

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 23, 1939.

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

Prayer by the Rev. Mr. Van Couenhoven of Hallowell.

Journal of the previous session read and approved.

From the Senate: Petition of William B. Gibson and 669 others of Houlton in favor of Bill "An Act to Provide a Town Manager Form of Government for the Town of Houlton" (S. P. 425)

Comes from the Senate referred to the Committee on Legal Affairs.

In the House, placed on file in non-concurrence.

Senate Bill in First Reading

Bill "An Act relative to Taking Tuna" (S. P. 120) (L. D. 81); in new draft (S. P. 418) (L. D. 877)

Bill was read twice and tomorrow assigned.

Communication

State of Maine,

Department of Health and Welfare,

February 22, 1939.

To the Clerk of the House of Representatives:

Pursuant to orders of the House of Representatives of January 25 and 26, requiring certain information relative to applicants for old-age assistance, I am submitting herewith the required information for six counties as follows:

Aroostook
Cumberland
Oxford
Penobscot
Somerset
York

This, with the information given you in letter of February 14, completes the sixteen counties.

Very respectfully,

(Signed)

GEORGE W. LEADBETTER,
Commissioner of Health
and Welfare.

Was read and ordered placed on file.

The following remonstrance was received, and upon recommendation of the Committee on Reference of

Bills was referred to the following committee:

Taxation

Remonstrance of Theodore Gonya and 173 others of Rumford and vicinity in opposition to any Increase in the Gasoline Tax (H. P. 1804) (Presented by Mr. Burgess of Rumford)

On motion by Mr. Fellows of Augusta, it was

ORDERED, that the use of the hall of the House be granted for an address by Miss Helen Keller on the evening of Wednesday, March 8, 1939.

On motion by Mr. Melanson of Cherryfield, it was

ORDERED, that the use of the hall of the House be granted to the Committee on Sea and Shore Fisheries for the afternoon of Thursday, March 2nd.

On motion by Miss Fowles of Whitefield, it was

ORDERED, that the use of the hall of the House be granted to the Committee on Judiciary for this afternoon.

Reports of Committees**Ought Not to Pass**

Mr. Bragdon from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Nathan E. Goldstein (H. P. 699)

Mr. Churchill from same Committee reported same on Resolve in favor of Grace M. and Allen H. Sprague of Auburn (H. P. 268)

Mr. Cleaves from same Committee reported same on Resolve in favor of F. B. Shaw of Corinna (H. P. 454)

Same gentleman from same Committee reported same on Resolve in favor of the Cushman Baking Company (H. P. 826)

Same gentleman from same Committee reported same on Resolve in favor of Flora Case Grant of Marion (H. P. 231)

Mr. Cushing from same Committee reported same on Resolve in favor of E. J. Duncan of Hartland (H. P. 697)

Same gentleman from same Committee reported same on Resolve in favor of Roy L. Weston of Fairfield (H. P. 823)

Same gentleman from same Com-

mittee reported same on Resolve in favor of John R. Kaneen of Skowhegan (H. P. 459)

Mr. Fogg from same Committee reported same on Resolve in favor of the Patrons Androscoggin Mutual Fire Insurance Company of Auburn (H. P. 827)

Mr. Melanson from same Committee reported same on Resolve to Compensate Birch Point Village Corporation for Damage to Road by State Highway Commission (H. P. 835)

Same gentleman from same Committee reported same on Resolve reimbursing town of Dixmont for School Conveyance to State Pauper (H. P. 458)

Mr. Bird from the Committee on Judiciary reported same on Bill "An Act relating to Pauper Settlements of Aliens" (H. P. 487) (L. D. 182)

Same gentleman from same Committee reported same on Bill "An Act relating to Registration of Voters" (H. P. 496) (L. D. 150)

Same gentleman from same Committee reported same on Resolve proposing an Amendment to the Constitution Permitting Paupers to Vote (H. P. 560) (L. D. 194)

Reports were read and accepted and sent up for concurrence.

Report Tabled

Mr. Fellows from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Pauper Settlements" (H. P. 503) (L. D. 157)

(On motion by Mr. Fellows of Augusta, tabled pending acceptance of committee report.)

Mr. Varney from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Reciprocal Relations in respect to Death Duties in the Taxation of Non-resident Estates" (H. P. 125) (L. D. 47)

Mr. Weatherbee from same Committee reported same on Bill "An Act permitting the Trustees of the Henry W. Clary Memorial Trust Fund to Reimburse Chester A. Boynton (H. P. 911) (L. D. 357)

Mr. Buzzell from the Committee on Legal Affairs reported same on Bill "An Act to Incorporate the Mouse Island Corporation" (H. P. 925) (L. D. 363)

Mr. Dow from same Committee reported same on Bill "An Act relating to Excavations in City Streets" (H. P. 1329) (L. D. 509)

Reports were read and accepted and sent up for concurrence.

