

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

SENATE

Tuesday, March 23, 1937.

Senate called to order by the President.

Prayer by the Reverend O. G. Barnard of Gardiner.

Journal of Friday, March 19th, 1937, read and approved.

From the House:

Bill "An Act Relating to Finger Prints and Photographs of Persons Suspected of Crime." (S. P. 398) (L. D. 762)

(In the Senate on March 17th, passed to be engrossed.)

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

In the Senate, the rules were suspended and that body voted to reconsider its former action where-by the bill was passed to be engrossed; House Amendment "A" was read and adopted in concurrence, and the bill, as amended by House Amendment "A", was passed to be engrossed in concurrence.

From the House:

Bill "An Act to Incorporate the Southwest Harbor School District." (H. P. 1741)

In House, received by unanimous consent, out of order and under suspension of the rules, and referred to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Fernald of Waldo, tabled pending the granting of unanimous consent for the introduction of the bill.

Papers from the House disposed of in concurrence.

House Bills in First Reading

"An Act Relating to Fishing for Gain or Hire" (H. P. 1449) (L. D. 637), in new draft (H. P. 1727) (L. D. 839).

(On motion by Miss Laughlin of Cumberland, tabled pending acceptance of the report in concurrence.)

"An Act Designating a Certain Road as 'Pine Tree Trail'" (H. P. 889) (L. D. 273), in new draft (H. P. 1728) (L. D. 840)

"An Act Relating to the Incorporation of Cemeteries and the Operation of Burying Grounds, Burial Structures and the Disposal of

Dead Human Bodies" (H. P. 41) (L. D. 27), in new draft (H. P. 1729) (L. D. 841).

(On motion by Mr. Ashby of Aroostook, tabled pending acceptance of the report in concurrence.)

"An Act Relating to Delivery of Malt Beverages" (H. P. 1599) (L. D. 661).

"An Act relative to the Peddling of Malt Liquors" (H. P. 1596) (L. D. 658).

(Or motion by Mr. Marden of Kennebec, tabled pending acceptance of the report in concurrence.)

First Reading of Printed Bills

Bill "An Act to Extend the Charter of the Vanceboro Water Company." (S. P. 251) (L. D. 846)

Which bill was read once and tomorrow assigned for second reading.

Reports of Committees

Mr. Osgood from the Committee on Agriculture on bill "An Act Relating to Production and Sale of Milk," (S. P. 385) (L. D. 739) reported that the same ought to pass.

Mr. Beckett from the Committee on Banks and Banking on bill "An Act Regulating Pledge of Assets by Trust Companies," (S. P. 307) (L. D. 514) reported that the same ought to pass.

The same Senator from the same Committee on bill "An Act Relating to Loan and Building Associations," (S. P. 272) (L. D. 779) reported that the same ought to pass.

Mr. Burkett from the Committee on Pensions on bill "An Act Relating to Pension for State Employees," (S. P. 133) (L. D. 169) reported that the same ought to pass.

Mr. Graves from the Committee on Public Utilities on bill "An Act Relating to the Water Supply of Boothbay Harbor," (S. P. 207) (L. D. 293) reported that the same ought to pass.

Mr. Spear from the Committee on Salaries and Fees on bill "An Act Relating to Salary for Clerks in the Office of Register of Deeds, in Kennebec County," (S. P. 365) (L. D. 622) reported that the same ought to pass.

Which reports were read and accepted, the bills read once and tomorrow assigned for second reading.

Mr. Fernald from the Committee on Judiciary on bill "An Act Re-

lating to Uniforms for Deputy Sheriffs." (S. P. 239) (L. D. 384) reported the same in a new draft (S. P. 454) under the same title, and that it ought to pass.

Mr. Burkett from the Committee on Pensions on bill "An Act Relative to Pensions for Members of the Police Force in the Town of Houlton," (S. P. 205) (L. D. 402) reported the same in a new draft (S. P. 455) under the same title, and that it ought to pass.

Mr. Willey from the Committee on Public Utilities on "Resolve Relating to an Investigation of the Pollution of Rivers in the State," (S. P. 175) (L. D. 444) reported the same in a new draft (S. P. 456) under the same title, and that it ought to pass.

(On motion by Mr. Sewall of Sagadahoc, tabled pending acceptance of the report.)

Mr. Spear from the Committee on Salaries and Fees on bill "An Act Relating to Terms and Salaries of City of Lewiston Officials," (S. P. 257) (L. D. 443) reported the same in a new draft (S. P. 457) under the same title, and that it ought to pass.

Which reports were read and accepted, and the bills and resolve laid upon the table for printing under the joint rules.

