrence.

From the House:—"Resolve Limiting Weir Fishing for Salmon in Penobscot River." (H. P. 1013) (L. D. 417)

In the House, referred to the Committee on Sea and Shore Fisheries.

In the Senate, on motion by Mr. Worthen of Penobscot, tabled pending reference in concurrence.

House Bills in First Reading

"An Act Validating the Tax Assessment in Mason" (H. P. 190) (L. D. 82)

"An Act Increasing the Amount Paid for Clerk Hire in the Office of Clerks of Courts in Knox County" (H. P. 200) (L. D. 69)

The following bills, resolve, etc., were received and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Agriculture

Mr. Osgood of Oxford presented bill "An Act Relating to State Dairymen's Conference." (S. P. 270)

(500 copies ordered printed)

Sent down for concurrence.

Appropriations and Financial Affairs

Miss Laughlin of Cumberland presented bill "An Act Relating to the Mill Tax Highway Fund." (S. P. 271)

(500 copies ordered printed.)

(On motion by Mr. Friend of Somerset, tabled pending reference.)

Banks and Banking

Miss Martin of Penobscot presented bill "An Act Relating to

Loan and Building Associations." (S. P. 272)
(500 copies ordered printed.)
(On motion by Miss Martin of Penobscot, tabled pending reference.)

Claims

Mr. Owen of Kennebec presented bill "Resolve in Favor of E. O. Brown of Vassalboro." (S. P. 273)

Mr. Littlefield of York presented "Resolve in Favor of F. T. Moulton of Alfred." (S. P. 274)

Mr. Malliar of Androscoggin presented "Resolve to Reimburse the City of Lewiston for Support of Paupers." (S. P. 275)

Sent down for concurrence.

Education

Mr. Owen of Kennebec presented bill "An Act Relating to Basic Science." (S. P. 276)
(1000 copies ordered printed.)

Judiciary

Miss Laughlin of Cumberland presented bill "An Act Relating to Outdoor Advertising." (S. P. 277)

Mr. MacKinnon of Oxford presented bill "An Act Providing that Employers of Four or more Persons Shall be Subject to the Unemployment Compensation Law." (S. P. 278)

Miss Martin of Penobscot presented bill "An Act to Provide for a System of Personnel Administration in State Employment; to Create a State Personnel Board and a Director of Personnel; and to Define the Power, Duties, and Proceedings of Such Board and Directors." (S. P. 279)

The same Senator presented bill "An Act Relating to Hospital Liens." (S. P. 282)

(On motion by Miss Martin of Penobscot, tabled pending reference.)

Mr. Corrigan of Washington presented bill "An Act to Amend the Workmen's Compensation Act." (S. P. 281)

(500 copies of each ordered printed.)

Mr. Worthen of Penobscot presented bill "An Act Requiring Owners of Certain Motor Vehicles and Trailers to Furnish Security for Their Civil Liability on Account of Personal Injuries Caused by Their Motor Vehicles and Trailers." (S. P. 302)

Mr. Corrigan of Washington presented bill "An Act Creating a State

Workmen's Compensation Fund." (S. P. 280)

(1000 copies of each ordered printed.)

Sent down for concurrence.

Legal Affairs

Miss Martin of Penobscot presented bill "An Act Relating to the Transportation of Prisoners." (S. P. 283)

Mr. Willey of Cumberland presented bill "An Act Relating to Legalizing Amateur Sports and Games Under Certain Conditions on Sunday." (S. P. 284)

(500 copies of each ordered printed.)

Sent down for concurrence.

Maine Publicity

Miss Martin of Penobscot presented bill "An Act Relating to Registration Number Plates." (S. P. 285)
(500 copies ordered printed.)

Sent down for concurrence.

Mercantile Affairs and Insurance

Mr. Spear of Cumberland presented bill "An Act Relating to Group Insurance." (S. P. 286)

(500 copies ordered printed.)

Sent down for concurrence.

Pensions

Mr. Hussey of Kennebec presented "Resolve Providing for a State Pension for Susan A. Lovejoy, of Augusta." (S. P. 287)

The same Senator presented "Resolve Providing for a State Pension for Blanche Donovan of Augusta." (S. P. 288)

The same Senator presented "Resolve Providing for a State Pension for Jesse Gilbert of Vassalboro." (S. P. 289)

The same Senator presented "Resolve Providing for a State Pension for Jessamine L. Benson of Sidney." (S. P. 290)

Sent down for concurrence.

Public Utilities

Mr. Graves of Hancock presented bill "An Act Relative to Operation of Motor Vehicles for Transporting Property for Hire." (S. P. 291)

(500 copies ordered printed.)

