

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

Wednesday, March 24, 1937.

Senate called to order by the President.

Prayer by the Reverend William R. Wood of Augusta.

Journal of yesterday, read and approved.

The **PRESIDENT**: The Chair recognizes among the visitors in the Senate Chamber this morning a distinguished son of an old and distinguished Maine family, former Representative Henry G. Vaughan of South Berwick, a member of the 87th legislature and now the President of the Masters of Foxhounds Association of America; and the Chair instructs the Sergeant at Arms to escort the Honorable Henry G. Vaughan to a seat at his right.

Thereupon, the Sergeant at Arms escorted the Honorable Henry G. Vaughan of South Berwick to a seat at the right of the President amidst the applause of the Senate, the members rising.

Papers from the House disposed of in concurrence.

House Bills in First Reading

"An Act Relative to Game Preserve in Androscoggin County," (H. P. 607) (L. D. 198).

"An Act Establishing the York Game Sanctuary in the Plantation of Dallas in the County of Franklin," (H. P. 606) (L. D. 197).

"An Act Relating to North Yarmouth Academy," (H. P. 682) (L. D. 224).

"An Act to Extend the Charter of the Bluehill Water Company," (H. P. 1672) (L. D. 804).

"An Act Validating Certain Acts of the Assessor of the Plantation of Caswell," (H. P. 1670) (L. D. 802).

"An Act Relating to Punishment for Certain Offenses," (H. P. 1436) (L. D. 555).

"An Act Relating to Removal of Obstructions at Grade Crossings by Municipal Officers or County Commissioners," (H. P. 1115) (L. D. 324).

"An Act Relating to the Old Town Water District," (H. P. 1114) (L. D. 323).

"An Act Relating to the Sullivan Water District," (H. P. 630) (L. D. 206).

Communication

STATE OF MAINE
House of Representatives
Augusta

Office of Clerk

March 23, 1937.

Hon. Royden V. Brown,
Secretary of the Senate,
State House,
Augusta, Maine

Sir:

In accordance with provisions of the Joint Rules, I beg leave to inform you that the Speaker of the House has appointed the following members of the House on the Recess Committee created by Senate Paper No. 439 Relative to Blood Tests being made on Persons Driving Motor Vehicles while intoxicated, or Under the Influence of Liquors or Drugs:

Mr. Higgins of Ellsworth, Mr. Douglass of Gorham, Mr. Fellows of Augusta, Mr. Snow of Dover-Foxcroft, Mr. Colby of South Paris.

Respectfully yours,

HARVEY R. PEASE,
Clerk of the House.

Which communication was read and accepted and ordered placed on file.

The **PRESIDENT**: The Senate will take a short recess at this time for the purpose of having a group picture taken of the Senators as they are seated.

After Recess

The Senate was called to order by the President.

The following petition was received and on recommendation by the Committee on Reference of Bills, was referred to the following committee:

Military Affairs

Mr. Hussey of Kennebec presented "Petition of Elwood A. Stevens and 48 others of Dexter in Favor of H. P. 627 bill "An Act in Favor of State Armories". (S. P. 458)

Sent down for concurrence.

Reports of Committees

Miss Martin from the Committee on Legal Affairs on bill "An Act Relating to the Police Department of the City of Lewiston," (S. P. 397) (L. D. 735) reported that the same ought not to pass.

(On motion by Mr. Walsh of Androscoggin, tabled pending acceptance of the report.)

The same Senator from the same Committee on bill "An Act Authorizing Certain Cities to Enact Ordinances Respecting Parking Meters," (S. P. 424) (L. D. 816) reported that the same ought not to pass.

(On motion by Mr. Willey of Cumberland, tabled pending acceptance of the report.)

Mr. Goudy from the same Committee on bill "An Act Relating to Operation of Pari-Mutuel Pools," (S. P. 423) (L. D. 817) reported that the same ought not to pass.

Which reports were read and accepted.

Sent down for concurrence.

Mr. Spear from the Committee on Mercantile Affairs and Insurance on bill "An Act Relating to Group Insurance," (S. P. 286) (L. D. 503) reported the same in a new draft (S. P. 459) under the same title, and that it ought to pass.

Which report was read and accepted, and the bill laid upon the table for printing under the joint rules.

Mr. Osgood from the same Committee on bill "An Act Relating to Fraternal Beneficiary Societies," (S. P. 111) (L. D. 123) reported that the same ought to pass.

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

Passed to be Engrossed

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

Bill "An Act Designating a Certain Road as 'Pine Tree Trail.'" (H. P. 1728) (L. D. 840)

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

Bill "An Act Relating to Pension for State Employees." (S. P. 133) (L. D. 169)

Bill "An Act Relating to the Water Supply of Boothbay Harbor." (S. P. 207) (L. D. 295)

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

Bill "An Act Relating to Loan and Building Associations." (S. P. 272) (L. D. 779)

Bill "An Act Regulating Pledge of Assets by Trust Companies." (S. P. 307) (L. D. 514)

Bill "An Act Relating to Salary for Clerks in the Office of Register

of Deeds in Kennebec County." (S. P. 365) (L. D. 622)

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

Sent down for concurrence.