Mr. Fernald from the Committee on Judiciary on (I. B. 1) together with accompanying petitions and Opinion of the Attorney General thereto, reported that no Initiated Bill which Conforms to Constitutional and Statutory Requirements is before the Legislature and no Action in Reference to the Purported Initiated Bill No. 1, can Be Lawfully Taken by this Legislature. Which report was read and accepted.

Sent down for concurrence.

Passed to be Engrossed

Bill "An Act Relating to Wild Animals in Captivity." (H. P. 1448) (L. D. 636)

Bill "An Act Relative to Importation of Wild Birds or Animals." (H. P. 1452) (L. D. 521)

Bill "An Act Relating to the Horning of Deer." (H. P. 1494) (L. D. 549)

Bill "An Act to Provide for Aid to Dependent Children." (H. P. 1656) (L. D. 794)

Which bills were read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to Vital Statistics." (S. P. 189) (L. D. 288)

Bill "An Act Confirming the Action of the Town of Cranberry Isles in Taking Over a Certain Wharf and Authorizing the Raising and Expending of Moneys for Maintenance of Same." (S. P. 247) (L. D. 383)

Bill "An Act to Extend the Charter of the Patten Water Power Company." (S. P. 252) (L. D. 394)

Which bills were read a second time and passed to be engrossed.

Sent down for concurrence.

Passed to be Enacted

Bill "An Act Relating to Motor Vehicle Road and Tourist Service." (S. P. 202) (L. D. 292)

Bill "An Act Relating to Closed Time on Deer in York County." (H. P. 608) (L. D. 199)

Bill "An Act Defining Membership in Mutual Fire Insurance Companies." (H. P. 624) (L. D. 181)

Bill "An Act Relating to Delinquency in Payment of Insurance Assessments." (H. P. 625) (L. D. 180)

Bill "An Act Relating to Fly-fishing." (H. P. 856) (L. D. 264)

Bill "An Act to Provide for Issuing Duplicate Hunting and Fishing Licenses." (H. P. 1706)

Finally Passed

"Resolve Limiting Weir Fishing for Salmon in Penobscot River." (H. P. 1708) (L. D. 833)

Orders of the Day

Order

(Out of Order)

On motion by Miss Martin of Penobscot, it was

Ordered, that the use of the Senate Chamber be granted to the Committee on Legal Affairs Thursday afternoon, March 25th, at two o'clock.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, An Act Amending the Borrowing Provisions of the Charter of the City of Bangor (S. P. 113) (L. D. 125), tabled by that Senator on February 17th pending passage to be enacted.

MISS MARTIN: Mr. President, I now move this matter be indefinitely postponed and in explanation and in apology, I would say that

this was a bill presented to me by the city solicitor and the impression conveyed to me was that it was one endorsed by the city council, but last night the city council took action against this particular measure, and I would therefore now move its indefinite postponement.

The motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Owen of Kennebec, the Senate voted to take from the table, 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. 192) (L. D. 451), tabled by that Senator on March 16th pending second reading.

Mr. OWEN: Mr. President, I move this bill be given its second reading, and I ask for a division.

Miss MARTIN of Penobscot: Mr. President, I wish to offer an amendment. Shall I wait until after the second reading, or previous to it?

The PRESIDENT: The Chair will state that the amendment may be offered at either time.

Thereupon, Miss Martin offered Senate Amendment "A" and moved its adoption.

"Senate Amendment 'A' to Legislative Document 451. Amend said bill by striking out in the fourth line of Section 5 thereof, the word 'cosmetology' and inserting in place thereof the words 'barbers and hair dressers'."

The PRESIDENT: The pending question is upon the adoption of Senate Amendment "A".

A division of the Senate was had.

Twenty-two having voted in the affirmative and six opposed, Senate Amendment "A" was adopted.

Mr. TOMPKINS of Aroostook: Mr. President, would it be in order at this time to speak for the indefinite postponement of the bill and amendment?

The PRESIDENT: The Senator is in order to make a motion at this time for the indefinite postponement of the bill and the amendment.

Mr. TOMPKINS: Mr. President, if I were a city barber I perhaps would vote for this bill. I feel that the passage of this bill would drive a great many of the small town barbers out of business. It has

been stated and it probably will be again that this is a sanitary measure. I will agree that there are a lot of tonsorial parlors that are not, perhaps, immaculate, but I do not believe it is necessary to pass this bill off on the state in order to get rid of that condition. Why pick on the barbers in that respect? We might look into some others—the offices of medical doctors or dentists, or meat shops and certain other establishments throughout the state. Now the passage of this bill would set up another board or another commission. I know that it has been said, and probably will be argued, that this board will pay for itself but you all know how those things pan out. There are actually hundreds of small town barbers who have families and who are keeping those families under the present arrangement, but I am certain that if this bill is written into the law, several of those fellows will have to go out of business and, no doubt, many of them will become town paupers, and I feel that under this bill, if it is passed, city barbers and large town barbers would certainly organize and up would go the price.

