

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 10, 1939.

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

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

• Papers from the Senate disposed of in concurrence.

Senate Bill in First Reading

Bill "An Act relative to Enforcing the Collection of Real Estate Taxes by the Alternative Method" (S. P. 219) (L. D. 288)

Bill had its first two readings. Senate Amendment "A" was read by the Clerk and adopted in concurrence, and the bill as amended was assigned for third reading the next legislative day.

From the Senate: Resolve in favor of Samuel J. Dana, Representative of the Passamaquoddy Tribe of Indians (H. P. 452) (L. D. 390) which was passed to be engrossed in the House on February 9th.

Comes from the Senate, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: Senate Amendment "A" was read by the Clerk.

Mr. HINMAN of Skowhegan: Mr. Speaker and members of the House: In order that there may be no misunderstanding about just what is intended here, I want to mention the fact that the \$200 referred to is the original bill, which the Committee on Appropriations and Financial Affairs very early in this session passed for acceptance by the two branches and which now is in the stage of engrossment, as I understand it, and is the regular amount which they have had.

This amendment is an attempt to change that original amount on which they have already drawn part of their pay, at least, to four hundred dollars. In order that we may handle this fairly, I would make the motion that we insist on our former action and ask for a Committee of Conference.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that the House insist on its

former action and ask for a Committee of Conference. The Chair recognizes the gentleman from Portland, Mr. McGlaufflin.

Mr. McGLAUFFLIN: Mr. Speaker, I once heard a story of a boy reading his lesson in school from the Book of Daniel and he came across the words Shadrach, Meshach and Abednego and he could not pronounce the words, so the teacher helped him over the situation. The next day they had a review lesson, and this boy was called upon to read that same paragraph, and when he got to those three words, in holy horror he put up his hand and said: "Teacher, there is them three fellows again." (Laughter)

Mr. Speaker, I thought this Indian question was settled, but I find that here are these Indians again. I have on two occasions defended their position and I am now obliged to do so once more.

Mr. Speaker, I ask permission to face the House.

The SPEAKER: The gentleman has permission.

Mr. McGLAUFFLIN: Mr. Speaker, I want to speak in a somewhat lighter vein than I am accustomed to speak in this House.

Some of the newer members talking with me early in the session—I wanted to give them good advice and I told them that a little later there would be discussions on the floor of this House and that they should watch out to see whether the remarks that were made seemed to be in accordance with reason and with logic, and if they were not, if they were mere eloquence or hot air, to disregard them. I find that those men have followed my advice somewhat in voting on this question, because I must admit that I am strong on sentiment but exceedingly weak on argument. That being the case, I find it is necessary, in order for me to win out for these Indians, to get the gentleman from Skowhegan, Mr. Hinman, on my side, and now I propose to try to do it.

When I was a boy about fifteen years old, I started up to the little country school-house in the town of Mapleton one day and I passed a schoolmate of mine by the name of Charlie, and Charlie was walking along with two young girls. I passed him and as I did so, I said: "Hello, Charlie," and he answered: "Hello, Clif." When I got by about

seven or eight feet, Charlie suddenly left the two girls, stepped up and struck me right between the shoulders with his fist. And, being redheaded and quick-tempered, I immediately attacked Charlie and I got him down and held him on the sidewalk so that he could scarcely move, and he looked up and said: "What is this, a fight or a wrestle?", and I said: "You say," and he very wisely said: "Let's call it a wrestle."

Now, Bill has me down and has got the House on top of me so that I can't move. (Laughter) Under those circumstances where I can't do anything better, I am proposing that we make a compromise, and the compromise is this: If you will vote for this \$400 provision, I will agree to call it a wrestle. (Laughter)

Now if you recall the remarks that I made the other day on this question when I roasted you as much as I dared to, I also said that you were one of the most generous men in this House. Now let us prove it this morning by your coming in with me.

It is necessary for me to get another member of this House on my side, and that is my friend, the gentleman from South Portland, Mr. Hinckley. If you noticed in the remarks made yesterday, I think, by the gentleman from South Portland, Mr. Hinckley, he had this matter of the tomahawks and the scalping-knives on his mind. It showed to me that he has been having a nightmare, that his conscience is troubling him, and if he wants to have a clear conscience he should come in and vote with the gentleman from Skowhegan, Mr. Hinman, and he will have a clear conscience when we vote for this \$400.