Report Tabled

Mr. Dow from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act providing for the Regulation and Supervision of Electricians and Electrical Installations" (H. P. 684) (L. D. 257)

(On motion by Mr. Dwinal of Camden, tabled pending acceptance of committee report.)

Mr. Dwinal from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act to provide a Police Commission for the city of Saco" (H. P. 1167) (L. D. 486)

Mr. Shesong from same Committee reported same on Bill "An Act to Incorporate Agassiz Village (H. P. 1172) (L. D. 490)

Reports were read and accepted and sent up for concurrence.

Report Tabled

Mr. Snow from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act to Provide Inspection of Corn for Canning" (H. P. 1406) (L. D. 605)

(On motion by Mr. Mills of Farmington, tabled pending acceptance of committee report.)

Refer to Committee on Claims

Mr. Haskell from the Committee on Education on Resolve in favor of Aroostook Central Institute of Mars Hill (H. P. 375) reported that same be referred to the Committee on Claims.

Leave to Withdraw

Mr. Cowan from the Committee on Mercantile Affairs and Insurance on Bill "An Act relating to Non-profit Hospital Service Plans" (H. P. 1432) (L. D. 611) reported leave to withdraw.

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Report Tabled

Mr. Cleaves from the Committee on Claims on Resolve in favor of Sylvia A. Martin of Eagle Lake (H. P. 845) reported same in a new draft (H. P. 1805) under same title and that it "Ought to pass"

(On motion by Mr. Brown of Eagle Lake, tabled pending acceptance of committee report)

Mr. Race from the Committee on Claims on Resolve in favor of the town of Nobleboro (H. P. 464) reported same in a new draft (H. P. 1806) under same title and that it "Ought to pass"

Same gentleman from same Committee on Resolve in favor of Allen C. Reed and Warren Reed of Boothbay Harbor (H. P. 373) reported same in a new draft (H. P. 1807) under same title and that it "Ought to pass"

Mr. Donahue from the Committee on Legal Affairs on Bill "An Act relating to Set-offs against Taxes" (H. P. 482) (L. D. 177) reported same in a new draft (H. P. 1808) under same title and that it "Ought to pass"

Mr. Farrington from the Committee on Motor Vehicles on Bill "An Act relating to Operators' Licenses" (H. P. 685) (L. D. 258) reported same in a new draft (H. P. 1809) under same title and that it "Ought to pass"

Mr. Melanson from the Committee on Sea and Shore Fisheries on Bill "An Act relating to the Digging of Clams in the town of Brooksville" (H. P. 583) (L. D. 208) reported a Resolve under title of "Resolve relating to the Digging of Clams in the town of Brooksville" (H. P. 1810) and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to the Digging of Clams in the town of Sedgwick" (H. P. 582) (L. D. 207) reported a Resolve under title of "Resolve relating to the Digging of Clams in the town of Sedgwick" (H. P. 1811) and that it "Ought to pass"

Mr. Norwood from same Committee on Bill "An Act relating to the Digging of Clams in the town of Brooklin" (H. P. 581) (L. D. 206) reported a Resolve under title of "Resolve relating to the Digging of Clams in the town of Brooklin" (H. P. 1812) and that it "Ought to pass"

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

Ought to Pass

Miss Fowles from the Committee on Education reported "Ought to pass" on Resolve in favor of George H. Larrabee of Portland (H. P. 1147)

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

Ought to Pass Printed Bills

Mr. Chandler from the Committee on Agriculture reported same on Bill "An Act relating to the All Maine Fair Association" (H. P. 670) (L. D. 245)

Mr. Haskell from the Committee on Education reported same on Bill "An Act relating to Apportionment of School Equalization Fund" (H. P. 673) (L. D. 248)

Mr. Hodgkins from same Committee reported same on Bill "An Act relating to Payment to State of Teachers' Retirement Association Deductions" (H. P. 1409) (L. D. 603)

Mr. Bird from the Committee on Judiciary reported same on Bill "An Act relating to Removal of Paupers" (H. P. 488) (L. D. 183)

Mr. Hinckley from same Committee reported same on Bill "An Act relating to Removal of Paupers" (H. P. 246) (L. D. 62)

