

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Thursday, February 9, 1939.

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

Prayer by the Rev. Mr. Goss of Thorndike.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

**Senate Bill Tabled**

From the Senate: Resolve in favor of Robert W. Traip Academy (S. P. 295)

Comes from the Senate, referred to the Committee on Education.

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

**Senate Bills in First Reading**

Bill "An Act providing that the State 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) (L. D. 9)

Bill "An Act relating to Extradition" (S. P. 71) (L. D. 37)

Bill "An Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings" (S. P. 70) (L. D. 38)

Bill "An Act to Promote Aviation in Maine" (S. P. 36) (L. D. 8)

Bill "An Act providing for the Administration and Control of Baxter State Park and Repealing the Act Creating the Baxter State Park Commission" (S. P. 115) (L. D. 94)

Bill "An Act relating to Katahdin Park Game Preserve and Enlarging Same" (S. P. 116) (L. D. 95)

From the Senate: Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act to Establish the Van Buren Municipal Court" (S. P. 91) (L. D. 54)

Comes from the Senate, report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment A.

In the House: Report read and accepted in concurrence, and the bill received its two several readings.

Senate Amendment A read by the Clerk and adopted in concurrence, and the bill as amended was

assigned for third reading the next legislative day.

From the Senate: Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Cooperate with Other States Therein" (S. P. 92) (L. D. 56)

Comes from the Senate, report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment A2.

In the House: Report read and accepted in concurrence, and the bill received its two several readings.

Senate Amendment A2 read by the Clerk and adopted in concurrence, and the bill as amended was assigned for third reading the next legislative day.

From the Senate: Bill "An Act relating to Marking Certain Highways" (H. P. 933) (L. D. 366) which was referred to the Committee on Motor Vehicles in the House on February 2nd.

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

In the House, on motion by Mr. Stilphen of Dresden, it was voted that the House recede from its former action by which this bill was referred to the Committee on Motor Vehicles, and concur with the Senate in the reference of the bill to the Committee on Ways and Bridges.

**Messages from the Head of a Department**

The following Communication:

STATE OF MAINE  
DEPARTMENT OF FINANCE  
BUREAU OF ACCOUNTS AND CONTROL

Augusta, February 7, 1939

To the Honorable Members of the House of Representatives:

In accordance with House Order dated February 2, 1939, I am enclosing statement showing amount paid for use of privately owned cars and State owned cars in the various divisions of the Health and Welfare Department for the period July 1 to December 31, 1938.

Respectfully submitted,

(Signed) WILLIAM A. RUNNELLS  
State Controller.

Was read and ordered placed on file.

The following Communication:  
**STATE OF MAINE**  
**DEPARTMENT OF FINANCE**  
**BUREAU OF ACCOUNTS AND**  
**CONTROL**

Augusta, February 8, 1939.

To the Honorable Members of the House of Representatives:

In accordance with House Order dated February 9, 1939, I am enclosing statement showing total cost to the State for automobile mileage and automobile rental for each of the departments of State for calendar year 1938.

Respectfully submitted,

(Signed) **WILLIAM A. RUNNELLS**  
 State Controller.

Communication was read, and on motion by Mr. Varney of Berwick, the communication was ordered placed on file and 500 copies ordered printed.

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

**Agriculture**

Bill "An Act to Create a Horticultural Commission" (H. P. 1404) (Presented by Mrs. Robinson of South Portland)

(1000 copies ordered printed)

Bill "An Act for the Further Protection of Rhododendron Maximum Linnaeus and Kalmia Latifolia Linnaeus" (H. P. 1405) (Presented by Mr. Hinman of Skowhegan)

Mr. HINMAN of Skowhegan: Mr. Speaker and members of the Eighty-ninth Legislature: To those of us who were members of the Eighty-eighth Legislature, Item A-2, Bill "An Act for the Further Protection of Rhododendron Maximum Linnaeus and Kalmia Latifolia Linnaeus" is more or less a familiar subject. To those of you who are members of the Eighty-ninth Legislature for the first time, it may not have the serious purport that it has to us who are more familiar with it; and I am very much incensed, shocked and surprised that any person should take it upon himself, without my permission and consent or knowledge, to present any bill to this Legislature in my name. On

the other hand, as you all realize, we are entering a period of serious consideration for the remainder of this session, and unquestionably we are all bound to be charitable, and in that spirit I am inclined to accept the motive and intent of the person who has chosen to present this amendment in my name. Naturally I see it on the calendar and I am interested, I wonder who would do such a thing; and I find in the Clerk's office a signature that is far from being mine, although much better, and it doesn't tell me a thing. Therefore, the only thing I can do is draw my deductions from the type and character of the amendment. I am much in the dilemma of the man who, during what should have been a peaceful night's rest, dreamed that he was eating peppermint Life-savers, and when he woke up in the morning he found the buttons all gone from his pajamas. (Laughter)