Under this bill, I am quite certain that some representative from the board or commission, whichever you might call it, would visit the various towns and would insist that the present equipment used by the small town barbers be thrown out and they would insist that new equipment be bought and that the smaller town barbers could not come up to the standard required by this bill.

This bill requires that a fee of \$5.00 be paid each year by every barber. Now that may seem to be a small and insignificant sum in the larger towns and in the cities, but I want you to know that \$5.00 means a lot to these small town barbers. Mr. President, I move for the indefinite postponement of this bill and amendment, and I ask for a division.

Miss MARTIN: Mr. President, since this is one of our committee bills, I feel I should support the committee's action in voting unanimously in favor of this measure. It is not an entirely new board, but an enlargement of the present board of hairdressing and beauty culture, and contrary to the fears of the Senator from Aroostook,

Senator Tompkins and some others, when the hairdressing and beauty culture board was set up and requirements were met by the various beauty parlors in the state, it didn't mean any increase in price of hairdressing for the women, and so I do not think that fear is well founded as practice has proved it hasn't in that case, and this is a similar case, so I cannot see that your hair cuts and shaves would be increased in price. Personally, if I were a man and had the difficulty that some of you people apparently have with your hair, I would want to be sure that an infection that was making another man's hair fall out was not going to be brought to my hair. I do think that this is a health measure and certainly it is no more expensive for the barber in the small town to keep his shop clean than it is for the barber in the city. I do not believe that five dollars would drive any one out of business—but if it did drive any one out, it would be someone who was so unsanitary no one would want to go into the shop. It is certainly a health measure and I hope the motion of the Senator from Aroostook, Senator Tompkins, will not prevail.

Mr. GOUDY of Cumberland: Mr. President and members of the Senate. I, too, am a member of the Legal Affairs Committee which voted for the passage of this bill and we were very fortunate at the hearing in having both sides voice their approvals and objections. After due deliberation and after hearing the matter gone over thoroughly, the Legal Affairs Committee decided that the bill should have passage. Now, the legislatures have gone a long way in the last few years to promote sanitary conditions in the different trades and professions and it seems to me that the barbers' profession is one that should have some regulations and rules placed upon it for the protection of the public. We all realize that the legislatures, in the passage of the measures which they have passed during the last few years, have made it their goal to see to it that the public was protected by adopting sanitary measures.

The barbers' bill has been before the legislature on several occasions and they feel, and I believe the rank and file of the public feel that the barbers should be placed under

regulations. It would tend to have more sanitary conditions, more equipment with which to work, and better men plying the trade, so that in the end the public would be the benefactors; and after due deliberation and after hearing from some well known authorities on the subject, we voted unanimously that the bill should be passed, and we feel it is good legislation and would tend to promote sanitary conditions in the business.

Mr. OWEN: Mr. President, I do not wish to prolong the discussion, but there are one or two small points I would like to bring to your attention that I think have not been mentioned. In the first place, although the original fee for registration is \$5.00, the annual fee is only \$3.00. I think we all believe microbes and bacteria will grow just as fast in the country as in the city, and it seems to be the question of whether it is beneficial to the small town or not. A good many of our barber shops are located in small towns which are visited in the summer by out-of-state visitors. It is my belief if the barber shops in those summer resorts show a certificate of approval or registration by the department of health, or by this board of barbers or beauty culturists, the summer visitors would be much more likely to patronize them than they would to go away into the city or some place distant, as they would with conditions as they are at present.

Mr. MARDEN of Kennebec: Mr. President, speaking against the motion for indefinite postponement, and desiring to point out only one or two points not already touched upon, it was interesting to note that before the committee there was a generous representation of those interested in the practice of hairdressing and beauty culture, which profession is already operating under the existing board. That group were very strongly in favor of the extension of that board to include barbering, expressing very strongly the idea that they, in that profession, would not care to return to the old system, and as has been pointed out by the Senator from Penobscot, Senator Martin, we would invite the members of this body to note that under Section 5 of this bill, two persons representing the barber profession are added to the already existing board,

so that the matter of inspection would be accomplished by practically the same group as is now operating. Many shops in the cities have both hairdressing and beauty culture establishments in connection with barber shops so that it is only sensible that the same inspector visiting one can inspect the other at the same time. Recognizing the general feeling against further commissions, the committee felt that that particular point was amply covered and well cared for.

