

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

Tuesday, February 21, 1939.

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

Prayer by the Rev. Dr. David L. Wilson of Bath.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Resolve In First Reading

Resolve Appropriating Money for the Study and Control of the European Spruce Sawfly (S. P. 230) (L. D. 275)

Resolve read once and tomorrow assigned.

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

Taxation

Remonstrance of M. P. Good and 106 others of Monticello against any Increase in the Gasoline Tax (H. P. 1777) (Presented by Mr. Good of Monticello)

Remonstrance of Capt. Oscar Look and 110 others of Jonesport against same (H. P. 1778) (Presented by Mr. Stevens of Jonesport by request)

Remonstrance of C. C. Blagden and 238 others of Wiscasset and vicinity against same (H. P. 1779) (Presented by Mr. Stilphen of Dresden)

Sent up for concurrence.

Orders

On motion by Mr. Farrington of Augusta, it was

ORDERED, that there be printed 500 additional copies of H. P. 1706, L. D. 873, Bill "An Act to Regulate the Distribution of Public Funds to Hospitals."

On motion by Mr. Churchill of Brewer, it was

ORDERED, that there be printed 500 additional copies of S. P. 294, L. D. 522, Bill "An Act relating to the Production and Sale of Raw Milk in Towns or Cities of Two Thousand Population or Over."

On motion by Mr. Downs of Rome, it was

ORDERED, that the use of the hall of the House be granted to the Director of Health of the Department of Health and Welfare for the evening of Thursday, February 23, 1939.

On motion by Mr. Hinman of Skowhegan, it was

ORDERED, that the use of the hall of the House be granted to the Committee on Appropriations and Financial Affairs for the afternoon of Wednesday, March 1st, 1939.

Mr. EMERY of Bucksport: Mr. Speaker, I would like unanimous consent to address the House.

The SPEAKER: The gentleman from Bucksport, Mr. Emery, asks unanimous consent to address the House. The Chair hears no objection and the gentleman may proceed.

Mr. EMERY: Mr. Speaker, I would like the unanimous consent of the House to introduce a bill out of order and under suspension of the rules. I would like to say that the subject matter relating to this measure was received too late to be put into proper form. It comes from the Western Hancock County Municipal Court.

The SPEAKER: The gentleman from Bucksport, Mr. Emery, asks unanimous consent to present a bill, out of order and under suspension of the rules, notwithstanding the joint closing order. If there is no objection the bill will be received. The Chair hears no objection and the bill is received. The Clerk will read the title to the bill.

Bill "An Act relating to Western Hancock Municipal Court."

On motion by Mr. Emery, the bill was referred to the Committee on Salaries and Fees, 500 copies ordered printed and sent up for concurrence.

Mr. HALL of Wilton: Mr. Speaker, I would like unanimous consent to address the House.

The SPEAKER: The gentleman from Wilton, Mr. Hall, asks unanimous consent to address the House. The Chair hears no objection and the gentleman may proceed.

Mr. HALL: Mr. Speaker, I have a bill which I received and which refers to the Wilson Lake Sewer District in the town of Wilton. I received the bill too late to introduce

before the closing date. It was placed in the mail January 31st, in a large envelope in the mail box outside the post office and was not taken out of the mail until too late. I ask unanimous consent of the House to introduce the bill at this time.

The SPEAKER: The gentleman from Wilton, Mr. Hall, asks unanimous consent to introduce a bill at this time, out of order and under suspension of the rules, notwithstanding the joint closing order. Is there objection? The Chair hears none, and the bill is introduced. The Clerk will read the title of the bill.

Bill "An Act to Incorporate the Wilson Lake Sewer District in the town of Wilton."

On motion by Mr. Hall, the bill was referred to the Committee on Legal Affairs, 500 copies ordered printed and sent up for concurrence.

Mr. WINSLOW of Auburn: Mr. Speaker, I would like unanimous consent to address the House.

The SPEAKER: The gentleman from Auburn, Mr. Winslow, asks unanimous consent to address the House. Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. WINSLOW: Mr. Speaker and members of the House: I have a resolve in favor of Dillingham and Son, of Auburn, which I would like the unanimous consent of the House to introduce. The reason I am introducing this resolve at this late date is due to the fact that Mr. Leadbetter advised me the matter would be taken care of by his office on account of those parties being on the pension list. It was afterwards found they had not received payments, and consequently it was not on their list. At the request of Mr. Leadbetter I am presenting this resolve and ask that the House receive it at this time.