But, in all seriousness, I can read between the lines some things that give me an idea as to who would do a thing of this kind; and the type and character of the legislation suggested is such that I am reminded of having heard a father and son discussing a matter of business. Of course fathers always feel that sons are not quite up to that standard in business that they really are. And the father, becoming displeased with his son's argument, said: "Son, you are half nuts." Now I can pick out the gentleman in the house who I would be sure was twice the age of that son. Now if he were twice the age of that son, I would naturally assume, from both that fact and the character of the bill, that he was one hundred percent nuts. (Laughter)

Now in all seriousness, and, if necessary, under suspension of the rules, perhaps we might draw one more conclusion. We have no bears in the house and we cannot associate them with nuts. We do know that certain parts of the Bird family—

The SPEAKER: The gentleman must not refer in a derogatory manner to any other member in this House.

Mr. HINMAN: I beg your pardon, Mr. Speaker.

So from all my conclusions I think I have drawn a sound and conclusive answer, and, under the

suspension of any rules that are necessary, I would move you, Sir, that the gentleman from Rockland (Mr. Bird) be appointed a committee of one, and that this bill be referred to him for consideration. (Laughter)

Mr. BIRD of Rockland: Mr. Speaker, I move the bill lie on the table.

The SPEAKER: The gentleman from Rockland, Mr. Bird, moves that the bill lie on the table pending reference to a committee. Is this the pleasure of the House?

Mr. MURCHIE of Calais: Mr. Speaker—

The SPEAKER: The motion to table is not debatable.

Thereupon, on motion by Mr. Bird of Rockland, the bill was tabled pending reference to a committee.

#### **Agriculture—Continued**

Bill "An Act to Provide Inspection of Corn for Canning" (H. P. 1406) (Presented by Mr. Mills of Farmington)

(500 copies ordered printed)

Sent up for concurrence.

#### **Banks and Banking**

Bill "An Act relative to Safe-keeping of Securities of Savings Banks" (H. P. 1407) (Presented by Mr. Paul of Portland)

(500 copies ordered printed)

Sent up for concurrence.

#### **Claims**

Resolve to Provide Payment of Expenses of Tonsil Operations for Children Living in Mount Chase Plantation (H. P. 1349) (Presented by Mr. Bates of Patten)

Resolve in favor of the Children's Hospital at Portland for Treatment of Maurice Cyr of Caribou (H. P. 1350) (Presented by Mr. Brown of Caribou)

Resolve to Reimburse the town of Hodgdon for Hospital Treatment for Mrs. LeRoy O. Wilcox (H. P. 1351) (Presented by Mr. Bubar of Weston)

Resolve to Reimburse the town of Weston for Support of Ruby T. Crone and Family, State Paupers (H. P. 1352) (Presented by same gentleman)

Resolve in favor of the Cary Memorial Hospital of Caribou (H. P. 1353) (Presented by Mr. Burgess of Limestone)

Resolve in favor of the Presque Isle General Hospital in Presque

Isle (H. P. 1354) (Presented by same gentleman)

Resolve in favor of the Fort Fairfield Drug Co. (H. P. 1355) (Presented by the same gentleman)

Resolve in favor of Fort Fairfield Clinic, Inc. (H. P. 1356) (Presented by same gentleman)

Resolve in favor of Dr. Lindley Dobson of Presque Isle (H. P. 1357) (Presented by same gentleman)

Resolve in favor of Dr. Gregory of Caribou (H. P. 1358) (Presented by same gentleman)

Resolve in favor of Dr. Blossom of Caribou (H. P. 1359) (Presented by same gentleman)

Resolve to Reimburse the city of Belfast for Support of Paupers (H. P. 1360) (Presented by Mr. Buzzell of Belfast)

Resolve to Reimburse the town of Camden for Support of Paupers (H. P. 1361) (Presented by Mr. Dwinall of Camden)

Resolve in favor of William H. McPherson (H. P. 1362) (Presented by Mr. Eddy of Bangor)

Resolve to Reimburse the town of Norridgewock for Support of Lester Brown, Jr., and Family (H. P. 1363) (Presented by Mr. Everett of Norridgewock)

Resolve to Reimburse the town of Swanville for Support of Libbeus and Lillian Ames' Children, of Swanville (H. P. 1364) (Presented by Mr. Farwell of Unity)

Resolve to Reimburse the town of Bridgewater for Support of LeRoy O. Wilcox and Family (H. P. 1365) (Presented by Mr. Good of Monticello)

Resolve to Reimburse the town of Bar Harbor for Support of Paupers (H. P. 1366) (Presented by Mr. Hodgkins of Bar Harbor)

Resolve to Reimburse the town of Benton for Support of Norman I. Burke, Son of Lester P. Burke (H. P. 1367) (Presented by Mr. Keene of Clinton)

Resolve to Reimburse the city of Old Town for Support of Mrs. Celia Holmes and Child, Having no Known Settlement in the State (H. P. 1368) (Presented by Mrs. Latno of Old Town)