Bill "An Act Relating to Production and Sale of Milk." (S. P. 385) (L. D. 739)

Mr. WILLEY of Cumberland: Mr. President, I move that bill "An Act Relating to Production and Sale of Milk" (S. P. 385) (L. D. 739) be laid upon the table for the purpose solely of correcting typographical errors.

Thereupon, the bill was laid upon the table pending second reading.

Passed to be Enacted

Bill "An Act for the Protection of Rhododendron Maximum Linnaeus and Kalmia Latifolia Linnaeus." (S. P. 305) (L. D. 516)

Bill "An Act Extending the Standish Game Preserve." (S. P. 435) (L. D. 830)

Bill "An Act Relating to Hunting and Trapping." (H. P. 188) (L. D. 60)

Bill "An Act Relative to Possession of Firearms or Fishing Tackle." (H. P. 447) (L. D. 151)

Bill "An Act Relating to Equity Powers." (H. P. 617) (L. D. 183)

Bill "An Act Relative to Trust Estates." (H. P. 1048) (L. D. 335)

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

Bill "An Act to Require the Use of Safety Glass on Motor Vehicles." (H. P. 1095) (L. D. 375)

Bill "An Act to Define, Regulate, and License Real Estate Brokers and Real Estate Salesmen; to Create the Maine Real Estate Commission." (H. P. 1102) (L. D. 318)

Bill "An Act to Amend the City Charter of Brewer." (H. P. 1104) (L. D. 360)

Bill "An Act Relating to Civil Actions in Court." (H. P. 1287) (L. D. 458)

Bill "An Act Relating to the Registration of House Trailers and Camp Trailers." (H. P. 1439) (L. D. 633)

Bill "An Act Relating to the Termination of Organization of Towns or Plantations." (H. P. 1710) (L. D. 835)

Bill "An Act Providing for Assessment of Premium Notes and Insurance Contracts." (H. P. 1711) (L. D. 834)

Bill "An Act Granting Charles H. Scott the Right to Maintain a Ferry

across Eggemoggin Reach in Hancock County." (H. P. 1720) (L. D. 836)

(Emergency Measure)

Bill "An Act Relating to the Issue of Notes and Bonds of the South Portland Sewerage District." (S. P. 188) (L. D. 249)

Which bill being an emergency measure, and having received the affirmative vote of 31 members of the Senate and none opposed was passed to be enacted.

Orders of the Day

On motion by Mr. Ashby of Aroostook, the Senate voted to take from the table, House Report from the Committee on Judiciary "Ought Not to Pass" on Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election (H. P. 678) (L. D. 222) tabled by that Senator on March 11th pending acceptance of the report in concurrence.

Mr. ASHBY: Mr. President and members of the Senate. There seems to have been a wave of economy that has engulfed this Senate. As a matter of fact, Economy seems to have been adopted as a war cry of this honorable body. The Chairman of the Appropriations Committee (Senator Hussey) says "We must have economy." The Senator from York Mr. Wentworth says, "We all want economy". The press quotes the lady member from Cumberland (Senator Laughlin) as saying, "The legislature should try to effect every possible saving". The lady member from Penobscot, when it came to a matter of fountain pens, although I understand they were already purchased, said, "They shall not pass." The two gentlemen who have been known as the economy bloc—the "Hub of Hell" has assured a breathless world that the ruling passion in their young lives is economy.

But it seems strange in all this economy propaganda and while they have recommended cancelling the insurance on state property and eliminating the egg laying contest and things like that, they have neglected to mention the great, colossal waste of this state, namely the September election in presidential years.

Well, there may be some excuse for carrying insurance on state property. Egg-laying contests may be of some small benefit to the agri-

cultural interests, but this September election the State of Maine has no more use for than a hog has for side pockets. Why we are continuing it, I do not know. A couple of decades ago, a dozen or fifteen states had September elections. They have all fallen in line and have left the State of Maine standing like some doddering old man looking back into the past telling what good old days they were when he was a boy. This election costs the State of Maine somewhere between \$50,000 and \$60,000 every four years, and for what, I have not been able to ascertain. We used to say it was to perpetuate the slogan, "As Maine goes, so goes the nation", but now that it has dwindled down to "As Maine goes, so goes Vermont", I don't believe it is worth the price.

I move we substitute the resolve for the report, and, because the folks back in the dear old towns might want to know how their accredited representatives were voting down here in regard to the 1938 election, I move that when the vote is taken, it be taken by a yea and nay vote.

Mr. FERNALD of Waldo: Mr. President, before I vote with Senator Ashby, I want to correct the record slightly, at least in behalf of one member of the economy bloc. I believe the eleventh recommendation of the two members of the economy bloc was that the September election should be done away with. So that corrects that part of the record.

Now discussing the issue before us today, I would say the question of the September election is non-partisan. There is no particular politics in the thing, one way or another. As far back as 1909 the Republican governor recommended this same proposition. As Senator Ashby has said, there is only one state clinging to this fetish today.

