

# 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, March 7, 1939.

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

Prayer by the Rev. Mr. Wolstenholme of Bath.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

### Senate Bills in First Reading

Bill "An Act relative to the Investment of Unclaimed Money in the Hands of County Treasurers" (S. P. 216) (L. D. 291; in new draft (S. P. 448) (L. D. 994) under same title.

Bill "An Act relating to the Proof of an Official Record" (S. P. 373) (L. D. 797)

Bill "An Act relating to Motions to Set Aside a Verdict Heard by the Presiding Justice" (S. P. 369) (L. D. 799)

Bill "An Act relating to the Practice of Law" (S. P. 322) (L. D. 591)

Bill "An Act relating to Taxation of Colts" (S. P. 404) (L. D. 809)

Bills read twice and tomorrow assigned.

From the Senate: Bill "An Act to Provide Compensation for Indian Representatives to the Legislature" (S. P. 417) (L. D. 879) which was indefinitely postponed in the House on March 2nd in non-concurrence.

Comes from the Senate with that body voting to adhere to its former action whereby the bill was recommitted to the Committee on Salaries and Fees.

In the House:

Mr. HINMAN of Skowhegan: Mr. Speaker, I move the House adhere to its former action whereby it voted to indefinitely postpone this bill in non-concurrence.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that the House adhere.

The Chair recognizes the member from Portland, Mr. McGlaufflin.

Mr. MCGLAUFLIN: Mr. Speaker, I have no expectation of being able to change the vote of this House after you have so thoroughly beaten the proposition that I stood for a day or two ago, but I have been licked many times and then come

up again to fight. I want to tell a story.

When I was about seventeen years old, I engaged to work for a farmer during the haying season for the sum of twenty dollars per month. We happened to have exceedingly good weather, and we got our haying all done in seventeen days. During that time I pitched on every load of hay that went into that barn, and I pitched off the greater part of it. I will say to those of you who are not farmers that we consider pitching on and pitching off about the hardest part of the job. This farmer then informed me that he did not need my services any more, that I had worked seventeen days then and therefore he figured that he owed me thirteen dollars.

It so happened that I belonged to the local baseball team, and this club had engaged a place to play ball in this man's pasture; so this gentleman proceeded to take five dollars out of my thirteen to recompense him for the baseball field, with which I had nothing to do except being a member of the club.

And in the town in which I then lived they used to have what they called "store-pay," that is, if you could not get money they paid you at the store, and usually you would get about as much from the store for a dollar as seventy-five cents would buy in money.

So the settlement was made; I paid the five dollars for the baseball field, I got four dollars' worth of truck at the store I didn't want, and I got four dollars in money for my seventeen days' work. I thought then and I think now that that farmer was a mean man, and from that day to this I have hated a piker.

Now I come to this Indian proposition. I do not know why we arranged to have any Indians come here at all, but we did, and when they are here they should be entitled to some consideration.

The remark was made a day or two ago that they do nothing, they are mere figureheads. Well, what is the King of Italy but a mere figurehead? But he does not work for nothing.

I understand that the reason that the Indians do not come here is because they cannot afford to come here. I can well believe that. I have never been able to save a cent

by coming to this Legislature myself, and up to date I have been out of pocket every time.

Now I think from the very fact that we allow those Indians to come here, that we should pay them enough so that they can afford to come here if we do not any more than look at them. I think that they should be given some consideration. I have said in this House before, and I am saying it again: I do not like this matter of throwing things out of the window without any consideration of their merits.

I am informed by Senator Kennedy this morning that he wants to put in an amendment cutting down the amount that will be paid the Indians but paying them something. Therefore, I do not like to see this matter killed in the way that it will be done if the motion of the gentleman from Skowhegan (Mr. Hinman) prevails, because it kills the bill right there. I am against killing this bill until we have given it further consideration. And one of the things that surprises me is that the gentleman from Skowhegan, Mr. Hinman, one of the most generous men you can find anywhere, a splendid fellow, has got his teeth in the bone of economy so far that he even cannot do justice to anything. I hope the motion of the gentleman from Skowhegan (Mr. Hinman) does not prevail.

Mr. MILLS of Farmington: Mr. Speaker, I hope that we recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Hinman.

Mr. HINMAN: Mr. Speaker, if orderly, straightforward, sound business procedure constitutes to any degree being somewhat of a piker, I submit to being guilty.

You must remember that the Committee on Appropriations and Financial Affairs has given this matter consideration not only this year but in every session of the Legislature, and it is very much of a question whether or not, instead of recommending \$200 for the Indians, when we compare their service with that which the rest of us are expected to render, we should not cut them to \$125. But that committee has wanted to be charitable, it has felt that it was an established custom; they have not felt that the Indians were necessarily entitled to \$200, but they have felt that it was a

nice gesture and that the State was going as far as it should go. I submit to the members of this House: If there is any soundness in allowing this bill to go along and pay the Indians as much as we members who are rendering continuous service, then I agree I do not know what soundness is.