Mr. Varney from same Committee reported same on Bill "An Act relating to Removal of Paupers from Towns wherein they have No Settlement" (H. P. 245) (L. D. 61)

Same gentleman from same Committee reported same on Bill "An Act relating to Pauper Settlements" (H. P. 552) (L. D. 189)

Mr. Weatherbee from same Committee reported same on Bill "An Act relating to Town Clerks" (H. P. 244) (L. D. 60)

Mr. Buzzell from the Committee on Legal Affairs reported same on Bill "An Act to Incorporate the Presque Isle Water District" (H. P. 921) (L. D. 308)

Mr. Dwinall from same Committee reported same on Bill "An Act Validating Acts of Boothbay Harbor and Southport" (H. P. 1177) (L. D. 494)

Mr. Payson from same Committee reported same on Bill "An Act Authorizing Cities and Towns to Raise Money for Certain Purposes" (H. P. 1330) (L. D. 538)

Mr. Pike from same Committee reported same on Bill "An Act to Incorporate the city of Presque Isle" (H. P. 683) (L. D. 267)

Mr. Cowan from the Committee on Mercantile Affairs and Insurance reported same on Bill "An Act relating to the Harrison Mutual Fire Insurance Company" (H. P. 1185) (L. D. 456)

Mr. Maxim from the Committee on Taxation reported same on Bill "An Act relating to Exemption of

Polls and Estates from Taxation, of Veterans of the Philippine Insurrection" (H. P. 1344) (L. D. 531)

Reports were read and accepted.

First Reading of a Printed Bill

Bill "An Act relating to Probation Officers" (H. P. 1786) (L. D. 967)

Bill was read twice and tomorrow assigned.

Passed to be Engrossed

Bill "An Act relating to Adoption of Children" (S. P. 54) (L. D. 18)

Bill "An Act Regulating Places and Time of Taking Salmon, Shad and Alewives in Certain Waters, Penalty" (S. P. 78) (L. D. 790)

Bill "An Act relative to Weekly Close Time for Salmon, Shad, Alewives, and Bass" (S. P. 79) (L. D. 792)

Bill "An Act relating to Certificates of Organization of Corporations" (S. P. 181) (L. D. 232)

Bill Tabled

Bill "An Act to Incorporate the town of Princeton Lighting District" (S. P. 184) (L. D. 235)

(On motion by Mr. Dow of Norway, tabled pending third reading)

Passed to be Engrossed (Continued)

Bill "An Act Prohibiting the Unlawful Taking of Aircraft" (S. P. 186) (L. D. 237)

Bill "An Act relative to the Soldiers' Bonus Fund and the War Bond Sinking Fund" (S. P. 220) (L. D. 283)

Bill "An Act relative to Approval of Bonds of Sheriffs" (S. P. 222) (L. D. 281)

Bill "An Act relating to Collection of Poll Taxes" (H. P. 484) (L. D. 179)

Resolve Designating The Governor Barrows Rearing Station (S. P. 119) (L. D. 791)

Resolve relating to the Taking of Clams in Bluehill (H. P. 1206) (L. D. 419)

Resolve Regulating Digging of Clams Within the Limits of the towns of South Bristol and Boothbay (H. P. 1208) (L. D. 421)

Resolve relating to the Taking of Clams in Surry (H. P. 1235) (L. D. 392)

Resolve Regulating the Taking of Smelts from Smelt Brook in the town of Perry (H. P. 1781) (L. D. 945)

Sent up for concurrence.

Orders of the Day

The SPEAKER: The Chair lays before the House the first matter tabled and today assigned, Bill, "An Act Relating to Town Manager Form of Government for the Town of Dover-Foxcroft" (H. P. 283) (L. D. 90) tabled on February 22nd by Mr. Snow of Dover-Foxcroft, pending acceptance of the report of the Committee on Bills in the Third Reading and especially assigned for today.

Thereupon, the report of the Committee on Bills in the Third Reading was accepted.

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

House Amendment "A" to H. P. 283, L. D. 90, Bill, "An Act Relating to the Town Manager Form of Government for the Town of Dover-Foxcroft."

Amend said Bill by striking out the word "inhabitants" in the fifth line of Section 1 and inserting in place thereof the words 'legal voters'.

Further amend said Bill by inserting at the end of the fourteenth line after the word "month" the word 'during'.

Further amend said Bill by adding thereto the following section, to be numbered Section 3.