Miss LAUGHLIN of Cumberland: Mr. President, I want to add a word or two in support of this bill. When it was first introduced in the legislature some eight years ago, I went into it quite fully at the time and was convinced it was a very desirable measure as a health measure. I think there has been some opposition that it was a bill to limit the practice of barbering. It seemed to me it was pre-eminently a health measure and I remember at the time, going into the matter and getting figures and finding that barber shops were not regulated and were the source of disease and should be protected, and that would be one basis on which I would defend it as a health measure. I don't need to call the attention of Senator Tompkins, as of course he knows it, but there is a section which does permit anyone who has been practicing barbering two years previous to January 1st, 1933 still to continue; so it does not wipe out any barber shops, but does give time enough to put the shops in order and make them sanitary and see that persons they employ are also not diseased. I hope this bill will pass at this session.

Mr. WILLEY of Cumberland: Mr. President, I hope the members of this legislature will realize and appreciate the significance of this bill. It is not a bill to regulate barbering. It is a sanitary measure. Just last week I happened to have a cold-sore on my lip, commonly called a fever blister, and I went into a barber shop and had a shave, and before I knew it the barber had cut my lip a little bit where that fever blister was and if I hadn't stopped him when he reached for one of those pencils to stop bleeding he would have inserted that pencil into that open wound.

Now, there is a practice that is

prevalent in some barber shops of using such pencils and yet we have all over this country today a program to educate people in connection with cancers. This barber could have communicated to me, thoughtlessly and unintentionally, a skin cancer by that little act. Now, the least this legislature can do is to regulate that condition. I know that in the House last year a member of the House got a treacherous skin infection in a barber shop and he was several weeks ridding himself of it.

All we ask is that our children and our families who go to these barber shops be protected in that sanitary methods be adopted and this measure in setting up the machine provides for its carrying its own expenses and will in addition to that return several hundred dollars into the state treasury.

I want to endorse this measure most heartily. I hope that the bill and the amendment will both be adopted. I might add that I have talked with Dr. Campbell who is the head of our health department and with Dr. Adam P. Leighton who stands at the head of our physicians and surgeons in the state of Maine and they all urge the passage of this bill. Thank you.

Mr. SPEAR of Cumberland: Mr. President, this bill was introduced by myself at the suggestion of some of the leading barbers in Maine who want to elevate their profession and the issue provided for in this measure is dirty barber shops. They would like to make them cleaner, more sanitary and, as the previous speaker has said, I have talked with Dr. Campbell and with some other doctors about it and they think it would be an excellent thing.

I hope that the motion of the Senator from Kennebec, Senator Owen, that this bill be given its second reading will prevail and that the motion of the Senator from Aroostook, Senator Tompkins, for indefinite postponement will not prevail.

The PRESIDENT: The pending question is on the motion of the Senator from Aroostook, Senator Tompkins, that the bill as amended by Senate Amendment "A" be indefinitely postponed, and that Senator has asked for a division.

A division of the Senate was had. Six having voted in the affirmative, and twenty opposed, the mo-

tion to indefinitely postpone the bill as amended did not prevail.

The PRESIDENT: The question before the Senate is now on the motion of the Senator from Kennebec, Senator Owen, that the bill be given its second reading. Is the Senate ready for the question?

Thereupon, the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A".

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table Resolve Granting Authority to the Forestry Department to Sell Certain Land (H. P. 310) (L. D. 98), tabled by that Senator on March 16th pending final passage; and on further motion by the same Senator the resolve was finally passed.

On motion by Mr. Willey of Cumberland, the Senate voted to take from the table Resolve Authorizing the Forest Commissioner to Convey Certain Land (H. P. 897) (L. D. 276), tabled by that Senator on March 16th pending final passage; and on further motion by the same

Senator the resolve was finally passed.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table An Act Relating to Clerk Hire in the Office of Register of Deeds in the County of York (H. P. 1658) (L. D. 792), tabled by that Senator on March 12th pending motion to reconsider passage to be enacted; and that Senator yielded to the Senator from York, Senator Wentworth.

Mr. WENTWORTH of York: Mr. President, I trust that the motion to reconsider will not prevail.

The PRESIDENT: The question before the Senate is upon the reconsideration of the passage to be enacted of this bill. Is the Senate ready for the question?

A viva voce vote being had

The motion to reconsider did not prevail.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

On motion by Mr. Blanchard of Franklin

Adjourned until tomorrow morning at ten o'clock.