Resolve in favor of the city of Eastport (H. P. 1369) (Presented by Mr. MacNichol of Eastport)

Resolve in favor of the Madigan Memorial Hospital of Houlton, for Treatment of Dependent Persons Living in Reed Plantation (H. P. 1370) (Presented by Mr. McGillicuddy of Houlton)

Resolve in favor of T. S. Dickison, M. D. of Houlton, for Treatment of Wellman Reed of Reed Plantation (H. P. 1371) (Presented by same gentleman)

Resolve in favor of J. A. Donovan, M. D. of Houlton, for Treatment of Dependent Persons Living in Reed Plantation (H. P. 1372) (Presented by same gentleman)

Resolve to Reimburse the city of Calais for Support of Clifford R. Craig, Having no Settlement in the State (H. P. 1373) (Presented by Mr. Murchie of Calais)

Resolve in favor of Leland Merchant of Eastbrook (H. P. 1374) (Presented by Mr. Noyes of Franklin)

Resolve in favor of M. W. Eldridge of Franklin (H. P. 1375) (Presented by same gentleman)

Resolve in favor of Harold J. Allen of Lubec (H. P. 1376) (Presented by Mr. Pike of Lubec)

Resolve in favor of C. E. Lamb of East Otisfield (H. P. 1377) (Presented by Mr. Robbins of Harrison)

Resolve to Reimburse the town of Bingham for Support of State Dependents (H. P. 1378) (Presented by Mr. Robinson of Bingham)

Resolve to Reimburse the town of Moscow for Support of Paupers (H. P. 1379) (Presented by same gentleman)

Resolve to Reimburse the town of Sangerville for Support of Paupers (H. P. 1380) (Presented by Mr. Snow of Dover-Foxcroft)

Resolve to Reimburse the town of New Limerick for Assistance to Andrew G. Martin and wife, State Paupers (H. P. 1381) (Presented by Mr. Walker of Littleton)

Resolve in favor of Jason R. Bennett of Locke's Mills (H. P. 1382) (Presented by Mr. Williams of Bethel)

Resolve in favor of the town of Kingfield (H. P. 1383) (Presented by Mr. Winter of Kingfield)

Resolve to Reimburse the town of Pittston for Support of Orrin Baker's Family (H. P. 1384) (Presented by Mr. Hussey of Winsor by request)

Sent up for concurrence.

### Counties

Bill "An Act Relating to the Compensation of the National Guard" (H. P. 1408) (Presented by Mr. Winslow of Auburn)

(500 copies ordered printed)

Sent up for concurrence.

### Education

Bill "An Act Relating to Payment to State of Teachers' Retirement Association Deductions" (H. P. 1409) (Presented by Mr. Gyger of Cumberland)

(500 copies ordered printed)

Resolve in favor of Robert W. Traip Academy (H. P. 1410) (Presented by Mr. Dow of Eliot)

Sent up for concurrence.

### Inland Fisheries and Game

Bill "An Act Establishing a Game Preserve and Sanctuary in Yarmouth in Cumberland County" (H. P. 1411) (Presented by Mr. McGlaulin of Portland)

(500 copies ordered printed)

Resolve Regulating Fishing in South Pond (H. P. 1457) (Presented by Mr. Richardson of Strong)

(500 copies ordered printed)

Resolve Regulating Fishing in Blue Mountain Pond in Avon (H. P. 1458) (Presented by same gentleman)

(500 copies ordered printed)

Resolve for Screening Outlet of Molasses Pond in Estabrook (H. P. 1412) (Presented by Mr. Noyes of Franklin)

Sent up for concurrence.

### Judiciary

Bill "An Act relating to the Conferred by Corporations of Voting and Other Rights upon the Holders of its Obligations" (H. P. 1413) (Presented by Mr. Bird of Rockland)

(500 copies ordered printed)

Bill "An Act relating to Remedying and Elimination of Dwellings Unfit for Human Habitation" (H. P. 1414) (Presented by Miss Clough of Bangor) (by request)

(500 copies ordered printed)

Bill "An Act relating to the Housing Authorities Law" (H. P. 1415) (Presented by same member) (by request)

(500 copies ordered printed)

Bill "An Act Creating a Lien Against Certain Insurance Proceeds in favor of Hospitals in the State of Maine" (H. P. 1416) (Presented by same member)

(500 copies ordered printed)

Bill "An Act Amending the Law against Burning Property of Another" (H. P. 1417) (Presented by Mr. Crockett of North Haven)

(500 copies ordered printed)

Bill "An Act Repealing the Law Relating to Jury Commissioners"

(H. P. 1418) (Presented by Mr. Douglass of Gorham)

(500 copies ordered printed)

Bill "An Act to provide for Compromises of Wills" (H. P. 1419) (Presented by Mr. Emery of Bucksport)

(500 copies ordered printed)

Bill "An Act relative to Duties of Selectmen" (H. P. 1420) (Presented by Mr. Jewett of Ripley)

(500 copies ordered printed)

Sent up for concurrence.

