

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

Wednesday, February 15, 1939.

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

Prayer by the Rev. Dr. McWhorter of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

Bill "An Act relating to Carrying Concealed Weapons" (S. P. 72) (L. D. 43) in new draft (S. P. 282) (L. D. 430) under same title

Bill "An Act to Grant a New Charter to the Alumni Association of Bates College" (S. P. 50)

Bills were read twice and tomorrow assigned.

From the Senate: Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act to Grant a New Charter to the city of Lewiston" (S. P. 55) (L. D. 27)

Comes from the Senate, report read and accepted and the bill passed to be engrossed as amended by Senate Amendments "A" and "B".

In the House, report read and accepted in concurrence. Senate Amendments "A" and "B" were read and adopted in concurrence and the bill as amended was given its two several readings.

Mr. Lambert of Lewiston, then offered House Amendment "A" and moved its adoption:

House Amendment "A" to S. P. 55, L. D. 27, Bill, "An Act to Grant a New Charter to the City of Lewiston."

Amend said bill by adding at the end of section 3 of Article XII thereof the following:

'After one year of service all those qualified as permanent members shall be entitled to 2 weeks vacation each year with pay. At the end of the third year of service all permanent members of the department shall be paid no less than \$1,600 per year.'

Thereupon, House Amendment A was adopted, and, on motion by Mr. Lambert, under suspension of the rules, the bill as amended was given its third reading and passed to be engrossed, as amended by Sen-

ate Amendments "A" and "B," and as further amended by House Amendment "A," in non-concurrence, and sent up for concurrence.

On further motion by Mr. Lambert the bill was sent forthwith to the Senate.

From the Senate: The following Order:

ORDERED, the House concurring, that a joint select committee to consist of two on the part of the Senate with such as the House may join, be appointed to examine into the inspection and investigation services of the several departments of the state government, to ascertain wherein the same or any part thereof may be consolidated and unnecessary overlapping eliminated or curtailed in such manner as to increase efficiency and economy in the administration of state affairs.

Said committee shall also examine into the expense of travel and operation of motor vehicles by employees of the several departments and agencies of the state to ascertain whether and by what means the same may be diminished or reduced.

Said committee shall enter upon the performance of its duties forthwith and shall report its findings and recommendations to the present session of the legislature as soon as possible, together with any bills or resolves it may recommend for consideration, and the same shall be received and considered in each branch of the legislature notwithstanding the provisions of the joint closing orders relative to the introduction of bills and resolves (S. P. 412)

Came from the Senate read and passed as amended by Senate Amendment "A" as follows:

"Amend said order by striking out in the second line thereof the word 'two' and inserting in lieu thereof the word 'three,'" and with the following members appointed on its part:

Messrs. HILL of Cumberland
WENTWORTH of York
TOMPKINS of Arrostook

Mr. VARNEY of Berwick: Mr. Speaker, I move that Senate Amendment "A" be adopted in concurrence, and that the order as amended have passage in concurrence, and that the Chair appoint a committee of seven, said commit-

tee to consist of the House Chairman of the Standing Committee on Appropriations and Financial Affairs ex-officio, and six other members to be named by the Speaker of the House.

The **SPEAKER**: The gentleman from Berwick, Mr. Varney, moves that Senate Amendment "A" be adopted in concurrence, and that the order as amended have passage in concurrence, and that the Chair appoint a committee of seven, said committee to consist of the House Chairman of the Standing Committee on Appropriations and Financial Affairs ex-officio, and six other members to be named by the Chair. Is this the pleasure of the House?

Thereupon, Senate Amendment "A" was adopted in concurrence, and the order as amended received passage in concurrence.

The **SPEAKER**: The Chair will name on that committee the gentleman from Franklin, Mr. Noyes, the gentleman from Greenville, Mr. Dean, the gentleman from Portland, Mr. Paul, the gentleman from Vassalboro, Mr. Hawes, the gentleman from Eliot, Mr. Dow, the gentleman from Thomaston, Mr. Smith and the gentleman from Skowhegan, Mr. Hinman, ex officio.

From the Senate: The following Order:

ORDERED, the House concurring, that the Maine Delegation of the United States Congress at Washington, District of Columbia, be requested to determine what amount, if any, is charged against the State of Maine as a debt subject to repayment, by any agency or department of the Federal Government, and to report their findings to the Eighty-ninth Legislature of the State of Maine now in session; and

FURTHER that said Delegation be requested to seek to have enacted by the Congress laws adequately safeguarding the expenditure of public funds and requiring that specific detailed reports of the expenditure of Federal funds within the various States, whether matched by State funds or not, be filed with some specifically designated State Authority and be open to public inspection; and

FURTHER that the said Delegation in Congress from Maine be urged to do all in their power to oppose Federal encroachments on

the proper functions and powers of the States; and it is

FURTHER ORDERED that a copy of this said order be transmitted by the Secretary of the Senate to the Honorable Frederick Hale, United States Senator from the State of Maine, Chairman of said Delegation (S. P. 341)

Comes from the Senate read and passed.