Sent down for concurrence.

Taxation

Mr. Friend of Somerset presented Three Remonstrances (S. P. 292) (S. P. 293) (S. P. 294) against Enactment of Tax on Admissions.

Sent down for concurrence.

Temperance

Mr. Osgood of Oxford presented bill "An Act Relating to Local Option Provisions." (S. P. 295)

Mr. Tompkins of Aroostook presented bill "An Act Relating to Malt Liquors." (S. P. 296)

(500 copies of each ordered printed.)

Sent down for concurrence.

Ways and Bridges

Mr. Cook of Somerset presented "Resolve in Favor of the Town of Pittsfield." (S. P. 297)

Mr. Sewall of Sagadahoc presented "Resolve in Favor of the Town of Bowdoinham." (S. P. 298)

Mr. Goudy of Cumberland presented "Resolve in Favor of the Town of Buxton." (S. P. 299)

Mr. Graves of Hancock presented "Resolve Relating to a State Highway Planning Survey and Planning Survey Committee." (S. P. 300)

(On motion by Mr. Fernald of Waldo 500 copies ordered printed.)

Miss Laughlin of Cumberland presented bill "An Act Relating to the General Highway Fund and Defining Highway." (S. P. 301)

(500 copies ordered printed.)

Sent down for concurrence.

Mr. Lewis of Lincoln, out of order and under suspension of the rules, presented the following resolution and moved its adoption:

WHEREAS, it has been learned with profound sorrow of the passing of Honorable George A. Cowan of Damariscotta, formerly a member of this Senate and a man of untiring devotion to causes in which he believed; therefore

BE IT RESOLVED, that in the passing of the Honorable Mr. Cowan, Maine has lost a citizen of high standing and worth; and

BE IT FURTHER RESOLVED, that a copy of this resolution, signed by the President of the Senate, be sent to the members of his immediate family as an expression of the sympathy of the members of said Senate.

The Resolution was adopted.

The PRESIDENT: The Chair appoints the Senator from Lincoln, Senator Lewis, as a committee of one to attend the funeral.

Thereupon, on motion by Mr. Lewis of Lincoln, it was

ORDERED, that the Secretary of

the Senate be directed to furnish suitable and proper flowers for the funeral services of the late Honorable George A. Cowan, a former member of the Senate.

Mr. GRAVES of Hancock: Mr. President, I think it would be well at this time to express our appreciation for these very fine oranges which we find on our desks and which have been furnished by ex-Senator Harmon who is wintering in Florida. I move that we instruct the Secretary to write him to that effect.

The PRESIDENT: The Secretary will write ex-Senator Harmon to that effect.

First Reading of a Printed Bill

"An Act Relating to Compensation of Reporter of Decisions." (S. P. 261) (L. D. 425)

(On motion by Mr. Willey of Cumberland, tabled pending first reading.)

Reports of Committees

Mr. Fernald from the Committee on Judiciary on Bill "An Act Relating to Publishing of Paupers' Names in Town Reports," (S. P. 59) (L. D. 39) reported that the same ought not to pass.

Mr. Willey from the same Committee on "Resolve Proposing an Amendment to the Constitution to Provide for a Change in the Term of Office of Judges of Municipal Courts," (S. P. 49) (L. D. 13) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Tompkins from the Committee on Education on Bill "An Act Relating to the Regrouping of School Unions," (S. P. 107) (L. D. 119) reported that the same ought to pass.

Which report was read and accepted, the bill read once and next Tuesday assigned for second reading.

Orders of the Day

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act to Amend Section One of An Initiated Act Approved by the People at the General Election Held September 14, 1936, Relating to the General High-

way Fund and to Authorize Certain Temporary Use of Said Fund (L. D. 103), tabled by that Senator on February 4th, pending adoption of Senate Amendment "A"; and that Senator yielded to the Senator from Aroostook, Senator Ashby.

Mr. ASHBY of Aroostook: Mr. President, having learned that the Federal Highway Commission approves of neither the bill in its present form nor as amended by the proposed amendment, I ask leave to withdraw Senate Amendment "A" which I offered when this bill was tabled.

Leave was granted that Senator to withdraw Senate Amendment "A"; and that Senator yielded to the Senator from Somerset, Senator Friend.

Mr. FRIEND of Somerset: Mr. President, Senate Amendment "B" which I wish to offer has been drawn to take care of the situation and causes the bill to meet with the approval of the Federal Bureau. I offer Senate Amendment "B" and move its adoption.