#### Bill Withdrawn

Bill "An Act relating to Probation in Criminal Cases" (H. P. 1421) (Presented by Mr. Marshall of Auburn)

Mr. MARSHALL of Auburn: Mr. Speaker, I now ask leave to withdraw this bill.

The SPEAKER: The gentleman from Auburn, Mr. Marshall asks leave to withdraw H. P. 1421, Bill "An Act relating to Probation in Criminal Cases."

Permission was granted.

#### Judiciary—Continued

Bill "An Act amending the Unemployment Compensation Law relating to Waiting Periods" (H. P. 1422) (Presented by Mr. Poulin of Waterville)

(500 copies ordered printed)

Bill "An Act relating to the Publication of Legal Notices, Legal Advertising and Other Matter Required by Law to be Published in a Newspaper" (H. P. 1423) (Presented by Mr. Whitney of Bangor)

(500 copies ordered printed)

Bill "An Act relating to Financial Responsibility" (H. P. 1424) (Presented by Mr. Williams of Bethel)

(500 copies ordered printed)

Resolve authorizing Charles A. Darrington to bring Suit at Law against the State of Maine (H. P. 1425) (Presented by Mr. Robinson of Peru by request)

(500 copies ordered printed)

Sent up for concurrence.

#### Labor

##### Bill Tabled

Bill "An Act for Minimum Wage for Women and Minors" (H. P. 1426) (Presented by Mr. Pike of Lubec)

(On motion by Miss Fowles of Whitefield, tabled pending reference, and 750 copies ordered printed)

#### Legal Affairs

Bill "An Act Authorizing Towns to Employ a Town Manager or to Form Unions for the Purpose" (H. P. 1427) (Presented by Mr. Thompson of Castle Hill)

(750 copies ordered printed)

Bill "An Act relative to Jail Auditors" (H. P. 1428) (Presented by Mr. Burbank of Chelsea)

(500 copies ordered printed)

Bill "An Act relative to Expenditure of Town Appropriations" (H. P. 1429) (Presented by Mr. Jewett of Ripley)

(500 copies ordered printed)

Sent up for concurrence.

#### Maine Publicity

Bill "An Act relating to Holidays" (H. P. 1430) (Presented by Mr. Dow of Kennebunkport)

(500 copies ordered printed)

Sent up for concurrence.

#### Mercantile Affairs and Insurance

Bill "An Act relating to Insurance Policy Forms and Endorsements" (H. P. 1431) (Presented by Mr. Crockett of North Haven)

(500 copies ordered printed)

Bill "An Act relating to Non-Profit Hospital Service Plans" (H. P. 1432) (Presented by Mr. Marshall of Auburn by request)

(500 copies ordered printed)

Bill "An Act to provide for the Organization of Nonprofit Hospital Service Corporations" (H. P. 1433) (Presented by Mr. Paul of Portland)

(500 copies ordered printed)

Bill "An Act amending the Acts relating to the Prevention of Fires" (H. P. 1434) (Presented by Mr. Winslow of Auburn)

(500 copies ordered printed)

Bill "An Act relative to the Powers of the Insurance Commissioner" (H. P. 1435) (Presented by same gentleman)

(500 copies ordered printed)

Bill "An Act making Certain Changes in the Insurance Law" (H. P. 1436) (Presented by same gentleman)

(500 copies ordered printed)

Bill "An Act providing for the Payment of a Filing Fee for Statements of Foreign Insurance Companies" (H. P. 1437) (Presented by Mr. Young of Old Orchard Beach)

(500 copies ordered printed)

Sent up for concurrence.

At this point the rules were suspended, and on motion by Mrs.

Latno of Old Town, the members were permitted to smoke.

### Motor Vehicles

Bill "An Act relating to the Inspection of Motor Vehicles" (H. P. 1438) (Presented by Mr. Emery of Bucksport)

(500 copies ordered printed)

Bill "An Act relating to the Licensing of Aircraft" (H. P. 1439) (Presented by Mr. Farrington of Augusta)

(500 copies ordered printed)

Bill "An Act relating to School Busses" (H. P. 1440) (Presented by Mr. Hall of Wilton)

(500 copies ordered printed)

Bill "An Act relating to Speed and Operation of Motor Vehicles" (H. P. 1441) (Presented by Mr. LaFleur of Portland)

(500 copies ordered printed)

Bill "An Act Exempting from the Payment of Excise Taxes Residents of States which Grant Reciprocal Privileges to Residents of this State" (H. P. 1442) (Presented by Mr. Paul of Portland)

(500 copies ordered printed)

Sent up for concurrence.

