

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

Monday, April 5, 1937.

Senate called to order by the President.

Prayer by the Reverend Herbert E. P. Pressey of Augusta.

Journal of Friday, April 2nd, read and approved.

From the House:

Bill, "An Act Relating to the Salary of the Judge and Recorder of Westbrook Municipal Court." (S. P. 464) (L. D. 879)

(In the Senate on March 30th, passed to be engrossed.)

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

In the Senate, under suspension of the rules, that Body voted to reconsider its former action taken on March 30th whereby 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:

House Bills and Resolves in First Reading

"An Act Relating to Open Season on Fur-bearing Animals," (H. P. 31) (L. D. 16) in new draft (H. P. 1765) (L. D. 894)

"Resolve Authorizing the Erection and Maintenance of a Dam Across the West Branch of Pleasant River" (H. P. 1509) (L. D. 652).

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

"Resolve for the Construction of Bunters Along Austin Stream" (H. P. 1629) (L. D. 773).

(On motion by Mr. Fernald of Waldo, tabled pending acceptance of the report.)

"An Act Relating to Outdoor Advertising" (H. P. 1616) (L. D. 743) in new draft (H. P. 1781) (L. D. 910).

"An Act Permitting Testamentary Trustees to Hold Securities Held by Testator at Time of His Death," (H. P. 1049) (L. D. 407) in new draft (H. P. 1782) (L. D. 909).

"An Act Correcting a Clerical Error in the Apportionment of

Representatives," (H. P. 1043) (L. D. 406) in new draft (H. P. 1780) (L. D. 904), under new title, "Resolve, Correcting a Clerical Error in the Apportionment of Representatives".

"An Act Relating to the Practice Before Probate Courts," (H. P. 1512) (L. D. 537) in new draft (H. P. 1783) (L. D. 908).

"An Act Permitting the County Commissioners of Androscoggin County to Issue Bonds for South Bridges," (H. P. 681) (L. D. 223) in new draft (H. P. 1784) (L. D. 907).

"An Act Granting Additional Power Rights and Privileges to Penobscot Chemical Fibre Company" (H. P. 1066) (L. D. 357).

"Resolve Relating to a Retirement Pension for Burleigh E. Bean of Waite" (H. P. 194) (L. D. 906).

"Resolve Providing for a State Pension for John Mains of York" (H. P. 306) (L. D. 903).

"Resolve to Repeal a Resolve for a State Pension for Beatrice E. Gilbert of Bar Harbor" (H. P. 1374) (L. D. 905).

"Resolve Relating to the Protection of Clams Within the Town of Freeport" (H. P. 1314) (L. D. 461).

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Hurricane Island" (H. P. 1125) (L. D. 372).

"Resolve Granting Authority to the Forestry Department to Sell Certain Land" (H. P. 1182) (L. D. 438).

"An Act Relating to Business Hours for State Stores," (H. P. 1601) (L. D. 663) in new draft (H. P. 1778) (L. D. 902).

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

From the House:

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Sale of State's Interest in Certain Lands," (H. P. 1625) reported that leave be granted to withdraw the same.

In the House, recommitted to the Committee on State Lands and Forest Preservation.

In the Senate, recommitted to the Committee on State Lands and Forest Preservation in concurrence.

Communication

State of Maine
House of Representatives
Augusta,

Office of Clerk
April 2, 1937.

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

Sir:—

Pursuant to the action of the House in asking for a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Validate the Acts of the County Commissioners of the County of Oxford," (H. P. 76) (L. D. 32), the Speaker has appointed the following conferees on the part of the House:

Messrs. Dorr of Mexico
Fadden of Hiram
McGlauffin of Portland.

Respectfully yours,

HARVEY R. PEASE,
Clerk of the House.

Which was read and ordered placed on file.

First Reading of Printed Bills

"Resolve Relative to Fur-bearing Animals on Plymouth Pond." (S. P. 227) (L. D. 942)

Bill "An Act to Incorporate the Calais Safety Deposit Company." (S. P. 486) (L. D. 937)

Bill "An Act Relative to Operation of Motor Vehicles for Transporting Property for Hire." (S. P. 487) (L. D. 940)

"Resolve in Favor of Augustus D. Phillips of Northeast Harbor." (S. P. 488) (L. D. 938)

"Resolve in Favor of E. O. Brown of Vassalboro." (S. P. 489) (L. D. 939)

Bill "An Act Relating to Enforcement of Divorce Decrees." (S. P. 490) (L. D. 941)

Which bills and resolves were severally read once, and tomorrow assigned for second reading.

