

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, March 3, 1939.

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

Prayer by the Rev. Mr. Poole of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Report Tabled

From the Senate: Report of the Committee on Taxation on Bill "An Act relative to Exemption of Estates from Taxation" (S. P. 332) (L. D. 579) reporting legislation inexpedient as matter is taken care of in another bill.

Comes from the Senate, read and accepted.

In the House, on motion by Mr. Erswell of Brunswick, tabled pending acceptance of committee report in concurrence.

From the Senate: Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relative to Game Preserve in Lily Bay, county of Piscataquis" (S. P. 180) (L. D. 231)

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Senate Report Tabled

From the Senate: Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relative to Game Preserve in Phippsburg, county of Sagadahoc" (S. P. 123) (L. D. 113)

Comes from the Senate, read and accepted.

In the House, on motion by Mr. Larrabee of West Bath, tabled pending acceptance of committee report in concurrence.

Senate Bill and Resolve in First Reading

Bill "An Act relating to Lobster Fishermen's Licenses" (S. P. 305) (L. D. 517)

Resolve Prohibiting the Taking of Sturgeon in the Penobscot River (S. P. 228) (L. D. 277)

Bill read twice, Resolve read once, and next legislative day assigned.

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

Appropriations and Financial Affairs

Petition of Edna M. Abbott of Cornish in favor of S. P. 248, L. D. 450, An Act providing State Service for the Blind (H. P. 1838) (Presented by Mr. Batchelder of Parsonsfield)

Petition of 14 members of the 99 Club of Cornish and 11 members of the Ladies' Guild of Cornish in favor of same (H. P. 1839) (Presented by same gentleman)

Petition of Robert B. Fillmore and 17 others in favor of same (H. P. 1840) (Presented by Mr. Cieaves of Presque Isle)

Petition of L. L. McKinnon and 26 others in favor of same (H. P. 1841) (Presented by Mr. Weatherbee of Lincoln)

Sent up for concurrence.

Taxation

Petition of Thomas F. Fournier and 72 others of Eagle Lake in favor of H. P. 1758, L. D. 933, Bill "An Act relating to Licenses for Operation of Retail Stores" (H. P. 1842) (Presented by Mr. Brown of Eagle Lake)

Remonstrance of George Otis Smith and 57 others of Skowhegan against any Increase in the Gasoline Tax (H. P. 1845) (Presented by Mr. Hinman of Skowhegan)

Sent up for concurrence.

Orders

On motion by Mr. Howes of Charlestown, it was

ORDERED, that the use of the hall of the House be granted to the Committee on Labor for the afternoon of Tuesday, March 14th, 1939.

On motion by Mr. Miller of Bath, it was

ORDERED, that Rev. George Wolstenholme of Bath, be extended an invitation to officiate as Chaplain of the House on Tuesday, March 7th, 1939.

On motion by Mr. Fellows of Augusta, it was

ORDERED, the Senate concurring, that the Committee on Appropriations and Financial Affairs be authorized and empowered to originate and report bills and resolves which, in the judgment of that committee, may be necessary or advisable to carry out the recommendations of the budget messages or effect a reduction in State expenditures.

On further motion of Mr. Fellows, the order was sent forthwith to the Senate.

On motion by Mr. Varney of Berwick, it was

ORDERED, that the Official Reporter of the House be authorized to procure the services of a typist for the Assistant Reporter, to aid in the preparation and completion of the legislative record.

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 7, 1939, at eleven o'clock in the forenoon (S. P. 457)

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

Reports of Committees Ought Not to Pass

Mr. Emery from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve in favor of the Hotel Dieu Hospital at Van Buren (H. P. 1136) (L. D. 380)

Report read and accepted and sent up for concurrence.

Report Tabled

Mr. Murchie from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve in favor of the Lincoln Home of Newcastle (H. P. 849) (L. D. 331)

(On motion by Mr. Stilphen of Dresden, tabled pending acceptance of the committee report.)

Mr. Murchie from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve for Surveying the Outlet of Moosehead Lake (H. P. 1135) (L. D. 379)

Mr. Sleeper from same Committee reported same on Resolve for the Purchase of Indian Relics from the Penobscot Tribe of Indians (H. P. 1541) (L. D. 686)

Reports read and accepted and sent up for concurrence.

Report Tabled

Mr. LaFleur from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Hunting Waterfowl on Number 3 Pond" (H. P. 1316) (L. D. 501)

(On motion by Mr. Haskell of Lee, tabled pending acceptance of committee report.)