### Pensions

Bill "An Act relating to Support of Dependents of Soldiers, Sailors and Marines of the World War" (H. P. 1443) (Presented by Mr. Poulin of Rumford)

(500 copies ordered printed)

Bill "An Act amending the Old Age Assistance Law, relating to Additional Aid by Municipalities" (H. P. 1446) (Presented by Mr. Jewett of Ripley)

(500 copies ordered printed)

Bill "An Act amending the Old Age Assistance Law relating to Disqualification for Transferring Property" (H. P. 1447) (Presented by same gentleman)

(500 copies ordered printed)

Bill "An Act amending the Old Age Assistance Law relating to Payment to Guardians" (H. P. 1448) (Presented by same gentleman)

(500 copies ordered printed)

Bill "An Act amending the Old Age Assistance Law relating to Funeral Expense" (H. P. 1449) (Presented by same gentleman)

(500 copies ordered printed)

Resolve providing for a State Pension for Elizabeth McNaughton of Bangor (H. P. 1450) (Presented by Miss Clough of Bangor)

Resolve providing for a State Pension for Winn H. McIntire of Ply-

mouth (H. P. 1451) (Presented by Mr. Fernald of Levant)

Resolve providing for a State Pension for Peter R. Kimball of Bangor (H. P. 1452) (Presented by Mr. Whitney of Bangor)

Sent up for concurrence.

### Public Health

#### Bill Tabled

Bill "An Act relating to the Practice of Optometry" (H. P. 1465) (Presented by Mr. Emery of Bucksport)

(On motion by Mr. Emery of Bucksport, tabled pending reference, and 500 copies ordered printed)

### Public Utilities

Bill "An Act Repealing the Law requiring Public Utility Plates on Trailers and Semi-Trailers" (H. P. 1453) (Presented by Mr. Paul of Portland)

(500 copies ordered printed)

Sent up for concurrence.

### Salaries and Fees

Bill "An Act relating to the Sheriff of Lincoln County" (H. P. 1454) (Presented by Miss Fowles of Whitefield)

(500 copies ordered printed)

Bill "An Act relating to Salary of Clerk of the Northern Registry of Deeds in Aroostook County" (H. P. 1455) (Presented by Mr. Labbee of Fort Kent)

(500 copies ordered printed)

Sent up for concurrence.

### Sea and Shore Fisheries

Bill "An Act to Conserve the Supply of Herring on the Coast of Maine" (H. P. 1456) (Presented by Mr. Pike of Lubec)

(500 copies ordered printed)

Resolve relating to Taking of Clams in Machiasport (H. P. 1459) (Presented by Mr. Stevens of Jonesport)

(500 copies ordered printed)

Sent up for concurrence.

### State Lands and Forest Preservation

Resolve authorizing the Forest Commissioner to Convey Certain Land to Mrs. Grace Shannon Moore of Macwahoc (H. P. 1460) (Presented by Mr. Bowers of Sherman)

(500 copies ordered printed)

Resolve authorizing the Forest Commissioner to Sell Land on Muscongus Island (H. P. 1461) (Presented by Mr. Race of Boothbay)

(500 copies ordered printed)

Sent up for concurrence.



**Taxation**

Bill "An Act relating to Taxes for Old Age Assistance" (H. P. 1462) (Presented by Mr. Varney of Berwick)

(1000 copies ordered printed)

Sent up for concurrence.

**Temperance**

Bill "An Act amending Requirements for Licenses to Hotels, Restaurants and Clubs" (H. P. 1463) (Presented by Mr. Dow of Kennebunkport)

(500 copies ordered printed)

Bill "An Act Repealing the Requirement of a Filing Fee" (H. P. 1464) (Presented by Mr. Shesong of Portland)

(500 copies ordered printed)

Sent up for concurrence.

**Towns**

Bill "An Act relating to Qualification of Voters at Town Meetings" (H. P. 1466) (Presented by Mr. Weed of Manchester)

(500 copies ordered printed)

Sent up for concurrence.

**Ways and Bridges**

Bill "An Act relative to the Opening of Ways by County Commissioners" (H. P. 1467) (Presented by Mr. Jewett of Ripley)

(500 copies ordered printed)

Bill "An Act relating to the Expenditure of Highway Funds" (H. P. 1468) (Presented by Mr. Davis of Brownville)

(500 copies ordered printed)

Resolve in favor of the town of Fort Fairfield (H. P. 1385) (Presented by Mr. Burgess of Limestone)

Resolve in favor of the town of Caribou (H. P. 1386) (Presented by same gentleman)

Resolve in favor of the town of Gray (H. P. 1387) (Presented by Mr. Chandler of New Gloucester)

Resolve in favor of Stillwater Avenue Located Within the Limits of Veazie and Bangor (H. P. 1388) (Presented by Miss Clough of Bangor)

Resolve in favor of the town of Whitefield (H. P. 1389) (Presented by Miss Fowles of Whitefield)

Resolve in favor of the town of Alton (H. P. 1390) (Presented by Mr. Howes of Charleston)

Resolve in favor of the town of Charleston (H. P. 1391) (Presented by same gentleman)

Resolve in favor of the town of St. Albans (H. P. 1392) (Presented by Mr. Jewett of Ripley)

