

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

Friday, February 17, 1939.

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

Prayer by the Rev. Mr. Dunn of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bill in First Reading

Bill "An Act to Amend and Extend the Charter of Kennebec Reservoir Company" (S. P. 182) (L. D. 233)

Bill was read twice and tomorrow assigned.

From the Senate: The following Order:

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, February 21, 1939, at eleven o'clock in the forenoon (S. P. 422)

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

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

Appropriations and Financial Affairs

Petition of 24 members of Eureka Grange No. 7 of Durham, Maine, in favor of S. P. 243, L. D. 450, bill "An Act Providing State Services for the Blind" (H. P. 1761) (Presented by Mr. Holden of Webster)
Sent up for concurrence.

Inland Fisheries and Game

Remonstrance of Thos. A. Carney of Masardis against Changing the Present Law on Deer (H. P. 1762) (Presented by Mr. McGillicuddy of Houlton)

Sent up for concurrence.

Taxation

Remonstrance of Maurice E. Hatch of Hartland and 77 others against any Increase in Gasoline

Tax (H. P. 1763) (Presented by Mr. Jewett of Ripley)

Sent up for concurrence.

The following bills and resolves, transmitted by the Revisor of Statutes pursuant to Joint Order, were received, and upon recommendation of the Committee on Reference of Bills were referred to the following committees:

Appropriations and Financial Affairs

Bill "An Act Creating the Maine Rehabilitation Commission" (H. P. 1765) (Presented by Mr. Burgess of Limestone)

(1000 copies ordered printed)

Sent up for concurrence.

Claims

Resolve in favor of Mrs. Elizabeth Achorn of Union (H. P. 1764) (Presented by Mr. Sleeper of Rockland)
Sent up for concurrence.

Education

Bill "An Act to Provide Honorary Scholarships" (H. P. 1766) (Presented by Mr. Bubar of Weston)
(500 copies ordered printed)
Sent up for concurrence.

Judiciary

Bill "An Act relating to Age Limits of State Employees" (H. P. 1767) (Presented by Mr. Mills of Farmington by request)

(500 copies ordered printed)

Bill "An Act relating to Jury Commissioners" (H. P. 1768) (Presented by Mr. Palmeter of Charlotte by request)

(500 copies ordered printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Fees for Licenses" (H. P. 1769) (Presented by Mr. Payson of Portland)

(500 copies ordered printed)

Sent up for concurrence.

Mercantile Affairs and Insurance**Bill Tabled**

Bill "An Act relating to Insurance Companies" (H. P. 1770) (Presented by Mr. Young of Old Orchard Beach)

(On motion by Mr. Winslow, tabled pending reference)

Taxation

Bill "An Act to Provide for Tax

Equalization" (H. P. 1771) (Presented by Mr. Maxim of Portland)

(1000 copies ordered printed)

Bill "An Act relating to Taxation of State Owned Farms" (H. P. 1772) (Presented by Mr. Howes of Charleston)

(750 copies ordered printed)

Bill "An Act relating to Exemption from Taxation of Property of Blind Persons" (H. P. 1773) (Presented by Mr. Hinman of Skowhegan)

(500 copies ordered printed)

Sent up for concurrence.

Towns

Resolve providing for the Surrender by town of Greenbush of its Organization (H. P. 1774) (Presented by Mr. DeBeck of Holden)

(500 copies ordered printed)

Sent up for concurrence.

Orders

On motion by Mr. Tardif of Bath, it was

Ordered, that Rev. Dr. David L. Wilson of Bath, be invited to officiate as Chaplain of the House on Tuesday, February 21, 1939.

Reports of Committees

Leave to Withdraw

Mr. Dow from the Committee on Legal Affairs on Bill "An Act to Incorporate the New Portland School District" (H. P. 1178) (L. D. 495) reported that the committee recommends leave to withdraw.

Ought Not to Pass

Mr. Weatherbee from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relative to Errors in Records, Tax Lists, Description of Real Estate, and Returns How Amended" (H. P. 555) (L. D. 226)

Mr. Bird from same Committee reported same on Resolve Proposing an Amendment to the Constitution relating to the Election of the Governor's Council (H. P. 558) (L. D. 192)

Mr. Hinckley from same Committee reported same on Resolve Proposing an Amendment to the Constitution Abolishing the Governor's Council (H. P. 559) (L. D. 193)

Mr. McGlauffin from same Committee reported same on Bill "An Act relating to Aid for Private Roads" (H. P. 74) (L. D. 31)

Mr. Eddy from the Committee on Motor Vehicles reported same on Bill "An Act relative to Operation of Commercial Motor Trucks and Busses on the Highways of This State" (H. P. 252) (L. D. 96)

