

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

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### HOUSE

Wednesday, January 11, 1939.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Pressey of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Ordered, that the House concurring, that the Clerk of the House prepare each week for the use of the Legislature, a cumulative index of all bills and resolves introduced during the session showing precisely the important steps in the history of each and its final disposition or present status, and that 500 copies thereof be printed, and 1 copy thereof be placed on the desk of each member of the Legislature (S. P. 49)

Comes from the Senate, read and passed.

In the House, on motion by Mr. Varney of Berwick, tabled pending passage in concurrence.

From the Senate: Bill an act creating a Department of Taxation (S. P. 23)

Comes from the Senate, referred to the committees on Appropriations and Financial Affairs and Taxation jointly.

In the House, referred to the committees on Appropriations and Financial Affairs and Taxation jointly in concurrence, and on motion by Mr. Varney of Berwick, 500 copies ordered printed.

From the Senate: Bill an act relative to hunting and fishing licenses; revocation of (S. P. 25)

Comes from the Senate, referred to the committee on Inland Fisheries and Game.

In the House, referred to the committee on Inland Fisheries and Game in concurrence, and on motion by Mr. Varney of Berwick, 500 copies ordered printed.

From the Senate: Bill an act relating to exceptions of persons entitled to parole (S. P. 30)

Bill 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 (S. P. 31)

Come from the Senate, referred to the committee on Judiciary.

In the House, referred to the committee on Judiciary in concurrence, and on motion by Mr. Varney of Berwick, 500 copies of each ordered printed.

From the Senate: Bill an act to promote aviation in Maine (S. P. 36)

Comes from the Senate, referred to the committee on Motor Vehicles.

In the House, referred to the committee on Motor Vehicles in concurrence, and on motion by Mr. Varney of Berwick, 500 copies ordered printed.

From the Senate: Bill an act authorizing districts, cities, towns and plantations to establish, acquire, own and operate public utilities (S. P. 38)

Comes from the Senate, referred to the committee on Public Utilities.

In the House, referred to the committee on Public Utilities in concurrence, and on motion by Mr. Varney of Berwick, 500 copies ordered printed.

From the Senate: Bill an act relating to clerk hire in the office of Register of Deeds in the county of Lincoln (S. P. 39)

Comes from the Senate, referred to the committee on Salaries and Fees.

In the House, on motion by Mr. Stilphen of Dresden, tabled pending reference in concurrence.

From the Senate: Bill 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 (S. P. 40)

Comes from the Senate, referred to the committee on Taxation.

In the House, referred to the com-

mittee on Taxation in concurrence, and on motion by Mr. Varney of Berwick, 500 copies ordered printed.

The SPEAKER: The Chair has in its possession a communication from the head of a department received too late to be printed on the calendar. The Clerk will read the communication.

"State of Maine

Penobscot SS:

Indian Island, Old Town, Maine,  
December 22, 1938.

To Whom It May Concern:

This is to certify that at the general election of the Penobscot Tribe of Indians, held in accordance with Section 282, Chapter 1 of the Laws of Maine, 1933, on the first Tuesday of November, 1938, Leo Shay was duly elected as Representative to the State Legislature for the term of two years, beginning with the first Wednesday of January, 1939, and ending with the first Tuesday of November, 1940.

(Signed) FLAGG CUMMINGS,  
Indian Agent."

On motion by Mrs. Latno of Old Town, the communication was ordered placed on file.

The SPEAKER: The House welcomes the Representative from the Penobscot Tribe of Indians, Mr. Leo Shay. The Sergeant at Arms will conduct the gentleman to Seat No. 151.

Thereupon, the Sergeant at Arms conducted the member to that seat amid the applause of the House, the members rising.

Mr. SHAY: Mr. Speaker and members of the House: I thank you for your enthusiastic reception, and I am glad to join this Assembly. I represent a group of people, to be exact, 560, of State of Maine Indians, known as the Penobscots, and our affairs are just as major to us as the affairs of any member of this Assembly, and I would like to thank you again for the pleasure of allowing me to take the floor and speak.

The SPEAKER: The Chair hears the Representative from the Penobscot Tribe.

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

### Claims

Resolve in favor of the city of Augusta for the support of Martin L. Savage (H. P. 4) (Presented by Mr. Farrington of Augusta)

Resolve to reimburse the town of Charleston for the support of the children of Harvard J. Smith, State pauper (H. P. 5) (Presented by Mr. Howes of Charleston)

Sent up for concurrence.

### Education

An act authorizing Peabody Law School to confer degrees (H. P. 6) (Presented by Mr. Cowan of Portland)

(500 copies ordered printed)

Sent up for concurrence.

### Interior Waters

An act to permit the use of Great Ponds for certain purposes (H. P. 7) (Presented by Mr. Pike of Bridgton)

(Tabled by Mr. Pike of Bridgton, pending reference to a committee)

### Judiciary

An act relating to declarations in writs (H. P. 8) (Presented by Mr. Cowan of Portland)

(500 copies ordered printed)

An act relating to primary nominations (H. P. 9) (Presented by same gentleman)

(500 copies ordered printed)

Sent up for concurrence.