In the House, read and passed in concurrence.

Communication From The Head Of A Department

Augusta, Maine.

To the Clerk of the House of Representatives:

Pursuant to the Orders of the House of Representatives of January 25th and 26th, requiring certain information relative to applicants for old age assistance, I am submitting herewith the required information for ten counties, as follows: Androscoggin, Franklin, Hancock, Kennebec, Knox, Lincoln, Piscataquis, Sagadahoc, Waldo, Washington.

The information relating to applicants in the remaining six counties is being assembled as rapidly as possible and will be ready to be transmitted to you in a few days.

Very respectfully,

(Signed)

GEORGE W. LEADBETTER
Commissioner of Health and Welfare.

The communication was ordered placed on file.

The **SPEAKER**: The Chair will remind the members that the information contained in this communication will be available in the Clerk's office for inspection by members of the House.

Orders

On motion by Mr. Hanold of Standish, it was

ORDERED, that the use of the hall of the House be granted to the Maine Craft Guild for the forenoon of Monday, February 20, 1939.

On motion by Mr. Emery of Bucksport, it was

ORDERED, that there be printed 500 additional copies of Bill "An Act relating to the Practice of Optometry" (H. P. 1465) (L. D. 600)

Reports of Committees Divided Report

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Resolve Regulating Fishing in Certain Waters in Auburn (H. P. 473) (L. D. 144)

Report was signed by the following members:

Messrs. ELLIOT of Knox
WORTHEN of Penobscot
—of the Senate.
STARRETT of Warren
PEAKES of Milo
LAFLEUR of Portland
BROWN of Corinna
WELCH of Chapman
ROBINSON of Bingham
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Messrs. BOOTHBY of York
—of the Senate.
HANOLD of Standish
—of the House.

On motion by Mr. Peakes of Milo, the majority report of the committee, "Ought to pass" was accepted.

Ought Not to Pass

Mr. Colby from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act relating to Lien on Potatoes" (H. P. 453) (L. D. 174)

Mr. Brown from the Committee on Inland Fisheries and Game reported same on Bill "An Act Creating the Auburn Game Preserve" (H. P. 469) (L. D. 140)

Same gentleman from same Committee reported same on Resolve for Screening Outlet of Donnell's Pond in Hancock County (H. P. 381)

Mr. Hanold from same Committee reported same on Resolve for Screening Hobbs Pond in the county of Knox (H. P. 279)

Mr. Peakes from same Committee reported same on Resolve Opening Lake Christopher to Ice Fishing (H. P. 275) (L. D. 85)

Same gentleman from same Committee reported same on Resolve Opening North Pond to Ice Fishing (H. P. 278)

Mr. McGlaulin from the Committee on Judiciary reported same on Bill "An Act relating to Reference of Fire Insurance Claims" (H. P. 494) (L. D. 148)

Mr. Donahue from the Committee on Legal Affairs reported same on Bill "An Act in relation to Appropriations Made by Cities and Towns" (H. P. 508) (L. D. 162)

Mr. Dwinall from same Committee reported same on bill "An Act relative to Unexpended Balances of Appropriations of Municipalities" (H. P. 507) (L. D. 161)

Mr. Richardson from the Committee on Taxation reported same on bill "An Act relating to Exemption from Taxation" (H. P. 490) (L. D. 185)

Mr. Worth from same Committee reported same on bill "An Act Clarifying the Statute Defining Real Estate for Taxation Purposes" (H. P. 491) (L. D. 186)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Hinckley from the Committee on Judiciary on bill "An Act relating to Trustees and Their Confirmation and Accounting in Probate Courts" (H. P. 280) (L. D. 87) reported same in a new draft (H. P. 1756) under the same title and that it "Ought to pass"

Mr. Payson from the Committee on Legal Affairs on bill "An Act Authorizing City of Augusta to Permit Extension of Buildings over Front Street" (H. P. 387) (L. D. 105) reported same in a new draft (H. P. 1757) under the same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

Ought to Pass

Mr. Weatherbee from the Committee on Judiciary reported "Ought to pass" on bill "An Act relating to Corporations" (H. P. 281) (L. D. 88)

Mr. Payson from the Committee on Legal Affairs reported same on bill "An Act relating to Licenses for Dogs" (H. P. 924) (L. D. 318)

Mr. Pike from same Committee reported same on bill "An Act relating to the York Beach Village Corporation" (H. P. 927) (L. D. 365)