The SPEAKER: The gentleman from Auburn, Mr. Winslow, asks unanimous consent to introduce a resolve at this time, out of order and under suspension of the rules, notwithstanding the joint closing order. Is there objection? The Chair hears no objection and the resolve is received. The Clerk will read the title of the resolve.

Resolve in favor of Dillingham and Son, of Auburn.

On motion of Mr. Winslow, the resolve was referred to the Committee on Claims and sent up for concurrence.

Mr. BURGESS of Limestone: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, asks unanimous consent to address the House. Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. BURGESS: Mr. Speaker, I have here a bill which I believe is special legislation, as it refers entirely to the town of Limestone. It has come to me too late to get it in prior to February 2nd, and I now ask unanimous consent to present it. It is "An Act Creating the Limestone Water and Sewer District."

The SPEAKER: The gentleman from Limestone, Mr. Burgess, asks unanimous consent to introduce a bill at this time, out of order and under suspension of the rules, notwithstanding the joint closing order. Is there objection? The Chair hears none, and the bill is introduced. The Clerk will read the title to the bill.

Bill "An Act Creating the Limestone Water and Sewer District."

On motion by Mr. Burgess, the bill was referred to the Committee on Public Utilities, 500 copies ordered printed and sent up for concurrence.

Reports of Committees Leave to Withdraw

Mr. Churchill from the Committee on Salaries and Fees on Bill "An Act relating to the Livermore Falls Municipal Court" (H. P. 1203) (L. D. 417) reported leave to withdraw.

Ought Not To Be Adopted

Mr. Grua from the Committee on Federal Relations reported "Ought not to be adopted" on Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress Assembled Petitioning for Air Bases in Maine (H. P. 539)

Mr. Slosberg from same Committee reported same on Memorial to the Honorable Senate and House of Representatives in Congress relative to Investigating of Railroad Rates (H. P. 869)

Ought Not To Pass

Mr. Smith from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Bill "An Act Limiting the Catching of Crabs" (H. P. 515) (L. D. 168)

Reports were read and accepted and sent up for concurrence.

Ought To Be Adopted In New Draft

Mr. Poulin from the Committee on Federal Relations on Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress Assembled requesting Subsidies for Maine Fishermen (H. P. 870) reported same in a new draft (H. P. 1780) under same title and that it "Ought to be adopted."

The SPEAKER: The Clerk will read the Memorial.

Memorial to the Honorable Senate and House of Representatives of the United States of America in Congress Assembled. Requesting Subsidies for Maine Fishermen

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the 89th Legislative session assembled, most respectfully present and petition your honorable body as follows:

Whereas, for over 100 years, Maine fishermen have earned a precarious, and bare living, and

Whereas, the competition from foreign countries, aided by federal treaties, is such that the Maine fishermen can no longer make their bare living, and

Whereas, the Maine fishermen have been a group that has always been self-reliant, and expressive of the real spirit of American Democracy, now therefore be it

Resolved: That we, your Memorialists, do hereby respectfully petition and urge that the various types of fishing in the State of Maine be protected by proper subsidies to equalize the effects of the present and future tariff rates or that such changes and modifications of the present tariff rates shall be made that our Maine fishermen may compete upon a just and equal basis with fishermen in foreign countries; and be it further

Resolved: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the proper officers and committees of the United States

Senate and House of Representatives, the President of the United States and to each of the Representatives and Senators representing the State of Maine in the United States Congress

On motion by Mr. Tardif of Bath, the report of the Committee was accepted, and the Memorial was adopted.

Ought To Pass In New Draft

Mr. Jordan from the Committee on Sea and Shore Fisheries on Resolve Regulating the Taking of Smelts from Smelt Brook in the town of Perry (H. P. 711) reported same in a new draft (H. P. 1781) under same title and that it "Ought to pass"

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

**Ought To Be Adopted
Memorial Tabled**

Mr. Payson from the Committee on Federal Relations reported "Ought to be adopted" on Memorial memorializing the Postmaster General of the United States relative to a Special Postage Stamp in honor of Captain Jeremiah O'Brien (H. P. 868)

The SPEAKER: The Clerk will read the Memorial.