Same gentleman from same Committee reported same on Bill "An Act relating to Operation of Motor Boats on Long Lake and Brandy Pond" (H. P. 1186) (L. D. 457)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Larrabee from the Committee on Agriculture on Bill "An Act relating to the Labelling of Fresh Eggs for Sale" (H. P. 848) (L. D. 312) reported same in a new draft (H. P. 1775) under same title and that it "Ought to pass"

Mr. Varney from the Committee on Judiciary on Bill "An Act Relating to Raising Money to Maintain a Hospital in Washington County" (H. P. 910) (L. D. 315) reported same in a new draft (H. P. 1776) under 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. Pike from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to the Methodist Church" (H. P. 1175) (L. D. 492)

Same gentleman from same Committee reported same on Bill "An Act relating to the School Board of the city of Eastport" (H. P. 563) (L. D. 196)

Mr. Williams from the Committee on Motor Vehicles reported same on Bill "An Act Permitting Revocation of Operator's License after Conviction for Manslaughter" (H. P. 935) (L. D. 325)

Mr. Everett from the Committee on Public Health reported same on Bill "An Act relating to Distribution of Patent Medicines" (H. P. 15) (L. D. 6)

Mr. Dean from the Committee on Taxation reported same on Bill "An Act Amending the Farm Lands Loan Act" (H. P. 713) (L. D. 265)

Mr. Noyes from the same Committee reported same on Bill "An Act relating to Roads in Unincorporated Places" (H. P. 1215) (L. D. 460)

Ought to Pass with Committee Amendment

Mr. Payson from the Committee on Legal Affairs on Bill "An Act relating to Assessment and Collection of Taxes" (H. P. 483) (L. D. 178) reported "Ought to pass" as amended by House Amendment "A".

Mr. Pike from same Committee reported same on Bill "An Act to Grant a New Charter to the city of Gardiner" (H. P. 682) (L. D. 266) as amended by House Amendment "A".

Reports were read and accepted.

First Reading of Printed Bills and Resolves

Bill "An Act relating to Responsibility for Injuries by Drunken Persons" (H. P. 282) (L. D. 89)

Bill "An Act to Amend the Charter of the Belfast Municipal Court regarding Service and Return of Writs" (H. P. 505) (L. D. 159)

Bill "An Act to Amend the Charter of the Belfast Municipal Court in regard to Name of Court and as to Who shall Provide a Suitable Room in which to Hold said Court" (H. P. 506) (L. D. 160)

Bill "An Act relating to the Printing of Ballots" (H. P. 913) (L. D. 317)

Bill "An Act relating to Trustees and their Confirmation and Accounting in Probate Courts" (H. P. 1756) (L. D. 858)

Bill "An Act Authorizing city of Augusta to Permit Extension of Buildings over Front Street" (H. P. 1757) (L. D. 857)

Bill "An Act relating to Political Advertisements at or Near Polling Places" (H. P. 1759) (L. D. 930)

Resolve Authorizing the Sale of State's Interest in Certain Lands in Township No. 17 (H. P. 2) (L. D. 1)

Resolve Granting Authority to the Forestry Department to Convey Certain Land to Alex J. Latno of Old Town (H. P. 585) (L. D. 931)

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

Passed to be Engrossed

Bill "An Act relative to Game Preserve in Orrington" (S. P. 26) (L. D. 512)

Bill "An Act relating to the Government Employees' Credit Union of Maine" (S. P. 309) (L. D. 511)

Bill "An Act Ratifying the Conveyance of Certain Land and Buildings in Thomaston" (H. P. 139) (L. D. 50)

Bill "An Act relating to Corporations" (H. P. 281) (L. D. 88)

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

Bill "An Act relating to Licenses for Dogs" (H. P. 924) (L. D. 318)

Bill "An Act to Amend the Charter of the York Beach Village Corporation" (H. P. 926) (L. D. 364)

Bill "An Act relating to the York Beach Village Corporation" (H. P. 927) (L. D. 365)

Bill "An Act Conferring Additional Powers on Domestic Insurance Companies" (H. P. 929) (L. D. 320)

Bill "An Act to Clarify the Meaning of the Law Regulating Mutual Insurance Companies" (H. P. 930) (L. D. 321)

Sent up for concurrence.

Bill Tabled

Bill "An Act to Incorporate the Associated Hospital Service of Maine" (H. P. 931) (L. D. 322)

Mr. LaFLEUR of Portland: Mr. Speaker, the Revisor of Statutes has just called my attention to an apparent error in the bill, and, in the absence of my brother from Portland, Mr. Paul, this morning, I would like to place this bill upon the table until his return Tuesday morning.