'Sec. 3. Referendum. This act shall take effect 90 days after the adjournment of this legislature only for the purpose of permitting its acceptance or rejection by the legal voters of the town of Dover-Foxcroft at any annual or special town meeting legally called and held before the 1st day in April, 1940, an appropriate article being inserted in the call for such 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. The town clerk shall forthwith file with the secretary of state a certificate of the action of the town thereon.

Thereupon, House Amendment "A" was adopted, and the bill was given its third reading, passed to be engrossed, as amended by House Amendment "A" and sent up for concurrence.

On motion by Mr. Noyes of Franklin, the House voted to reconsider its action of yesterday whereby Bill "An Act to Incorpor-

ate the Brooks Water District" (H. P. 1803) (L. D. 966) was referred to the Committee in Legal Affairs; and on further motion by the same gentleman the bill was referred to the Committee on Public Utilities and sent up for concurrence.

Order (Out of Order)

Mr. Dwinall of Camden, out of order and under suspension of the rules, was granted permission to introduce an order:

ORDERED, that there be printed 500 additional copies of H. P. 1666, L. D. 856, Bill "An Act Amending the Law Relating to Embalmers and Funeral Directors."

The order received passage.

On motion by Mr. Varney of Berwick, the House voted to take from the table the eighth unassigned matter, Bill "An Act Relating to Roads in Unincorporated Places" (H. P. 1215) (L. D. 460) tabled by that gentleman on February 22nd pending motion by Mr. Hinman of Skowhegan, that House Amendment "A" be adopted.

The SPEAKER: The question before the House is on the adoption of House Amendment "A". The Clerk will read the amendment.

House Amendment "A" to H. P. 1215, L. D. 460, Bill "An Act Relating to Roads in Unincorporated Places."

Amend said Bill by striking out the comma at the end of the new matter in the ninth line from the end of said Bill and inserting in place thereof a period.

Further amend said Bill by indicating the striking out of the words in the ninth and eighth lines from the end of said Bill "at the same time" and inserting in lieu thereof the words "The county commissioners at the time the taxes provided by this section are assessed shall."

Thereupon, House Amendment "A" was adopted.

Mr. Varney of Berwick, then offered House Amendment "B" and moved its adoption.

House Amendment "B" to H. P. 1215, L. D. 460 Bill "An Act Relating to Roads in Unincorporated Places"

Amend said Bill by striking out the following words at the end thereof: "and they shall publish a list of townships and tracts of land

so assessed, with the sums so assessed on each, and the roads on which it is to be expended, in some paper printed in the county where the lands lie, 3 weeks successively, the last publication to be within three months from the date of the assessment."

Thereupon, House Amendment "B" was adopted, and the bill was given its third reading, passed to be engrossed as amended by House Amendment "A" and as further amended by House Amendment "B" and sent up for concurrence.

On motion by Mr. Farrington of Augusta, the House voted to take from the table the tenth unassigned matter, Bill "An Act Relating to Registration of Motor Vehicles" (H. P. 512) (L. D. 165) tabled on February 22nd by that gentleman, pending third reading; and on further motion by the same gentleman the bill was given its third reading, passed to be engrossed and sent up for concurrence.

The SPEAKER: Are there any further matter that can be taken from the table? The Chair recognizes the gentleman from Poland, Mr. Goss.

Mr. GOSS: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Poland, Mr. Goss, asks unanimous consent to address the House? Is there objection? The Chair hears none, and the gentleman may proceed.

Mr. GOSS: Mr. Speaker and members of the House: I merely wish to call your attention to the notices which were placed on our desks recently relative to the banquet of the Maine Veteran Legislators' Association, and to explain that every member of the Legislature is entitled to attend and that tickets are on sale at the House Post Office. I thank you for your courtesy in allowing me to speak.

On motion by Mr. Bates of Paten, the House voted to take from the table the sixth unassigned matter, Bill "An Act Reducing Registration Fees of Motor Vehicles, Increasing the Gasoline Tax, and Increasing the Allotment of Highway Funds to the Municipalities" (H. P. 1800) (L. D. 968) tabled by that gentleman on February 22nd pend-

ing reference; and on further motion by the same gentleman the bill was referred to the Committee on Taxation and sent up for concurrence.

On motion by Mr. Bates of Patten, the House voted to take from the table the seventh unassigned matter, Bill "An Act Reducing Registration Fees of Motor Vehicles and Increasing the Gasoline Tax" (H. P. 1801) (L. D. 969) tabled on February 22nd by that gentleman pending refer-

ence; and on further motion by the same gentleman the bill was referred to the Committee on Taxation 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. Young of Acton,

Adjourned until ten o'clock tomorrow morning.