Reports of Committees

Mr. Wentworth from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of the Good Samaritan Home Association of Bangor," (S. P. 126) reported that the same ought not to pass, as the subject matter is covered by other legislation.

The same Senator from the same Committee on "Resolve in Favor of the Bangor Anti-Tuberculosis Association," (S. P. 125) reported that the same ought not to pass, as the subject matter is covered by other legislation.

Mr. Chase from the same Committee on "Resolve Relating to Aid for Navigation in Lewy's Lake, etc., in Washington County," (S. P. 195) reported that the same ought not to pass, as the matter is taken care of in regular appropriation for Dept. of Public Utilities.

Miss Laughlin from the Committee on Judiciary on bill "An Act Relating to Civil Service Examination of Employees under the State Liquor Commission," (S. P. 266) (L. D. 449) reported that the same ought not to pass, as it is covered by other legislation.

Mr. Burkett from the Committee on Pensions on bill "An Act Relating to Old Age Pensions," (S. P. 34) reported that the same ought not to pass.

The same Senator from the same Committee on "Resolve Providing for a State Pension for Jesse Gilbert of Vassalboro," (S. P. 289) reported that the same ought not to pass.

The same Senator from the same Committee on bill "An Act Relating to Annual State Pension," (S. P. 360) (L. D. 616) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Graves from the Committee on Ways and Bridges on "Resolve in Favor of a Road in Oxford County," (S. P. 373) reported that the same ought not to pass.

(On motion by Mr. Graves of Hancock, the report and the resolve were laid upon the table pending acceptance of the report.

On motion by Miss Laughlin of Cumberland the Senate voted to reconsider its action taken earlier in today's session whereby the report of the Committee "Ought Not to Pass" on bill, "An Act Relating to Civil Service Examination of Employees Under the State Liquor Commission" (S. P. 266) (L. D. 449) was accepted in concurrence.

Miss LAUGHLIN of Cumberland: Mr. President, the report on this bill is "Ought Not to Pass" because it is covered by other legislation. That refers to the personnel bill which, of course, has not been passed, and in justice to the author

of this bill it seems to me that it should be laid upon the table until we have acted upon the personnel bill. I move that this bill be laid upon the table.

Thereupon the report and the bill were laid upon the table pending the acceptance of the report.

Mr. Osgood from the Committee on Agriculture on bill, "An Act Relating to Agricultural Societies" (S. P. 194) (L. D. 289) reported the same in a new draft (S. P. 493) under the same title and that it ought to pass.

(On motion by Mr. Friend of Somerset, the report and the bill were laid upon the table pending acceptance of the report.)

Mr. Hussey from the Committee on Appropriations and Financial Affairs, on bill "An Act Relating to Aid for Libraries, Expenses of State Historian, Compensation and Expenses of Geologist, Topographic Mapping, and Abolishment of Grade Crossings," (S. P. 162) (L. D. 244) reported the same in a new draft, (S. P. 494) under a new title, bill "An Act Relating to Aid to Libraries, Expenses of State Historian, Topographic Mapping, and Abolishment of Grade Crossings," and that it ought to pass.

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

Mr. Potter from the Committee on Indian Affairs on bill "An Act Relating to Indians" which was referred to the 88th Legislature by the 87th Legislature (S. P. 24) reported the same in a new draft (S. P. 495) under the same title, and that it ought to pass.

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

Mr. Graves from the Committee on Ways and Bridges on bill "An Act Relating to Highways," (S. P. 120) (L. D. 129) 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 to Repeal Acts Incorporating the Town of Freeman." (H. P. 473) (L. D. 137)

Bill "An Act Relating to the Char-

ter of Bridgton Center Village Corporation." (H. P. 475) (L. D. 138)

Bill "An Act to Provide for the Surrender by Mayfield Plantation of Its Organization." (H. P. 623) (L. D. 178)

Bill "An Act Relating to State Armories." (H. P. 627) (L. D. 203)

Bill "An Act to Incorporate the Lincoln Water District." (H. P. 1064) (L. D. 356)