Resolve in favor of the town of St. Albans (H. P. 1393) (Presented by same gentleman)

Resolve in favor of the city of Westbrook (H. P. 1394) (Presented by Mr. Porell of Westbrook)

Resolve in favor of the town of Otisfield (H. P. 1395) (Presented by Mr. Robbins of Harrison)

Resolve in favor of the town of Hebron (H. P. 1396) (Presented by Mr. Robinson of Peru)

Resolve in favor of the town of Berwick (H. P. 1397) (Presented by Mr. Varney of Berwick)

Resolve in favor of Moro Plantation (H. P. 1398) (Presented by Mr. Walker of Littleton)

Resolve in favor of the town of Littleton (H. P. 1399) (Presented by same gentleman)

Resolve in favor of the town of Smyrna (H. P. 1400) (Presented by same gentleman)

Resolve in favor of the town of New Limerick (H. P. 1401) (Presented by same gentleman)

Resolve in favor of the town of Ludlow (H. P. 1402) (Presented by same gentleman)

Resolve in favor of St. Francis Plantation (H. P. 1469) (Presented by Mr. Brown of Eagle Lake)

Sent up for concurrence.

Paper from the Senate, out of order and under suspension of the rules.

The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, February 14, 1939, at eleven o'clock in the forenoon (S. P. 350)

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

**Orders**

Mr. Varney of Berwick, presented the following order and moved its passage:

ORDERED, the Senate concurring, that notwithstanding joint orders now in effect, that all resolves and public acts, data for which shall be in the hands of the Revisor of Statutes on or before four P. M. February 9th, 1939, shall be received in the same manner as if received before four P. M. February 9th, 1939, and be it further

ORDERED, that the said Revisor shall file a list of the titles of the resolves and public acts, the data

for which is in his hands at that time, with the Secretary of the Senate and the Clerk of the House (H. P. 1470)

The order received passage and was sent up for concurrence.

On motion by Mr. Fernald of Levant, it was

ORDERED, that the use of the hall of the House be granted to the Maine Veteran Legislator's Association for the evening of Wednesday, March 1st.

On motion by Mr. Farrington of Augusta, it was

ORDERED, that there be printed 500 additional copies of H. P. 15, L. D. 6, Bill "An Act relating to Distribution of Patent Medicines."

### Reports of Committees

Mr. Bates from the Committee on Interior Waters on Bill "An Act to Permit the Use of Great Ponds for Certain Purposes" (H. P. 7) (L. D. 19) reported same in a new draft (H. P. 1403) under same title and that it "Ought to pass".

Report was read and accepted and the new draft ordered printed under the Joint Rules.

Mr. Young from the Committee on Mercantile Affairs and Insurance on Bill "An Act relating to Investigation of Fires by the Insurance Commissioner" (H. P. 390) (L. D. 108) reported same in a new draft (H. P. 1444) under same title and that it "Ought to pass".

Same gentleman from same Committee on Bill "An Act relating to Taxation of Insurance Companies" (H. P. 389) (L. D. 107) reported same in a new draft (H. P. 1445) under same title and that it "Ought to pass".

Mr. YOUNG of Old Orchard Beach: Mr. Speaker, I move that the "Ought to pass" reports on both these legislative documents be accepted.

Mr. Speaker and members of the House: I would not ordinarily delay you in your deliberations, but the matters involved in these two bills are of such vital import to the State financially that I do believe, in fairness to everybody, that some remarks in regard to the vote of the committee on the motion should be made.

These bills are emergency measures. They therefore, if they are to go through and be of any value to the State, require that immediate action be taken upon them.

Under our laws as they stand today, we are required by the first of April of the instant year to see that tax assessments are made upon insurance companies. By the 15th of February of the instant year we are required to have the filings or reports in from the insurance companies. I assume that the older members know, and for the benefit of the newer members I will mention the fact that emergency legislation is one form of legislation as compared with the ordinary legislation that comes before the House.

In view of the present law which requires this assessment be made the first of April of the instant year, it would be utterly futile to permit these bills to go through in the form of procedure accepted on ordinary bills, the reason for that being that no ordinary bill can become effective until ninety days after the adjournment of the Legislature. It would therefore be too late for the benefit of the State of Maine. The sum of money which the State of Maine would derive from the passage of these bills would be approximately \$100,000. I therefore respectfully submit to the members that if these bills are delayed, either by parliamentary tactics or otherwise, and the reports of the committees should not be accepted, then the State stands to lose this year alone over \$40,000 to which it should be entitled.

These bills are very technical, because they involve points of law, but I will try to simplify them in such a way that the members can grasp the reasons for their introduction.