### Legal Affairs

An act to provide a town manager form of government for town of Houlton (H. P. 10) (Presented by Mr. McGillicuddy of Houlton)

(1,000 copies ordered printed)

An act to ratify and make valid the incorporation of the Maine State Advent Christian Conference (H. P. 11) (Presented by Mr. Farrington of Augusta)

(500 copies ordered printed)

Sent up for concurrence.

### Pensions

Resolve providing for a State pension for Blanche Donovan of Augusta (H. P. 12) (Presented by Mr. Fellows of Augusta)

Resolve providing for a State pension for Mary I. Smith of Augusta (H. P. 13) (Presented by same gentleman)

Resolve providing for a State pension for Maud Bolduc of Augusta (H. P. 14) (Presented by same gentleman)

Sent up for concurrence.

### Public Health

An act relating to distribution of patent medicines (H. P. 15) (Presented by Mr. Farrington of Augusta)

(500 copies ordered printed)

Sent up for concurrence.

### Salaries and Fees

An act to increase the salary of the Judge of the Farmington Municipal Court (H. P. 16) (Presented by Mr. Mills of Farmington)

(Tabled by Mr. Mills of Farmington, pending reference to a committee)

### Ways and Bridges

Resolve in favor of the city of Brewer (H. P. 17) (Presented by Mr. Churchill of Brewer)

Resolve in favor of the town of Corinth (H. P. 18) (Presented by Mr. Howes of Charleston)

Resolve in favor of the town of Bradford (H. P. 19) (Presented by same gentleman)

Resolve in favor of the town of Edinburg (H. P. 20) (Presented by same gentleman)

Resolve in favor of the town of Masardis (H. P. 21) (Presented by Mr. Thompson of Castle Hill)

Resolve in favor of Township 9, Range 5, in Arcostook County (H. P. 22) (Presented by same gentleman)

Resolve in favor of the town of Portage (H. P. 23) (Presented by same gentleman)

Sent up for concurrence.

### Orders

Mr. VARNEY of Berwick: Mr. Speaker, I present an order which has to do with the changing of the Rules of the House, and I therefore move that it be read and referred to the committee on Rules and Business of the House, and I hereby give notice that it will be acted upon at the next legislative day.

Ordered, that Section 26 of the Rules of the House be amended so that the sixth order of business shall read as follows:

"6th. First reading of bills and resolves that have been printed."

Thereupon, the order was referred to the committee on Rules and Business of the House.

Mr. Whitney of Bangor was granted unanimous consent to address the House.

Mr. WHITNEY: Mr. Speaker and members of the House: I have a bill which refers directly to the city of Bangor, and perhaps I can best explain it by reading part of the emergency preamble.

"Whereas the city of Bangor has undertaken the construction and equipment of two new junior high schools and a combined police station and a municipal garage, in conjunction with the Federal government under the provisions of the P. W. A. act; and

"Whereas contracts have already been entered into by the said city with certain individuals and firms for the construction of the foundations for the several buildings and for the erection of the combined police station and municipal garage with equipment, and the work has already begun; and

"Whereas the contracts for the erection of the junior high school buildings with equipment have not yet been given out, and therefore, the cost of same is undetermined; and

"Whereas under the terms of the charter of the city of Bangor a bond issue is authorized under certain conditions as therein specified; and

"Whereas until the entire cost of the construction is determined it is not possible to legally authorize a bond issue; and

"Whereas under the Federal regulations covering P. W. A. work, monthly payments for work done under the contracts already let, must be met by the fifteenth day of each month, for labor performed for the preceding month; and

"Whereas even after the balance of the contracts are let it will take a considerable time to prepare and complete a bond issue and in the meantime there are no municipal funds available to meet payrolls as provided in the agreement which the city has with the government agencies, and unless such payments can be met and paid according to agreement all work already started shall cease, and all contemplated work will be postponed, thus depriving a great many persons of employment and working untold hardships to those deprived of such employment and also their families . . ."

In other words, the city of Bangor has already started the con-

struction of two junior high schools and a combined police station and municipal garage. The cost of the same will be borne by bond issue, but the city cannot legally issue bonds in contemplation of payment until the total cost has been determined, which naturally we will not know until the work has finally been completed. Under the terms of the charter of the city of Bangor, the city is not entitled legally to issue notes in contemplation of a bond issue. The total amount in this enabling act is specified as not exceeding \$450,000, which, for your information, is well under the constitutional debt limit of the city of Bangor. This proposed bill is simply an enabling act, authorizing the city of Bangor to issue its notes in payment of the work and expense of the construction of these projects until such time as they are completed and the final cost determined, when they will issue a bond

issue to take up the notes and complete the payment of all expenses incurred therein.

Mr. Speaker, I now ask unanimous consent to introduce out of order and under suspension of the rules, this bill, which I now present.

The SPEAKER: The gentleman from Bangor, Mr. Whitney, asks unanimous consent of the House to introduce a bill out of order and under suspension of the Rules. Is there any objection? The Chair hears none, and the gentleman is given unanimous consent to introduce the bill.

On further motion by Mr. Whitney, the bill was given its two several readings, 500 copies ordered printed, and tomorrow assigned.

On motion by Mr. Stacy of Porter,

Adjourned until ten o'clock tomorrow morning.