I will simply say this as to my false economy: It is the first time in my lifetime that I have ever been accused of trying to proceed on any such basis. However, I think perhaps it is all right to have that attached to you in these days. Although I do not look upon my move as false, I think it is sound, and I think before we go home this Legislature is going to agree that perhaps it is sound to cut our expenses as much as we reasonably can. I submit it is entirely reasonable, and that if we allow the amount that the Committee on Appropriations passed in the early days of this Legislature we have done everything we should be expected to do, and it would be decidedly unsound if we took any other course.

I move the previous question, Mr. Speaker.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the assent of one-third of the members present. As many as are in favor of the motion will rise and stand until counted and the Monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members having arisen, the previous question is ordered. The question is, shall the main question be put now? Only the question of putting the main question now is debatable. All those who are in favor of putting the main question now will say aye; those opposed no.

A viva voce vote being taken, the motion that the main question be now put prevailed.

The SPEAKER: The motion of the gentleman from Farmington, Mr. Mills, that the House recede from its former action and concur with the action of the Senate takes precedence over the motion of the gentleman from Skowhegan, Mr. Hinman, that the House adhere. The question now before the House is on the motion of the gentleman

from Farmington, Mr. Mills, that the House recede from its former action whereby it indefinitely postponed Bill "An Act to Provide Compensation for Indian Representatives to the Legislature" (S. P. 417) (L. D. 879) and concur in the action of the Senate whereby the bill was referred to the Committee on Salaries and Fees.

Mc McGLAUFLIN: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Portland, Mr. McGlauflin, asks for a division. All those in favor of the motion to recede and concur will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had. Twenty-nine having voted in the affirmative and 93 in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is on the motion of the gentleman from Skowhegan, Mr. Hinman, that the House adhere to its former action. All those in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Clerk has in his possession a communication from the Legislature of another State, which, if there is no objection, he will read.

"To the Speaker of the House of Representatives,  
State of Maine,  
Augusta, Maine.

Dear Sir:

Pursuant to the direction of the Oklahoma State Senate, Seventeenth Legislature, I am transmitting herewith, a duly authenticated copy of Enrolled Senate Resolution No. 17, which was unanimously adopted by the State Senate on the 27th day of February, 1939, requesting the Federal Congress to direct its attention toward providing legislation which will cause the speedy deportation of all alien residents of this country, who do not within a reasonable time, signify their willingness, desire and intention, and qualify to assume the obligations of citizenship and become citizens of the United States of America.

Yours very truly,

(Signed) J. WM. CORDELL  
Secretary of the Senate."

Communication and copy of Resolution were ordered placed on file.

The following petitions 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 P. E. Johnson and 69 others of East Millinocket and vicinity in favor of S. P. 248 Proposed Bill to provide State Services for the Blind (H. P. 1848) (Presented by Mr. Preble of Millinocket)  
Sent up for concurrence.

#### **Taxation**

Remonstrance of W. A. Brewster and 829 others of Knox County opposing any Increase in the Gasoline Tax (H. P. 1849) (Presented by Mr. Dwinall of Camden)

Remonstrance of Bryan Hodgkins and 240 others of Lincoln County opposing same (H. P. 1850) (Presented by Miss Fowles of Whitefield)

Remonstrance of Edward Sewall and 458 others of Sagadahoc County opposing same (H. P. 1851) (Presented by Mr. Miller of Bath)

Remonstrance of Karl C. Snow and 193 others of Piscataquis County opposing same (H. P. 1852) (Presented by Mr. Peakes of Milo)

Sent up for concurrence.

#### **Orders**

On motion by Mr. Hanold of Standish, it was

ORDERED, that the use of the hall of the House be granted to the Committee on Maine Publicity for this Tuesday evening.

On motion by Mr. Downs of Rome, it was

ORDERED, that Rev. George H. Norton Jr., of Kents Hill, be extended an invitation to officiate as Chaplain of the House, on Wednesday, March 8th, 1939.

#### **Reports of Committees Ought Not To Pass**

Mr. Larrabee from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Bill "An Act relating to the Legal Size of Lobsters" (H. P. 1340) (L. D. 524)

Report was read and accepted and sent up for concurrence.

#### Report Tabled

Mr. Noyes from the Committee on Taxation reported same on Bill "An Act relating to Taxation of State Owned Farms" (H. P. 1772) (L. D. 940)

(On motion by Mr. Maxim of Portland, tabled pending acceptance of committee report.)