For many years in the State of Maine foreign insurance companies have been selling insurance to our citizens. They set up in their financial structure a charge against every policy purchaser to whom they sell a policy in the State of Maine. Now that policy charge for the purposes of taxation in other states where they have to pay this tax varies from 2 per cent to 21-2 per cent. For many years our State has been negligent in not taxing these companies for the very money which they charge our policyholders. Through a technical procedure

brought in the Supreme Court of the United States, commonly known to us attorneys as the Johnson case, some of our laws were attacked, therefore we lost advantages we previously held.

This matter has been gone into to a great extent before the Insurance Committee, and the companies have appeared with their agents and counsel and so forth. By consultation with them and otherwise we finally arrived at this bill. There is no organized opposition to its passage. We also brought up this point: Twenty-one states of the Union grant their own domestic companies the privilege. Now we have domestic companies in the State of Maine. In reviewing this in executive session, we thought it no more than fair and equitable for our domestic companies to reduce their rate to one per cent, giving them that advantage, as they are organized under our own law and execute their business in the State of Maine. We feel that 2 per cent on foreign companies, while it is not the maximum set in other states, would bring into the general fund of this State approximately \$70,000.

Now this money, the members understand, has already been collected in the form of a 2 per cent tax on the premium when they sell you and I a policy. We are not taking any money from the companies which they have not taken from the citizens of our State. The only disadvantage we are laboring under if this bill is not passed is that the 2 per cent you pay if you buy a policy from one of these foreign companies is distributed in taxation and overhead in the other forty-three states where they must pay that tax. They collect it pro-rata from our people and they pay that tax in other states.

Now in line with that thought and in the belief that we were fair, the committee unanimously re-drafted this bill after consultation with the insurance companies themselves. I might say for the information of the House also, that at no time did any citizens directly appear in opposition to the bill. It was a question of the phrasing of the bill.

I therefore respectfully request that when the question is put, in view of the emergency on the two bills, that the members resist any

attempt that might possibly be brought here to delay this by a motion to table or any amendment or so forth. I respectfully submit it.

The SPEAKER: The question before the House is on the motion of the gentleman from Old Orchard Beach, Mr. Young, that the report of the Committee on Mercantile Affairs and Insurance "Ought to pass in New Draft" on Bill "An Act relating to Investigation of Fires by the Insurance Commissioner" (H. P. 390) (L. D. 108) (New Draft 1444) be accepted.

Thereupon, the Committee report was accepted, and on further motion by Mr. Young, the bill was given its three several readings, under suspension of the rules, passed to be engrossed and sent forthwith to the Senate.

The SPEAKER: The question now before the House is on the motion of the gentleman from Old Orchard Beach, Mr. Young, that the report of the Committee on Mercantile Affairs and Insurance, "Ought to pass in New Draft, on Bill "An Act relating to Taxation of Insurance Companies (H. P. 389) (L. D. 107) (New Draft H. P. 1445) be accepted.

Thereupon, the Committee report was accepted, and on further motion by Mr. Young, the bill was given its three several readings, under suspension of the rules, passed to be engrossed and sent forthwith to the Senate.

#### Ought To Pass

Mr. Fernald from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act relating to Clerks in the Offices of Register of Probate and Clerks of Courts in Hancock County" (H. P. 405) (L. D. 110)

Same gentleman from same Committee reported same on Bill "An Act relating to the County Treasurer of Hancock County" (H. P. 404) (L. D. 109)

Same gentleman from same Committee reported same on Bill "An Act relating to Clerk Hire in Somerset County" (H. P. 580) (L. D. 205)

Mr. Noyes from the Committee on Taxation reported same on Bill "An Act relating to Exemption from Taxation" (H. P. 298) (L. D. 97)

Reports were read and accepted.

**First Reading of Printed Bills**

Bill "An Act Changing the Name of 'Eastern Loan Company, Inc.' to 'The M-A-C Plan, Inc. of Maine' (H. P. 63) (L. D. 28)

Bill "An Act relating to the Reorganization of Corporations under the National Bankruptcy Act" (H. P. 248) (L. D. 64)

Bill "An Act Repealing the Law relating to Chauffeurs' Licenses" (H. P. 253) (L. D. 67)

Bill "An Act relating to Printing on Operators' Licenses" (H. P. 1348) (L. D. 533)

Bills were read twice and tomorrow assigned.

**Passed To Be Engrossed**

Bill "An Act relating to Perpetual Care of Cemetery Lots" (S. P. 75) (L. D. 45)

Bill "An Act to Ratify and Make Valid the Incorporation of the Maine State Advent Christian Conference" (H. P. 1239) (L. D. 479)

Resolve in favor of Leo Shay, Representative of the Penobscot Tribe of Indians (H. P. 230) (L. D. 389)

Mrs. Latno of Old Town, offered House Amendment A and moved its adoption.

House Amendment A to H. P. 230, L. D. 389 entitled "Resolve in Favor of Leo Shay, Representative of the Penobscot Tribe of Indians."

Amend said Resolve by striking out in the fourth line thereof the figures "\$200" and inserting in place thereof the figures "\$600".