Mr. LaFleur from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Regulating Fishing in Sebago Lake (H. P. 1572) (L. D. 635)

Mr. Hanold from same Committee reported same on Bill "An Act Regulating Fishing in Trickey Pond in Naples" (H. P. 1575) (L. D. 638)

Mr. Snow from the Committee on Towns reported same on Bill "An Act relative to City and Town Records" (H. P. 518) (L. D. 171)

Reports read and accepted and sent up for concurrence.

Report Tabled

Mr. Stacy from the Committee on Towns reported "Ought not to pass" on Bill "An Act relating to Qualifications of Voters at Town Meetings" (H. P. 1466) (L. D. 570)

(On motion by Mr. Weed of Manchester tabled pending acceptance of committee report.)

Legislation Inexpedient

Mr. Sleeper from the Committee on Appropriations and Financial Affairs on Resolve in favor of the Good Samaritan Home Association of Bangor (H. P. 672) (L. D. 247) reported legislation thereon is inexpedient as subject matter has been taken care of in another bill.

Mr. Peakes from the Committee on Inland Fisheries and Game reported same on Resolve Regulating Transportation of Fish Taken from Sebago Lake (H. P. 546) (L. D. 220)

Leave to Withdraw

Mr. Peakes from the Committee on Inland Fisheries and Game reported leave to withdraw on Bill "An Act relative to Game Preserve in Jefferson and Somerville" (H. P. 1314) (L. D. 500)

Mr. Douglass from the Committee on Salaries and Fees reported same on Bill "An Act relating to the Salary of the Insurance Commissioner" (H. P. 1717) (L. D. 893)

Mr. Churchill from same Committee reported same on Bill "An Act to Increase the Salary of the Recorder of the Municipal Court of the city of Biddeford" (H. P. 1202) (L. D. 416)

Mr. Young from the Committee on Towns reported same on Bill "An Act Establishing the Line between Freeport and Yarmouth" (H. P. 1238) (L. D. 478)

Reports were read and accepted and sent up for concurrence.

House Committee Report

Mr. McGlaulin from the House Committee on Leave of Absence reported that Mr. Poulin of Rumford be excused from attending the sessions of the House during his illness.

Report was read and accepted.

Ought to Pass in New Draft

Mr. Chandler from the Committee on Agriculture on Bill "An Act to Prohibit the Sale of Cull or Unclassified Apples" (H. P. 1311) (L. D. 527) reported same in a new draft (H. P. 1846) under same title and that it "Ought to pass"

Mr. Churchill from the Committee on Salaries and Fees on Bill "An Act relating to Taxation of Motor Vehicles" (H. P. 1712) (L. D. 648) reported same in a new draft (H. P. 1844) under same title and that it "Ought to pass"

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

New Draft for Printing

Mr. Haskell from the Committee on Education on Bill "An Act relating to Use of Foreign Languages in Schools" (H. P. 1549) (L. D. 907) reported a new draft (H. P. 1843) under same title and that it be printed and recommitted to the Committee on Education.

Report was read and accepted, 500 copies of the new draft ordered printed and sent up for concurrence.

Ought to Pass Report Tabled

Mr. Gyger from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on

Resolve in favor of Knox Memorial Association, Inc., for Support and Maintenance of "Montpelier" (H. P. 523) (L. D. 213)

(On motion by Miss Fowles of Whitefield, tabled pending acceptance of committee report)

Mr. Plummer from the Committee on Towns reported "Ought to pass" on Bill "An Act relating to Municipal Elections in Bar Harbor (formerly town of Eden)" (H. P. 520) (L. D. 173)

Mr. Young from same Committee reported same on Bill "An Act authorizing the town of Island Falls to Raise Money" (H. P. 1749) (L. D. 899)

Reports were read and accepted.

Report Tabled

Mr. Fernald from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act relating to the Expenses of the Members of the State Liquor Commission" (H. P. 1797) (L. D. 962)

(On motion by Mr. Murchie of Calais, tabled pending acceptance of committee report)

First Reading of Printed Bills and Resolve

Bill "An Act Establishing a Game Preserve in Piscataquis County" (H. P. 540) (L. D. 214)

Bill "An Act relating to Hunting in the town of Castine" (H. P. 541) (L. D. 215)

Bill "An Act to Amend the Charter of the Camden and Rockland Water Company" (H. P. 710) (L. D. 263)

Bill "An Act relative to Trapping on Game Preserves" (H. P. 1129) (L. D. 407)

Bill "An Act relative to Trapping in the Winthrop and Wayne, Standish and Rangeley Game Preserves" (H. P. 1130) (L. D. 408)

Bill "An Act relating to The Standish Game Preserve" (H. P. 1131) (L. D. 409)

Bill "An Act to Extend the Rights, Powers and Privileges of the Sabat-us Water and Sewer District" (H. P. 1171) (L. D. 477)

Bills were read twice and assigned for third reading the next legislative day.