Same gentleman from same Committee reported same on bill "An Act to Amend the Charter of the York Beach Village Corporation" (H. P. 926) (L. D. 364)

Mr. Shesong from same Committee reported same on bill "An Act

to Incorporate the Charles A. Dean Memorial Hospital" (H. P. 922) (L. D. 361)

Mr. Meserve from the Committee on State Lands and Forest Preservation reported same on bill "An Act Ratifying the Conveyance of Certain Land and Buildings in Thomaston" (H. P. 139) (L. D. 50)

Mr. Cowan from the Committee on Mercantile Affairs and Insurance reported same on bill "An Act to Incorporate The Associated Hospital Service of Maine" (H. P. 931) (L. D. 322)

Mr. Young from same Committee reported same on bill "An Act relating to the Charter of Aroostook Mutual Fire Insurance Company" (H. P. 1184) (L. D. 455)

Same gentleman from same Committee reported same on bill "An Act to Clarify the Meaning of the Law Regulating Mutual Insurance Companies" (H. P. 930) (L. D. 321)

Same gentleman from same Committee reported same on bill "An Act Conferring Additional Powers on Domestic Insurance Companies" (H. P. 929) (L. D. 320)

Mr. McGlaulin from the House Committee on Leave of Absence reported that Mr. Bowers of Sherman Mills be excused from attending the sessions of the House during the present week on account of illness.

Same gentleman from same Committee reported that Mr. Thorne of Madison be excused from attending the sessions during his illness.

Reports were read and accepted.

First Reading of Printed Bills and Resolves

Bill "An Act relating to the Town Manager Form of Government for the town of Dover-Foxcroft" (H. P. 283) (L. D. 90)

Bill "An Act Amending the Acts relating to the Deer Isle-Sedgwick Bridge District" (H. P. 504) (L. D. 158)

Bill "An Act in relation to the Duties of Town Treasurer" (H. P. 509) (L. D. 163)

Mr. Payson of Portland, offered House Amendment "A" and moved its adoption:

House Amendment "A" to H. P. 509, L. D. 163, Bill, "An Act in Relation to the Duties of Town Treasurer."

Amend said bill by adding at the end of the first sentence in said section 24 as amended, the following: 'Provided, however, that when

a special act of the legislature provides a different method of authorizing expenditures, in any city or town, the treasurer of such city or town shall disburse money in accordance with the provisions of such special act.'

Thereupon, House Amendment "A" was adopted, and the bill as amended had its two several readings and tomorrow assigned.

Bill "An Act relating to Registration of Motor Vehicles" (H. P. 512) (L. D. 165)

Bill "An Act relating to Recording of Personal Property Titles" (H. P. 564) (L. D. 197)

Resolve relating to Smelt Fishing in Georges River (H. P. 138) (L. D. 49)

Resolve relating to the Taking of Shellfish and Worms Within the Limits of the town of Falmouth (H. P. 257) (L. D. 69)

Resolve relating to Digging of Clams in Harrington (H. P. 516) (L. D. 169)

Bills were read twice, Resolves read once, and tomorrow assigned.

Passed To Be Engrossed

Bill "An Act relating to Exemption from Taxation" (H. P. 298) (L. D. 97)

Bill "An Act relating to the County Treasurer of Hancock County" (H. P. 404) (L. D. 109)

Bill "An Act relating to Clerks in the Offices of Register of Probate and Clerk of Courts in Hancock County" (H. P. 405) (L. D. 110)

Bill "An Act relating to Clerk Hire in Somerset County" (H. P. 580) (L. D. 205)

Bill "An Act to Permit the Use of Great Ponds for Certain Purposes" (H. P. 1403) (L. D. 567)

Sent up for concurrence.

Passed To Be Enacted (Emergency Measure)

An Act relating to Taxation of Insurance Companies (H. P. 1445)

Mr. YOUNG of Old Orchard Beach: Mr. Speaker, I now move that this bill be passed to be enacted.

Mr. Speaker and members of the House: I respectfully caution you again this morning. Should any motion to table this bill be made, I trust it will not prevail. This is an emergency measure and I spoke on it at length the other day. I respectfully ask the members to sustain my motion.

The SPEAKER: The gentleman

from Old Orchard Beach, Mr. Young, moves that Bill "An Act relating to Taxation of Insurance Companies" (H. P. 1445) be passed to be enacted.

This being an emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this bill to be enacted will rise and remain standing until counted and the Monitors will make and return the count.

A division being had,

One hundred and forty-four voting in the affirmative, and none in the negative, 144 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

On motion of Mr. Young, the bill was ordered sent forthwith to the Senate.