Mr. Richardson from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Exemption from Taxation of Property of Blind Persons" (H. P. 1773) (L. D. 941)

Report was read and accepted and sent up for concurrence.

#### Report Tabled

Mr. Good from the Committee on Temperance reported "Ought not to pass" on Bill "An Act Repealing the Requirement of a Filing Fee" (H. P. 1464) (L. D. 630)

(On motion by Mr. Shesong of Portland, tabled pending acceptance of committee report)

#### Ought to Pass if Amended by Committee Amendment

Mr. Everett from the Committee on Public Health on Bill "An Act relating to Minimum Standards for Schools of Nursing Accredited in Maine" (H. P. 1197) (L. D. 473) reported "Ought to pass if amended by Committee Amendment 'A' reported herewith.

Report was read and accepted.

#### Ought to Pass as a Resolve

Mr. Labbee from the Committee on State Lands and Forest Preservation on Bill "An Act to Authorize the Forest Commissioner to Convey Certain Lands to the Aroostook Trust Company of Caribou, Maine, as Trustee" (H. P. 712) (L. D. 264) reported a Resolve under title of "Resolve authorizing the Forest Commissioner to Convey Certain Lands to the Aroostook Trust Company of Caribou, Maine, as Trustee" (H. P. 1853) and that it "Ought to pass"

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

#### Ought to Pass

Mr. Jewett from the Committee on Education reported "Ought to pass" on Bill "An Act Authorizing

Peabody Law School to Confer Degrees" (H. P. 6) (L. D. 13)

Mr. Jordan from the Committee on Sea and Shore Fisheries reported same on Bill "An Act Regulating the Closed Time on Scallops" (H. P. 1718) (L. D. 673)

Mr. Norwood from same Committee reported same on Bill "An Act relating to Records of Sales of Lobsters" (H. P. 1720) (L. D. 674)

Mr. Merserve from the Committee on State Lands and Forest Preservation reported same on Resolve Granting Authority to the Commissioner of Education to Convey Certain Land (H. P. 947) (L. D. 373)

Mr. Labbee from same Committee reported same on Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Aroostook County to Ivan Clark of East Millinocket (H. P. 1345) (L. D. 532)

Reports were read and accepted.

#### First Reading of Printed Bills

Bill "An Act relating to Municipal Elections in Bar Harbor (formerly town of Eden)" (H. P. 520) (L. D. 173)

Bill "An Act Authorizing the town of Island Falls to Raise Money" (H. P. 1749) (L. D. 899)

Bill "An Act relating to Taxation of Motor Vehicles" (H. P. 1844) (L. D. 1004)

Bill "An Act to Prohibit the Sale of Cull or Unclassified Apples" (H. P. 1846) (L. D. 1005)

Bills were read twice and tomorrow assigned.

#### Passed to be Engrossed

Bill "An Act relating to the Emergency Municipal Finance Board" (S. P. 214) (L. D. 286)

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

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

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 relative to The Standish Game Preserve" (H. P. 1131) (L. D. 409)

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

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

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

Sent up for concurrence.

#### **Amended Bills**

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

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

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended and sent up for concurrence.

#### **Passed to be Enacted (Emergency Measure)**

An Act Authorizing the Board of Registration of Nurses to Give Examinations to Certain Persons (S. P. 226) (L. D. 431)

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 two voting in the affirmative and 3 in the negative, 102 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

#### **Finally Passed (Emergency Measure)**

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

The SPEAKER: This being an emergency measure, it requires for its final passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the resolve being finally passed will rise and stand in their places until counted and the Monitors will make and return the count.

A division being had,

One hundred and twenty-four voting in the affirmative and none in the negative, 124 being more than two-thirds of the entire elected membership of the House, the resolve was finally passed.

#### **Passed To Be Enacted**

An Act relating to the Qualifications, Residence, and Practice of Dentists (S. P. 52) (L. D. 3)

An Act relating to the Regrouping of School Unions (S. P. 108) (L. D. 77)

An Act relating to the Proper Branding of Potatoes (S. P. 310) (L. D. 580)

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

An Act providing Penalties for Boarding Freight Trains Without Right (S. P. 95) (L. D. 58)

An Act relating to the Use and Maintenance of the Kennebec or Carlton Bridge (S. P. 114) (L. D. 79)

An Act relative to Charter of the Fort Kent Telephone Company (H. P. 32) (L. D. 24)

An Act relating to Town Clerks (H. P. 244) (L. D. 60)

An Act relating to Removal of Paupers from Towns wherein they have No Settlement (H. P. 245) (L. D. 61)

#### **Bills Tabled**

An Act relating to Removal of Paupers (H. P. 246) (L. D. 62)

(On motion by Mr. Varney of Berwick, tabled pending passage to be enacted)