Now, as I visualize the system of holding elections in Maine, at least an improvement over our present system would be to have our state convention in June because in my mud-ridden county there are a great many people back on the farm, back from the black-top-roads that are unable to go to the state convention in March. Now, if we should set it ahead for June there would be no excuse for any man or woman in Maine who was a duly accredited delegate to the convention,—there would be no reason for

their not getting there. Then in September we could have our primary election. We all agree, proponents and opponents of the bill, that September is a splendid time to vote. In fact, the opponents to the proposition argue that September is the best time in the year to hold our election.

Well, as a matter of fact, if we study the thing and look into our form of government, although a lot of us do not realize it, the primary election is the more important election of the two. It is more important that we get the vote out on primary election day and get a truly representative candidate on our ticket. But we all agree that when the final election comes, the cool autumn of November would be a splendid time to make our final decision and ordinarily in the past we know that as a general proposition more people vote in November than at any other time of year.

Now there is a final proposition put up before us. The matter requires a Constitutional amendment. The matter involves considerable expenditure on the part of the state, about \$8,000 or \$10,000 on the part of the state and the remainder is money that the local communities have to pay. Now, it would seem to me it would be a fair proposition, under our democratic form of government, to at least let the people vote on this, because after all, it is the people who pay the bills and I do not believe it is for us to decide. I think it is for the people to decide, and as representatives of the majority party I do not think we, for a moment, should say to the people of Maine, "We are not willing to leave the decision of economizing to the extent of \$40,000 or \$50,000 to you. We don't dare to let you vote on this thing." I think in fairness to the people, the people who pay the taxes, we should permit them to say "Yes" or "No"; and then, and only until they have spoken, have we a right to say "No".

The PRESIDENT: The pending question is on the motion of the Senator from Aroostook Senator Ashby, that the resolve be substituted for the report and that Senator has asked for a Yea and Nay vote. Before a Yea and Nay vote can be ordered under the Constitution it is necessary that one-fifth of the members present shall signify

their desire that the vote be taken by roll-call. Those in favor of the roll-call will rise and stand until counted.

A division of the Senate was had. A sufficient number having risen, the Yeas and Nays were ordered.

The Secretary called the roll.

YEA—Ashby, Corrigan, Fernald, Fortin, Goudy, Maffar, Marden, Sewall, Spear, Walsh, Willey—11.

NAY—Beckett, Blanchard, Burckett, Chase, Cook, Deering, Friend, Graves, Hussey, Kennedy, Laughlin, Lewis, Littlefield, MacKinney, Martin, Osgood, Owen, Potter, Tompkins, Wentworth, Worthen—21.

Eleven having voted in the affirmative and twenty-one opposed, the motion to substitute the resolve for the report did not prevail.

Thereupon, the report of the committee "Ought Not to Pass" was accepted in concurrence.

On motion by Mr. Ashby of Aroostook, the Senate voted to take from the table House Report from the Committee on Judiciary "Ought Not to Pass" on an Act Relating to Date of the General Election (H. P. 674) (L. D. 219) tabled by that Senator on March 11th pending acceptance of the report in concurrence.

Mr. ASHBY of Aroostook: Mr. President, out of respect for the feelings of our dear opponents I move that this "Ought Not to Pass" report be accepted in concurrence.

The motion prevailed.

Mr. MARDEN of Kennebec: Mr. President, referring to Item 5 on page 3 of the calendar, Legislative Document 123, with a view toward an opportunity to consult with certain interested parties I would move to reconsider the vote of this morning whereby the report of the committee "Ought to Pass" was accepted.

Thereupon, the Senate voted to reconsider its former action taken earlier in today's session whereby the report of the Committee on Mercantile Affairs and Insurance "Ought to Pass" on bill, An Act Relating to Fraternal Beneficiary Societies (S. P. 111) (L. D. 123) was accepted; and on further motion by the same Senator the bill and the report were laid upon the table pending acceptance of the report.

On motion by Mr. Ashby of Aroostook, the Senate voted to take from

the table House Report from the Committee on Public Health "Ought to Pass in New Draft" on bill, An Act Relating to the Incorporating of Cemeteries and the Operation of Burying Grounds, Burial Structures, and the Disposal of Dead Human Bodies (H. P. 41) (L. D. 27) tabled by that Senator on March 23rd pending acceptance of the report.

Mr. ASHBY of Aroostook: Mr. President, since my batting average doesn't seem to be so very good this morning I move the acceptance of this report also.

Thereupon, the report was accepted in concurrence and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table House Report from the Committee on Inland Fisheries and Game "Ought to Pass in New Draft" on bill An Act Relating to Hunting While Under the Influence of Intoxicating Liquor or Drugs (L.

D. 832) tabled by that Senator on March 16th pending acceptance of the report in concurrence; and on further motion by the same Senator the report was accepted in concurrence and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Miss Martin of Penobscot, the Senate voted to take from the table Resolve for the Purchase of "Maine Digest, Fact and Law" by Bartlett and Stern (S. P. 131) tabled by that Senator on March 19th pending acceptance of the report; and on further motion by the same Senator the bill was referred to the 89th Legislature.

Sent down for concurrence.

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

On motion by Mr. Cook of Somerset

Adjourned until tomorrow morning at ten o'clock.