Memorializing The Postmaster General Of The United States Relative To A Special Postage Stamp In Honor Of Captain Jeremiah O'Brien

Whereas, Captain Jeremiah O'Brien, a native of the Commonwealth of Massachusetts, by his distinguished service won from the British in Machias Bay, on June twelve, seventeen hundred and seventy-five, the first naval engagement of the war of the Revolution and received from the Provincial Congress commendation for his victory and became the first regularly commissioned naval officer and commander of the Revolutionary navy of Massachusetts; and

Whereas, The Navy Department of the United States has recently approved the construction of a destroyer at the Boston Navy Yard, to be named in honor of Captain O'Brien; therefore be it

RESOLVED, That the eighty-ninth Legislature of Maine hereby respectfully requests the Postmaster General of the United States to

provide for a special commemorative postage stamp to be issued in honor of the distinguished record and exploits of said Captain Jeremiah O'Brien coincidently with the launching of said named "Destroyer" O'Brien, or as near as may be; and be it further

RESOLVED, That a certified copy of this Memorial, duly certified by the Secretary of State, be immediately transmitted by the Secretary of State to the proper officers and committees of the United States Senate and House of Representatives, the President of the United States and to each of the Representatives and Senators representing the State of Maine in the United States Congress.

(On motion by Mr. Payson of Portland, the Memorial was tabled pending adoption.)

The **SPEAKER**: The next three items on the calendar, reports of the Committee of Sea and Shore Fisheries on several bills, have been withdrawn by the Committee for technical corrections.

Ought to Pass

Mr. Barter from the Committee on Sea and Shore Fisheries reported "Ought to pass" on Resolve relating to the Taking of Clams in Surry (H. P. 1235) (L. D. 392)

Mr. Pike from same Committee reported same on Resolve relating to the taking of Clams in Bluehill (H. P. 1206) (L. D. 419)

Mr. Smith from same Committee reported same on Resolve Regulating Digging of Clams within the limits of the towns of South Bristol and Boothbay (H. P. 1208) (L. D. 421)

Reports were read and accepted.

First Reading of Printed Bills

Bill "An Act relating to Distribution of Patent Medicines" (H. P. 15) (L. D. 6)

Bill "An Act relating to the School Board of the city of Eastport" (H. P. 563) (L. D. 196)

(On motion by Mr. Pike of Bridgton, the bill was recommitted to the Committee on Legal Affairs for technical correction)

Bill Tabled

Bill "An Act Amending the Farm Lands Loan Act" (H. P. 713) (L. D. 265)

(On motion by Mr. Howes of Charleston, tabled pending first reading)

First Reading of Printed Bills (Continued)

Bill "An Act permitting Revocation of Operator's License after Conviction for Manslaughter" (H. P. 935) (L. D. 325)

Bill "An Act relating to the Methodist Church" (H. P. 1175) (L. D. 492)

Bill "An Act relating to Roads in Unincorporated Places" (H. P. 1215) (L. D. 460)

Bill "An Act relating to the Labelling of Fresh Eggs for Sale" (H. P. 1775) (L. D. 943)

Bill "An Act relating to Raising Money to Maintain a Hospital in Washington County" (H. P. 1776) (L. D. 944)

Bills were read twice and tomorrow assigned.

Bills With Committee Amendments

Bill "An Act relating to Assessment and Collection of Taxes" (H. P. 483) (L. D. 178)

Bill was read twice.

The **SPEAKER**: The Clerk will read Committee Amendment "A"

House Amendment "A" to H. P. 483, L. D. 178, Bill, "An Act Relating to Assessment and Collection of Taxes."