Passed To Be Enacted

(Emergency Measure)

An Act relating to Investigation of Fires by the Insurance Commissioner (H. P. 1444)

Mr. YOUNG of Old Orchard Beach: Mr. Speaker, I now move this bill be passed to be enacted. The same remarks, Mr. Speaker and members of the House, that applied to the other bill apply to this bill.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Young, moves that Bill "An Act relating to Investigation of Fires by the Insurance Commissioner (H. P. 1444) be passed to be enacted.

This being an emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this bill to be enacted will rise and remain standing until counted and the Monitors will make and return the count.

A division being had,

One hundred and forty-four voting in the affirmative, and none in the negative, 144 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

On motion by Mr. Young, the bill was ordered sent forthwith to the Senate.

Passed To Be Enacted

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

Orders Of The Day

On motion by Mr. Dwinall of Camden, the House voted to take from the table the third unassigned matter, Senate report "Ought to pass" of the Committee on Towns on Bill "An Act to Provide for the Surrender by Town of Marion of its Organization (S. P. 80) (L. D. 44) which came from the Senate, report accepted and bill passed to be engrossed, and which was tabled on February 1st by Mr. Dwinall pending acceptance in concurrence; and on motion by Mr. Dwinall the committee report was accepted in concurrence and under suspension of the rules the bill was given its two several readings.

Mr. Dwinall then offered House Amendment "A" and moved its adoption:

House Amendment "A" to S. P. 80, L. D. 44, Bill, "An Act to Provide for the Surrender by Town of Marion of Its Organization."

Amend said bill by inserting after the enacting clause thereof the following:

'Emergency preamble. Whereas, the town of Marion is not able to function under its present organization; and

Whereas, immediate steps should be taken to take care of the present financial emergency; and

Whereas, in the judgment of the legislature, these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend said bill by striking out section 3 thereof and inserting in place thereof the following:

'Sec. 3. Ratification. This act shall take effect on approval by the governor for the purpose of permitting its acceptance or rejection by the legal voters of the town of Marion at any annual or special town meeting legally called to consider the acceptance of this act; an appropriate article being inserted in the call for said meeting.

If a majority of the qualified voters of the town, present and voting, vote in favor of the acceptance of this act, it shall become operative on April 1, 1939. A certificate of such vote shall be filed by the

town clerk with the secretary of state.'

Further amend said bill by adding thereto, after section 3 thereof, the following:

'Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.'

Thereupon, House Amendment "A" was adopted, and the bill as amended was tomorrow assigned for its third reading.

On motion by Mr. Varney of Berwick, the House voted to take from the table the second unassigned matter, Joint Order relative to printing 500 copies "Indian Treaties of the State of Maine" (S. P. 121) tabled on January 25th by that gentleman pending passage in concurrence.

Mr. VARNEY: Mr. Speaker, since this order was tabled it has been discovered that there are sufficient copies of the Indian Treaties already printed and in the hands of the State Librarian for distribution. I therefore understand that there is no further demand for this order and I move its indefinite postponement in non-concurrence.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that Joint Order relative to printing 500 copies "Indian Treaties of the State of Maine" (S. P. 121) be indefinitely postponed in non-concurrence. Is this the pleasure of the House?

The motion prevailed, and the order was indefinitely postponed in non-concurrence, and sent up for concurrence.

On motion by Mr. Williams of Bethel, the House voted to take from the table the seventeenth unassigned matter, Resolve Regulating Fishing in Howard Lake in the Town of Hanover, Oxford County (S. P. 316)

which came from the Senate, referred to the Committee on Inland Fisheries and Game and which was tabled on February 14th by Mr. Williams pending reference in concurrence; and on further motion by the same gentleman the Resolve was referred to the Committee on Inland Fisheries and Game in concurrence.

Bill Withdrawn

On motion by Mr. Ellis of Fairfield, the House voted to take from the table the twentieth unassigned matter, Bill "An Act to Create a Board of Electric Examiners" (H. P. 1646) tabled on February 14th by that gentleman pending reference.

Mr. ELLIS: Mr. Speaker, I now ask leave to withdraw this bill as the subject matter is already taken care of in another bill.

The SPEAKER: The gentleman from Fairfield, Mr. Ellis, now asks leave to withdraw Bill "An Act to Create a Board of Electric Examiners" (H. P. 1646). Is this pleasure of the House?

The motion prevailed, and the bill was withdrawn.

On motion by Mr. Varney of Berwick, the House voted to take from the table the twenty-third unassigned matter, Bill "An Act Relating to Taxation of Motor Vehicles" (H. P. 1712) (L. D. 648) tabled on February 14th by that gentleman pending reference; and on further motion by the same gentleman the bill was referred to the Committee on Salaries and Fees.

The SPEAKER: Is there any further business to come before the House under Orders of the Day? If not, the Clerk will read the notices.

On motion by Mr. Winter of Kingfield,

Adjourned until ten o'clock tomorrow morning.