Bill "An Act Relating to Special License for Operation of Motor Cycles." (H. P. 1419) (L. D. 571)

Bill "An Act to Provide for Child Welfare Services." (H. P. 1511) (L. D. 709)

Bill "An Act to Provide for Services for Crippled Children." (H. P. 1513) (L. D. 710)

Bill "An Act to Provide Maternal and Child Health Services." (H. P. 1514, (L. D. 711)

Bill "An Act Relating to Holders of Malt Liquor Manufacturing Licenses." (H. P. 1626) (L. D. 752)

Bill "An Act Relating to a State Geologist." (H. P. 1696) (L. D. 823)

(On motion by Mr. Willey of Cumberland, tabled pending passage to be engrossed in concurrence.)

"Resolve Closing the Fishway at Gardner's Lake." (H. P. 1740) (L. D. 845.)

Bill "An Act to Provide a Town Council and Manager Form of Government for the town of Fort Kent, in the County of Aroostook." (H. P. 1754) (L. D. 864)

Bill "An Act Relating to Northern Cumberland Municipal Court." (H. P. 1770) (L. D. 889)

"Resolve Relating to Smelt Fishing in Denny's River Medomak River, and Georges River." (H. P. 1772) (L. D. 896)

"Resolve Relating to Smelt Fishing in St. Croix River." (H. P. 1773) (L. D. 897)

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

Bill, "An Act Relating to Individual Liability of Stockholders" (S. P. 308) (L. D. 513)

The bill was given its second reading.

Thereupon, Mr. Blanchard of Franklin presented Senate Amendment "A" and moved its adoption:—

"Senate Amendment A to Senate Paper 308, Legislative Document 513, bill, 'An Act Relating to Individual Liability of Stockholder.' Amend said bill by adding after the word, 'newspaper' in the 18th line

thereof the words, "if any, otherwise in a weekly newspaper."

Senate Amendment "A" was adopted; and on further motion by the same Senator the bill as amended by Senate Amendment "A" was passed to be engrossed.

Sent down for concurrence.

Bill "An Act Relating to the Charter of the City of Waterville." (S. P. 478) (L. D. 912)

Bill "An Act Relating to Malt Liquors." (S. P. 479) (L. D. 900)

Bill "An Act Relating to Reports to Towns of Excise Tax Payments." (S. P. 480) (L. D. 901)

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

Sent down for concurrence.

Passed To Be Enacted

"An Act Relating to Foxes and Raccoons." (H. P. 1263) (L. D. 456)

"An Act Relating to Dogs Chasing Game or Killing or Attacking Domestic Animals." (H. P. 1739) (L. D. 844)

"An Act Relating to Deputy Clerk of Courts in Penobscot County." (H. P. 1745) (L. D. 858)

"An Act Providing for the Exemption from Taxation of Certain Farm Animals." (H. P. 1749) (L. D. 860)

"An Act Relating to the Brunswick Municipal Court." (H. P. 1751) (L. D. 862)

"An Act Relating to Permits for Moving Heavy Objects over Ways and Bridges." (H. P. 1755) (L. D. 865)

"An Act Relating to Operating Certain Vehicles on Roads and Bridges Without Special Permit." (H. P. 1756) (L. D. 866)

"An Act Relating to the Civil Jurisdiction of Municipal Courts." (H. P. 1757) (L. D. 867)

"An Act Relating to Pauper Settlements." (H. P. 1758) (L. D. 868)

"An Act Relating to Pauper Expense." (H. P. 1759) (L. D. 869)

Finally Passed

"Resolve Relating to an Official Song for the State of Maine." (H. P. 120) (L. D. 54)

"Resolve Relating to the Taking of Clams Within the Town of Pembroke." (H. P. 704) (L. D. 872)

"Resolve Relating to the Taking of Clams Within the Town of Robinston." (H. P. 706) (L. D. 873)

"Resolve Relating to the Taking of Clams within the Town of Dennysville." (H. P. 707) (L. D. 874)

"Resolve Relating to Atlantic Sal-

mon Fishing in Certain Waters." (H. P. 895) (L. D. 875)

"Resolve Relating to Digging Clams in Certain Waters." (H. P. 896) (L. D. 876)

"Resolve Relating to Taking of Clams in Milbridge." (H. P. 1121) (L. D. 877)

"Resolve Relating to the Taking of Clams Within the Town of Perry." (H. P. 1752) (L. D. 878)

Which bills were passed to be enacted and resolves finally passed, and having been signed by the President were by the Secretary presented to the Governor for his approval.