Bill "An Act to Provide for Alternate Jurors" (H. P. 1592) (L. D. 691)

The bill was given its two several readings.

Mr. Varney of Berwick, then

offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1592, L. D. 691, Bill, "An Act to Provide for Alternate Jurors."

Amend said Bill by striking out in the sixth line thereof the words "one or more" and inserting in lieu thereof the words 'not more than two'.

Further amend said Bill by striking off from the end thereof the last sentence which reads as follows: "The additional peremptory challenge may be used only against an alternate juror and the other peremptory challenges allowed by law shall not be used against the alternates."

Thereupon, House Amendment "A" was adopted, and the bill as amended was assigned for third reading the next legislative day.

First Reading of Printed Bills and Resolve (Continued)

Bill "An Act relating to Judicial Notice of Foreign Law" (H. P. 1618) (L. D. 706)

The bill was given its two several readings.

Mr. McGlauffin of Portland, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1618, L. D. 706, Bill "An Act Relating to Judicial Notice of Foreign Law".

Amend said Bill by inserting after the word "parties" in the last line of Sec. 4 the phrase, 'if any,'.

Thereupon, House Amendment "A" was adopted, and the bill as amended was assigned for third reading the next legislative day.

First Reading of Printed Bills and Resolve (Continued)

Bill "An Act relative to Game Preserve in York County" (H. P. 1834) (L. D. 1000)

Bill "An Act relating to Taxation of Radios" (H. P. 1835) (L. D. 1001)

Resolve to Reimburse Certain Exhibitors at the Penobscot and Piscataquis Fair (H. P. 1833) (L. D. 999)

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

Passed to be Engrossed

Bill "An Act relating to the Resignation of Attorneys-at-Law" (S. P. 320) (L. D. 590)

Bill "An Act relating to Ricker

Classical Institute" (S. P. 438) (L. D. 989)

Bill "An Act to Define the Pre-emptive Right of Stockholders" (H. P. 1825) (L. D. 995)

Resolve relating to Close Time on Lobsters in Certain Waters (H. P. 1207) (L. D. 420)

Sent up for concurrence.

The SPEAKER: Due to an error in the printing of the calendar, the heading of "Bills on their passage to be enacted" was omitted. Due to the possibility that someone may have been misled thereby, the enactors will be withheld until the next legislative day.

Orders of the Day

On motion by Mr. Peakes of Milo, the House voted to reconsider its action taken earlier in today's session whereby it accepted the "Ought not to pass" report of the Committee on Inland Fisheries and Game on Bill "An Act relative to Game Preserve in Lily Bay, county of Piscataquis (S. P. 180) (L. D. 231); and on further motion by the same gentleman the report was tabled pending acceptance in concurrence.

On motion by Mr. Farwell of Unity, the House voted to reconsider its action taken in yesterday's session whereby it passed to be engrossed Bill "An Act amending the law relating to the Width of Motor Vehicles" (S. P. 264) (L. D. 443)

Thereupon, under suspension of the rules, the House voted to reconsider its action whereby it adopted Senate Amendment "A" to S. P. 264, L. D. 443.

Mr. Farwell then offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" to S. P. 264, L. D. 443, Bill, "An Act Amending the Law Relating to the Width of Motor Vehicles."

Amend said amendment by adding at the end thereof the following words: 'or pea vines.'

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted.

Senate Amendment "A" as amended by House Amendment "A" was then adopted, and the bill as amended by Senate Amendment "A" and as further amended by House Amendment "A" to Senate

Amendment "A" was passed to be engrossed in non-concurrence and sent up for concurrence.

On motion by Mr. Howes of Charleston, the House voted to take from the table the second unassigned matter, Bill "An Act Amending the Farm Lands Loan Act" (H. P. 713) (L. D. 265) tabled by that gentleman on March 1st pending first reading; and on further motion by the same gentleman the bill was given its two several readings and assigned for third reading on the next legislative day.

On motion by Mr. Stilphen of Dresden, the House voted to take

from the table the fifth unassigned matter. Senate Report "Ought to pass" of the Committee on Judiciary on Bill "An Act Relating to the Emergency Municipal Finance Board" (S. P. 214) (L. D. 286) tabled on March 2nd by that gentleman, pending acceptance in concurrence; and on further motion by the same gentleman the "Ought to pass" report was accepted in concurrence, and the bill was given its two several readings and assigned for third reading the next legislative day.

On motion by Mr. Miller of Bath, Adjourned until Tuesday, March 7th, at eleven o'clock in the forenoon.