The SPEAKER: The gentleman from Portland, Mr. LaFleur, moves that Bill "An Act to Incorporate the Associated Hospital Service of Maine" (H. P. 931) (L. D. 322) lie on the table pending acceptance of the report of the Committee on Bills in the Third Reading. Is this the pleasure of the House.

The motion prevailed, and the bill was so tabled.

Passed to be Engrossed (Continued)

Bill "An Act relating to the Charter of the Aroostook Mutual Fire Insurance Company" (H. P. 1184) (L. D. 455)

Resolve Regulating Fishing in Certain Waters in Auburn (H. P. 473) (L. D. 144)

Sent up for concurrence.

Amended Bill

Bill "An Act relating to Medical Examiners and Their Duties" (H. P. 29) (L. D. 22) as amended by House Amendment "A".

Was reported by the Committee on Bills in the Third Reading.

Mr. Downs of Rome then offered House Amendment "B":

House Amendment "B" to H. P. 29, L. D. 22, Bill, "An Act Relating to Medical Examiners and Their Duties."

Amend said Bill by adding at the end of Section 1 the following words: **'Provided, however, that medical examiners in office when this Bill takes effect shall continue therein during the term for which appointed notwithstanding the provisions thereof, unless sooner removed for cause.'**

Mr. PIKE of Bridgton: Mr. Speaker, I move that House Paper 29, together with House Amendment "B" lie on the table pending adoption of the amendment.

The SPEAKER: The gentleman from Rome, Mr. Downs, offers House Amendment "B" and moves its adoption. The gentleman from Bridgton, Mr. Pike, moves that House Amendment "B", together with House Paper 29, Bill "An Act Relating to Medical Examiners and their Duties, as amended by House Amendment "A", lie upon the table pending the adoption of House Amendment "B". Is it the pleasure of the House that the bill lie upon the table pending adoption of House Amendment "B".

Thereupon, the bill and amendment were tabled pending the adoption of House Amendment "B".

Passed to be Enacted (Emergency Measure)

An Act to Grant a New Charter to the City of Lewiston (S. P. 55) (L. D. 27)

The SPEAKER: 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 thirty-six voting in the affirmative and none in the negative, 136 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

Passed to be Enacted

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) (L. D. 9)

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

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

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

An Act to Establish the Van Buren Municipal Court (S. P. 91) (L. D. 54)

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)

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)

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

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

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

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

The following Order:

Ordered, the House concurring, that an invitation be extended to Jay N. Darling to address a Joint Convention of the Maine Legislature on Wild Life Conservation and Restoration, March 7, 1939 (S. P. 423)

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

Orders of the Day

On motion by Mr. Varney of Berwick, the House voted to take from the table the twenty-second unassigned matter, Bill "An Act Relating to Tuition for Indian Scholars in the Elementary Schools of Old Town" (S. P. 353) (L. D. 778) which came from the Senate referred to the Committee on Education, and which was tabled by Mr. Varney on February 16th pending

motion of Mr. Hinman of Skowhegan, that the bill be referred to the Committee on Indian Affairs in non-concurrence.

Mr. VARNEY: Mr. Speaker, because I find that a very similar bill is already before the Committee on Indian Affairs, I trust that the motion of the gentleman from Skowhegan (Mr. Hinman) that this bill be also referred to the Committee on Indian Affairs in non-concurrence will now prevail.

The SPEAKER: The question is on the motion of the gentleman from Skowhegan, Mr. Hinman, that Bill "An Act Relating to Tuition for Indian Scholars in the Elementary Schools of Old Town" (S. P. 353) (L. D. 778) be referred to the Committee on Indian Affairs in non-concurrence. Is this the pleasure of the House?

The motion prevailed, and the bill was referred to the Committee on Indian Affairs in non-concurrence and sent up for concurrence.

On motion by Mr. Sleeper of Rockland, the House voted to take from the table the fourth unassigned matter, Bill "An Act to Incorporate the Rockland School District" (H. P. 1179) tabled on February 7th by that gentleman pending reference.

Mr. SLEEPER: Mr. Speaker, since the intent of this bill has apparently been taken care of in another bill of a similar nature, I

now move that it be indefinitely postponed.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that Bill "An Act to Incorporate the Rockland School District" (H. P. 1179) be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the bill was indefinitely postponed and sent up for concurrence.

On motion by Mr. Melanson of Cherryfield, the House voted to take from the table the fifteenth unassigned matter, Bill "An Act Relating to the Merchant or Marine Flag" (S. P. 348) (L. D. 772) which came from the Senate referred to the Committee on Commerce and which was tabled by Mr. Melanson on February 16th pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the Committee on Commerce in concurrence.

The SPEAKER: Are there any other matters that can be taken from the table under Orders of the Day?

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

On motion by Mr. Brown of Corinna,

Adjourned until Tuesday, February 21st, at eleven o'clock in the forenoon.