An Act relating to Removal of Paupers (H. P. 488) (L. D. 183)

(On motion by Mr. Varney of Berwick, tabled pending passage to be enacted)

**Passed To Be Enacted (Continued)**

An Act relating to Pauper Settlements (H. P. 552) (L. D. 189)

An Act relating to the All Maine Fair Association (H. P. 670) (L. D. 245)

An Act relating to Apportionment of School Equalization Fund (H. P. 673) (L. D. 248)

An Act to Incorporate the City of Presque Isle (H. P. 683) (L. D. 267)

An Act Validating Acts of Boothbay Harbor and Southport (H. P. 1177) (L. D. 494)

An Act relating to the Harrison Mutual Fire Insurance Company (H. P. 1185) (L. D. 456)

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

An Act Authorizing Cities and Towns to Raise Money for Certain Purposes (H. P. 1330) (L. D. 538)

An Act relating to Exemption of Polls and Estates from Taxation, of Veterans of the Philippine Insurrection (H. P. 1344) (L. D. 531)

An Act relating to Payment to State of Teachers' Retirement Association Deductions (H. P. 1409) (L. D. 603)

An Act relating to Set-offs Against Taxes (H. P. 1808) (L. D. 981)

An Act relating to Operators' Licenses (H. P. 1809) (L. D. 982)

**Finally Passed**

Resolve in favor of George H. Larrabee, of Portland (H. P. 1147) (L. D. 978)

Resolve in favor of the town of Nobleboro (H. P. 1806) (L. D. 979)

Resolve in favor of Allen C. Reed and Warren Reed of Boothbay Harbor (H. P. 1807) (L. D. 980)

Resolve relating to the Digging of Clams in the town of Brooksville (H. P. 1810) (L. D. 983)

Resolve relating to the Digging of Clams in the town of Sedgwick (H. P. 1811) (L. D. 984)

Resolve relating to the Digging of Clams in the town of Brooklin (H. P. 1812) (L. D. 985)

The SPEAKER: The Clerk will read the notices at this time.

**Orders of the Day**

Mr. BUZZELL of Belfast: Mr. Speaker, I wish to present a Resolution and move its adoption.

The SPEAKER: The gentleman from Belfast, Mr. Buzzell, out of order and under suspension of the

rules, presents a Resolution and moves its adoption.

Mr. BUZZELL: In support of this Resolution, Mr. Speaker, permit me to say that yesterday, accompanied by all of the members of our Waldo County Delegation, together with the Honorable Speaker, we paid fitting tribute to a deceased colleague of this House, Calvin W. Bangs. He was here but a short time. The most of you did not have the opportunity to know him as we have known him for years, but it is easy for us to understand the faith and the confidence that his townsmen and the citizens of his class placed in him.

He was always firm in his stand for right, strong in the support of his convictions; notwithstanding, he was modest and unpretentious.

To you who did not know him better, permit me to inform you that he was an honorable, conscientious and reliable citizen of the State of Maine.

It is with these few plain words that I desire, at this time, to pay this short but fitting tribute to a real public citizen, a true father, a faithful husband, and a real man.

May his spirit generate in each one of us the courage and ability to do our work for the balance of this Legislature in a creditable manner.

The SPEAKER: The Chair will state at this time that on Saturday, March 4th, the Chair appointed a committee, consisting of the Speaker, the gentleman from Belfast, Mr. Buzzell, the gentleman from Unity, Mr. Farwell, and the gentleman from Stockton Springs, Mr. Worth, to represent this House of Representatives officially at the funeral of the late gentleman from Freedom. The Clerk will read the House Resolution.

"WHEREAS, the members of the House of Representatives of the Eighty-ninth Legislature have learned with profound sorrow of the untimely death on the morning of March Fourth of an esteemed colleague, Hon. Calvin W. Bangs, Representative from Freedom, and

WHEREAS, in the brief period of his associations with the members of this House he was ever honorable and kindly, being highly regarded for his character and sterling qualities of mind and heart, and

WHEREAS, the members of the House of Representatives sense in

his passing a personal loss and a genuine grief,

NOW, THEREFORE, BE IT RESOLVED, that the State of Maine mourns the loss of a faithful and valued public servant, and the members of the House of Representatives lament the departure of an esteemed and trusted friend, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the Journal of the House and a copy transmitted to the widow of the deceased, and

BE IT FURTHER RESOLVED,

that the House in token of respect for his memory do now adjourn."

The SPEAKER: The gentleman from Belfast, Mr. Buzzell, out of order and under suspension of the rules, presents a Resolution and moves its adoption. All those who are in favor of the adoption of the Resolution will rise.

Thereupon the entire membership of the House arose and the Resolution was declared adopted.

The SPEAKER: The Chair declares the House adjourned.