The Secretary read:

"Senate Amendment 'B' to House Paper 378, Legislative Document 103. Amend said bill by striking out all of the words after the word 'forthcoming' in the 29th line on the second page of said bill except the emergency clause thereon, and inserting after the word 'forthcoming' the following words, 'and the State Treasurer is hereby directed and authorized to reimburse the general highway fund by a deposit of the funds received from such aforesaid appropriations the receipt of which has been anticipated to the extent of the amounts temporarily diverted therefrom; such deposits to be made as soon as such revenues are collected.'"

Thereupon, Senate Amendment B was adopted and the bill as amended by Senate Amendment B was passed to be engrossed, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act Relating to Motions for Directed Verdicts (L. D. 217) tabled by that Senator on February 9th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Fernald of

Waldo, the Senate voted to take from the table An Act Relating to Prevention of Crimes (L. D. 220) tabled by that Senator on February 9th pending reference; and on further motion by the same Senator the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act Relating to Sentences of Felons (L. D. 265) tabled by that Senator on February 9th, pending reference; and on further motion by the same Senator the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act Requiring Witnesses to be Seated While Testifying (L. D. 306) tabled by that Senator on February 9th, pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act Relating to Impeachment of Witnesses (L. D. 218) tabled by that Senator on February 9th, pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Judiciary in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table Resolve in Favor of the Waldo and Penobscot Agricultural Society (L. D. 301) tabled by that Senator on February 9th, pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act Changing the Time for Weir Fishing for Salmon (L. D. 34) tabled by that Senator on February 2nd, pending consideration.

Mr. FERNALD of Waldo: Mr. President, I would like to have the Secretary read the various steps which the bill has been through.

The SECRETARY: The Com-

mittee on Reference of Bills suggested first that the bill be referred to the Committee on Sea and Shore Fisheries and that five hundred copies be ordered printed. In the House the bill was referred to the Committee on Sea and Shore Fisheries. In the Senate it was referred in concurrence and on January 26th in the Senate the reference was reconsidered and the bill was laid upon the table pending reference to the committees on Inland Fisheries and Game and Sea and Shore Fisheries jointly. On January 27th the bill was taken from the table in the Senate and referred to the committees on Inland Fisheries and Game and Sea and Shore Fisheries jointly in non-concurrence with the House. In the House, on January 28th, on motion by Mr. Emery of Bucksport, the House receded and on further motion by the same gentleman leave to withdraw was unanimously granted in non-concurrence and the bill was sent up for concurrence.

Mr. FERNALD: Mr. President, in order to keep the record straight on this bill and to protect the interests of the commercial fishermen I might state that since this bill was introduced in behalf of the men who derive a living from the catching of salmon on the river known as the Penobscot River which divides Hancock and Waldo counties, for some reason there has been a change of feeling in the sponsor of the bill, and rather than to complicate the matter and have an extended debate as to whether or not the privilege of withdrawing the bill should be extended, I am this afternoon introducing under my own name the same bill, the purpose being to afford to these commercial fishermen a right to be heard. Regardless of whether or not the Committee may agree with them, I feel that these men who derive a livelihood and most of their existence in this humble and worthy occupation should be given an opportunity to be heard and I want to state definitely here that none of the former playboy friends of our former governor will come down to Augusta and tell me to withdraw this bill.

The merits of the bill have been

discussed by Representative Emery of Bucksport in the Lewiston Evening Journal of Sunday, January 20th, 1937 on Page 5; and I move you, sir, that we concur with the House in permitting the withdrawal of the bill.

The PRESIDENT: The Senator from Waldo, Senator Fernald moves that the Senate recede and concur with the House in permitting this bill to be withdrawn. Is the Senate ready for the question?

Thereupon, the Senate voted to recede and concur with the House in granting permission for the bill to be withdrawn.

On motion by Mr. Worthen of Penobscot the Senate voted to take from the table Resolve Limiting Weir Fishing of Salmon in the Penobscot River (L. D. 417) tabled by that Senator earlier in today's session pending reference.

Mr. WORTHEN of Penobscot: Mr. President, I now move that this Resolve be referred to the Committee on Sea and Shore Fisheries and the Committee on Inland Fisheries and Game jointly in non-concurrence.

Thereupon, on motion by Mr. Fernald of Waldo, the bill was laid upon the table pending the motion to refer to the Committee on Sea and Shore Fisheries and the Committee on Inland Fisheries and Game jointly in non-concurrence.

(Emergency Measure) (Out of Order)

"An Act to Amend Section 1 of An Initiated Act Approved by the People at the General Election Held September 14, 1936, Relating to the General Highway Fund, and to Authorize Certain Temporary Use of Said Fund" (H. P. 378) (L. D. 103)

Which bill, being an emergency measure and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Blanchard of Franklin

Adjourned until next Tuesday afternoon, February 16th, at four o'clock.