Amend the second paragraph of Section 1 of said Bill by inserting in the fourth line of said paragraph after the word "assessors" the words 'for the time being', and by inserting in the eighth line of said paragraph after the word "collector" the words 'for the time being.' And further amend said bill by striking out the second paragraph of Section 4 thereof, and substituting therefor the following:

'Sec. 28 A Enforcement of supplemental assessments. When taxes are assessed under section 32 of Chapter 13, as amended by section 1 of this act, the lien upon real estate shall be enforced as provided in section 28 of this chapter or in chapter 244 of the public laws of 1933, as amended, except that if real estate shall have been alienated to a bona fide purchaser for value since the assessment was omitted or invalidly made, to an owner other than a city or town, and record of transfer duly recorded, or notice of the transfer with a description of the property is given in writing to

the assessors, the lien shall terminate unless the tax thus assessed is committed within 1 year from the assessment date of the year involved; otherwise it shall continue in full force and effect.'

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

Bill "An Act to Grant a New Charter to the city of Gardiner (H. P. 682) (L. D. 266).

Bill was read twice.

The SPEAKER: The Clerk will read Committee Amendment "A".

House Amendment "A" to H. P. 682, L. D. 266, Bill, "An Act to Grant a New Charter to the City of Gardiner."

Amend said Bill by striking out the word "inhabitants" in the seventh line of section 1 of Article II, and inserting in place thereof the words 'qualified voters'

Further amend said Bill by striking out the word "residents" in the second line of section 2 of Article V and inserting in place thereof the words 'qualified voters.'

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

Passed to Be Engrossed

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

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)

Sent up for concurrence.

Orders of The Day

On motion by Mr. Bird of Rockland, the House voted to take from the table the sixth unassigned matter, Bill "An Act for the further protection of Rhododendron Maximum Linnaeus and Kalmia Latifolia Linnaeus" (H. P. 1405) tabled on February 9th by that gentleman pending reference.

Mr. BIRD: Mr. Speaker and members of the House: I sincerely appreciate the honor that was suggested by you referring this bill to me, if that may be termed an honor. I have been investigating somewhat as to the origin and source of this bill, but without any conclusion, because it seems to me it is a great deal like tracing down a piece of gossip: it is like "The House that Jack Built"—you can never find the source. But, nevertheless, upon reflection, I am wondering if there is a Dr. Jekyll or Mr. Hyde in the House, or possibly an Edgar Bergen and Charlie McCarthy—of that half-wit who was born and nurtured in South Hope — it may be possible that half-wit has migrated to Rockland, for all I know.

But, nevertheless, the bill, it seems to me, does not have to do with beasts of burden or fowl of the air or fish of the sea—maybe it has something to do with the bird of prey. Nevertheless, in all confidence and respect for the bill that was introduced at the last term of the Legislature, evidently it had to do with the protection of something, and I have learned that that something has to do with the beautiful flower. I think the flower is at the Executive Mansion and in other parts of the State. I have not been able to determine the reason for the introduction of this bill, but of course there are a great many road contractors in the State of Maine, and this bill amends the former bill by forbidding any digging up of this Rhododendron.

It would not, of course, apply to

any large State road contractors in the State, but, nevertheless, I do not think we should embarrass them, or, in any event, they should not be embarrassed because they should continue the work. I do not know whether I am talking on the merits of the bill or the demerits of the bill. I am like my friend from Portland here. However, legislation may be deemed inexpedient or that it ought not to pass. But perhaps the best way out, to save embarrassment for the person who introduced the bill, perhaps under a phoney name, is to indefinitely postpone. I therefore, Mr. Speaker, move that this bill, entitled "An Act for the further protection of *Rhododendron Maximum Linnaeus* and *Kalmia Latifolia Linnaeus*" (H. P. 1405) be indefinitely postponed.

The SPEAKER: The gentleman from Rockland, Mr. Bird, moves that Bill "An Act for the further protection of *Rhododendron Maximum Linnaeus* and *Kalmia Latifolia Linnaeus*" (H. P. 1405) be indefinitely postponed. The Chair recognizes the gentleman from Skowhegan, Mr. Hinman.

Mr. HINMAN: Mr. Speaker, is the motion to indefinitely postpone debatable?

The SPEAKER: The motion is debatable.

Mr. HINMAN: Mr. Speaker, I have no objection to the indefinite postponement of the bill, but I do feel that perhaps the gentleman from Rockland (Mr. Bird) should realize that it is rather a serious matter to clutter up our calendar with an amendment that has to be indefinitely postponed in order to dispose of it, and I hope in his future legislative actions he may prevent the calendar from being cluttered up with this kind of legislation.