Mr. WHITNEY of Bangor: Mr. Speaker, I have no quarrel with the Penobscot Tribe of Indians, neither have I any quarrel with the member from Old Town (Mrs. Latno). However, it is a well-established fact, and I think every member of this House realizes it, that never in the history of the State of Maine was there a greater need for economy than at the present time, and in view of this one fact alone I move that this amendment be indefinitely postponed.

The SPEAKER: The pending question before the House is the motion of the gentleman from Bangor, Mr. Whitney, that House Amendment A, presented by the member from Old Town, Mrs. Latno, be indefinitely postponed. Is the House ready for the question?

Mr. DOWNS of Rome: Mr. Speaker, it certainly was not my intention to speak upon this amendment. As it happened, I was a mem-

ber of the committee which had this bill under consideration. I do not believe that there is a member of this Legislature who is more concerned over the question of economy than am I, I am also mindful that this gentleman represents a class of people who have, as some of us believe, been deprived of many of their inherent rights. I am also mindful of the fact that he has spent as much time in this Legislature as any other member, and that his expenses, it is only reasonable to believe, are as great as those of my own or any other member, and it certainly seems to me that it is placing upon him an unfair handicap if he does not receive an amount which is commensurate with his expenditures. With that only in mind, I certainly trust that the motion of the gentleman from Bangor, Mr. Whitney, to indefinitely postpone House Amendment A, will not prevail. (Applause)

Mrs. LATNO of Old Town: Mr. Speaker, I was asked by the Chairman of the Salaries and Fees Committee this morning to present this amendment. That is the reason why I presented it.

Mr. WHITNEY: Mr. Speaker, I would like to call attention to this fact: In times past you know the two representatives from the two tribes of Indians in the State certainly did not spend as much time in this body as the members of the Legislature. I think it is one week or perhaps two. Last year I admit they did spend more time, and I do not know about this year. Primarily their duty consists of representing their own tribe and appearing before the Committee on Indian Affairs. Personally, I feel very strongly that this is absolutely no time to raise salaries. I certainly hope my motion to indefinitely postpone House Amendment A will prevail.

Mr. SLEEPER of Rockland: Mr. Speaker, I would gladly support the motion of the gentleman from Bangor, Mr. Whitney. In all fairness to the Indian tribe, in the event this salary increase is granted the only thing to do is grant this increase to the other member. This action on our part is merely a gesture, because as the gentleman from Bangor, Mr. Whitney, has stated, the Indian members do not have to stay down here during the entire session. It is wholly an honorary position and is well paid, I should say, at \$200. I

have no battle with the Indians, but I think the House and the State has done honor to them in giving them the position they have, and, mindful of the fact we are trying to save money, I think if we give these members \$200 as an honorary gesture that the State and the Legislature has done its part. Please bear in mind that if we grant this increase the only fair thing to do would be to grant the increase to the other member, so when you throw this \$400 away—and \$400 still looks big to me—you have got to throw another \$400 with it, so the bill really calls for an additional \$800. I trust this Legislature will think this thing over carefully. Do not let your minds be swayed by any sentiment. We have done our part. I trust that the motion of the gentleman from Bangor, Mr. Whitney, for indefinite postponement of the amendment will prevail.

The SPEAKER: Is the House ready for the question?

Mr. DONAHUE of Biddeford: Mr. Speaker, in view of the statements of the preceding speaker, I move that House Amendment A lie on the table.

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, moves that House Amendment A to Resolve in favor of Leo Shay, Representative of the Penobscot Tribe of Indians (H. P. 230) (L. D. 389) lie on the table pending the motion of the gentleman from Bangor, Mr. Whitney, that House Amendment A to the Resolve be indefinitely postponed. Is this the pleasure of the House?

Cries of "No, no."

A viva voce vote being taken, the motion did not prevail.

The SPEAKER: The question now before the House is on the motion of the gentleman from Bangor, Mr.

Whitney, that House Amendment A be indefinitely postponed. All those in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and House Amendment A was indefinitely postponed.

Thereupon, the Resolve was given its second reading and passed to be engrossed.

#### Passed to Be Engrossed—Continued

Resolve authorizing the Sale of State's Interest in Certain Lands in Township No. 3 Range 4 (H. P. 258) (L. D. 70)

Resolve in favor of Samuel J. Dana, Representative of the Passamaquoddy Tribe of Indians (H. P. 452) (L. D. 390)

Sent up for concurrence.

#### Passed to Be Enacted

An Act to Provide for Surrender by town of Prentiss of its Organization (H. P. 33) (L. D. 25)

#### Orders of the Day

The SPEAKER: The Chair will state that it is probable there will be a Friday session next week and regularly thereafter. The Chair will also express the hope that on the next legislative day all members who have bills on the table will make every reasonable effort to take them from the table, that they may be disposed of.

Is there any further business to come before the House? If not, the Clerk will read the notices.

On motion by Mr. Palmetter of Charlotte,

Adjourned until Tuesday, February 14th, at eleven o'clock in the forenoon.