(Emergency Measure)

Bill "An Act to Incorporate the Town of Livermore School District." (H. P. 1687) (L. D. 821)

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

(Emergency Measure)

Bill "An Act Relating to the Board of Trustees of the Town of Hodgdon School District." (H. P. 1760) (L. D. 870)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate and none opposed was passed to be enacted.

Orders of the Day

On motion by Mr. Owen of Kennebec, the Senate voted to take from the table, House Report from the Committee on Public Health, "Ought to Pass in New Draft" (L. D. 842) on An Act Relating to Plumbing (H. P. 1309) (L. D. 483), tabled by that Senator on April 2nd, pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence, and the bill was given its first reading. House Amendment "A" was read and adopted in concurrence. House Amendment "B" was read and adopted in concurrence, and the bill as amended by House Amendments "A" and "B" was tomorrow morning assigned for second reading.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, House Report from the Committee on Interior Waters,

"Ought to Pass" on Resolve Authorizing the Erection and Maintenance of a Dam Across the West Branch of Pleasant River, (H. P. 1509) (L. D. 652), tabled by that Senator earlier in today's session, pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence, the resolve was given its first reading and tomorrow morning assigned for second reading.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table, bill, An Act Relating to the Support of Paupers, (S. P. 342) (L. D. 613), tabled by that Senator on April 2nd pending consideration; and on further motion by the same Senator, the bill was substituted for the report, in concurrence. House Amendment "A" was read.

Thereupon, on motion by Mr. Willey of Cumberland, the bill and amendment were laid upon the table pending adoption of House Amendment "A".

On motion by Miss Martin of Penobscot, the Senate voted to take from the table, House Report from the Committee on Legal Affairs, "Legislation Unnecessary. Subject matter sufficiently covered by joint order already passed on bill," on An Act Relating to Coordination of State Inspection Work (H. P. 1673) (L. D. 805), tabled by that Senator on April 1st, pending acceptance of the report, in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence.

On motion by Mr. Fernald of Waldo, the Senate voted to take from the table, House Report from the Committee on Interior Waters, "Ought to Pass" on Resolve for the Construction of Bunters Along Austin Stream (H. P. 1629) (L. D. 773), tabled by that Senator earlier in today's session pending acceptance of the report in concurrence.

Mr. FERNALD of Waldo: Mr. President. I move that the matter be indefinitely postponed and I would like to ask the members of the Senate, if we have five minutes here, to turn to Legislative Document No. 773 in their books, and read with me three or four lines. "Resolve, for the Construction of Bunters Along Austin Stream. Pro-

tecting property owners. Resolved: That there be, and hereby is, appropriated the sum of \$5,000, for the erection of bunters and otherwise protecting the property of owners of land bordering Austin stream in Bingham, along the southerly and easterly shores thereof, between the cement bridge on the Quebec highway and the Kennebec river; said sum to be taken from the general highway fund and expended for said purposes by the state highway commission."

Now, outside of the fact that this will save \$5,000, I think there is something else to be considered and something more vital and something more serious. I think you all recall of reading in the newspapers some week or two weeks ago where Maryland had been deprived of certain portions of her federal aid due to the fact that the legislature had diverted certain funds. Now, I believe this fund here is a direct diversion and a direct violation of our highway act, and that if we divert this \$5,000 we are going to lose some federal money in Washington if they become aware of it and raise the question. So I do not think we should put this legislature or this administration into the position of losing future federal money with the result that possibly we might have to have a special session of the legislature to remedy this, and a special session of the legislature would cost us \$10,000. Now, that is my position on the matter and I believe that it is sound. When the vote is taken, Mr. President, I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Fernald, that Resolve for the Construction of Bunters Along Austin Stream, be indefinitely postponed in non-concurrence, and that Senator has asked for a division.

A division of the Senate was had. Twenty-four having voted in the affirmative and none opposed, the resolve was indefinitely postponed in non-concurrence.

Sent down for concurrence.

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

On motion by Mr. Graves of Hancock

Adjourned until ten o'clock tomorrow morning.