The SPEAKER: The question is on the motion of the gentleman from Rockland, Mr. Bird, that bill "An Act for the further protection of *Rhododendron Maximum Linnaeus* and *Kalmia Latifolia Linnaeus*" (H. P. 1405) be indefinitely postponed. Is this the pleasure of the House? All those who are in favor of the motion of the gentleman from Rockland, Mr. Bird, will say aye; those opposed no.

A viva voce vote being doubted,

On motion by Mr. Payson of Portland, a division of the House was had.

Fifty-one having voted in the affirmative and 63 in the negative, the motion did not prevail.

On motion by Mr. Farwell of Unity, the bill was tabled pending reference.

On motion by Mr. Gyger of Cumberland, the House voted to take from the table the fourteenth unassigned matter, Bill "An Act Relating to Accounting by Charitable Organizations" (S. P. 391) (L. D. 764) which came from the Senate, referred to the Committee on Legal Affairs and tabled by Mr. Gyger on February 16th pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the Committee on Legal Affairs in concurrence.

On motion by Mr. Brown of Eagle Lake, the House voted to take from the table the eighth unassigned matter, Bill "An Act to Close Eastern Normal School at Castine and Madawaska Training School" (H. P. 1547) (L. D. 645) 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 Education, 500 copies ordered printed and sent up for concurrence.

On motion by Mr. Winslow of Auburn, the House voted to take from the table the twentieth unassigned matter, Bill "An Act Relating to Insurance Companies" (H. P. 1770) tabled on February 17th by that gentleman pending reference; and on further motion by the same gentleman the bill was referred to the Committee on Mercantile Affairs and Insurance, 500 copies ordered printed and sent up for concurrence.

On motion by Mr. Stilphen of Dresden, the House voted to take from the table the fifteenth unassigned matter, Bill "An Act Relating to the use of Trailers on Farm Tractors" (S. P. 383) (L. D. 788) which came from the Senate, referred to the Committee on Motor Vehicles, and which was tabled on February 16th by Mr. Stilphen pending reference in concurrence; and on further motion by the same gentleman the bill was referred to the Committee on Motor Vehicles in concurrence.

On motion by Mr. Cowan of Portland, the House voted to take from the table the thirteenth unassigned matter, House Report, "Ought to pass" of the Committee on Motor Vehicles on Bill "An Act Relating to Reserved Number Plates on Motor Vehicles" (H. P. 566) (L. D. 199) tabled on February 14th by that gentleman pending acceptance; and on further motion by the same gentleman the report of the committee was accepted and, under suspension of the rules, the bill had its two several readings and tomorrow assigned.

On motion by Mr. Barter of Stonington, the House voted to take from the table the fourth unassigned matter, Bill "An Act Relating to the Legal Size of Lobsters" (H. P. 1340) (L. D. 524) tabled by that gentleman on February 8th pending reference; and on further motion by the same gentleman the bill was referred to the Committee on Sea and Shore Fisheries and sent up for concurrence.

On motion by Mr. Barter of Stonington, the House voted to take from the table the fifth unassigned matter, Bill "An Act Relating to the Legal Size of Lobsters" (H. P. 1341) (L. D. 525) tabled on February 8th by that gentleman pending reference; and on further motion by the same gentleman the bill was referred to the Committee on Sea and

Shore Fisheries and sent up for concurrence.

On motion by Mr. Meserve of Casco, the House voted to take from the table the tenth unassigned matter, Bill "An Act Relating to Municipal Ordinances" (H. P. 1657) (L. D. 646) tabled by that gentleman on February 14th pending reference; and on further motion by the same gentleman the bill was referred to the Committee on Legal Affairs and sent up for concurrence.

On motion by Mr. Stilphen of Dresden, the House voted to take from the table the eleventh unassigned matter, Bill "An Act Relating to Registration Fees to be Paid for Registration of Funeral Coaches and Funeral Hearses" (H. P. 1698) (L. D. 647) tabled by that gentleman on February 14th pending reference; and on further motion by the same gentleman the bill was referred to the Committee on Motor Vehicles and sent up for concurrence.

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. Weed of Manchester,

Adjourned until ten o'clock tomorrow morning.