Now I noticed that there were quite a number of men here, and some women, who voted against my position the other day, and to those I want to say that as Chairman of the Committee on Leave of Absence, when we take this vote I will readily excuse you until after this vote is taken. (Laughter)

Now that we have got everything harmonious, I propose that the gentleman from Berwick, Mr. Varney, shall tell this House just how the Indians got here anyway. He knows all about it. And then, to make it still more interesting, we might have a few remarks from the gentleman from Rockland, Mr. Sleeper,

who will tell us about the recent "Battle of Clam Chowder," and then we can close the session most harmoniously by all uniting in the song, "Bringing in the Sheaves." (Laughter)

By the way, I leave this matter of putting the motion in the hands of the gentleman from Skowhegan, who of course is going along with me. (Laughter)

Mr. SLEEPER of Rockland: Mr. Speaker, I hesitate to rise, because we all have been feeling pretty good about it. But the question at hand is more serious than that. The House has in a very definite manner three times shown how we felt on this bill, and it is getting to be, Mr. Speaker and members, almost of an insult, the way this bill keeps popping up. We are all over twenty-one and we all know our own minds, and just because somebody wishes to make a football of this thing, Mr. Speaker, if I could mention another body—

The SPEAKER: The Chair will remind the gentleman of the rule.

Mr. SLEEPER (Continuing): I cannot mention it. (Laughter)

But I will say that all is not gold that glitters, and perhaps everything is not as sincere as it might be. I trust that the motion of the gentleman from Skowhegan (Mr. Hinman) will prevail, and that this House will insist upon its former action, and, if necessary, ask for a Committee of Conference.

The SPEAKER: The question before the House is on the motion of the gentleman from Skowhegan, Mr. Hinman, that the House insist on its former action and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair will name on the Committee: The gentleman from Bangor, Mr. Whitney, the gentleman from Skowhegan, Mr. Hinman, and the gentleman from Rockland, Mr. Sleeper.

The gentleman from Rockland, Mr. Sleeper, now moves that the Resolve be sent forthwith to the Senate. Is this the pleasure of the House?

The motion prevailed.

From the Senate: Resolve in favor of Leo Shay, Representative of the Penobscot Tribe of Indians (H. P. 230) (L. D. 389) which was passed

to be engrossed in the House on February 9th.

Comes from the Senate, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: Senate Amendment "A" was read by the Clerk.

On motion by Mr. Stilphen of Dresden, the House voted to insist and ask for a Committee of Conference.

The SPEAKER: The Chair will appoint the gentleman from Bangor, Mr. Whitney, the gentleman from Skowhegan, Mr. Hinman and the gentleman from Rockland, Mr. Sleeper.

On motion by Mr. Stilphen, the resolve was sent forthwith to the Senate.

Senate Bill Tabled

From the Senate: Bill "An Act relating to Medical Examiners and Their Duties" (H. P. 29) (L. D. 22) which was passed to be engrossed as amended by House Amendments "A" and "B" in the House on February 22nd.

Comes from the Senate with House Amendment "B" indefinitely postponed in non-concurrence and the bill passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: On motion by Mr. Mills of Farmington, tabled pending further consideration.

From the Senate: Bill "An Act relating to Assessment and Collection of Taxes" (H. P. 483) (L. D. 178) which was passed to be engrossed as amended by House Amendment "A" in the House on February 22nd.

Comes from the Senate, passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: Senate Amendment "A" read by the Clerk.

On motion by Mr. Payson of Portland, the House voted to recede from its former action whereby it passed this bill to be engrossed and to concur with the action of the Senate in the adoption of Senate Amendment "A"; and to further concur with the Senate in the passage of the bill to be engrossed as amended by House Amendment "A" and Senate Amendment "A".

From the Senate: The following Order:

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 14, 1939, at eleven o'clock in the forenoon (S. P. 479)

Comes from the Senate read and passed.

In the House, read and passed in concurrence.

The following Communication:

State of Maine

Department of State

Augusta, March 9, 1939.

To the President of the Senate and the Speaker of the House of Representatives of the Eighty-ninth Legislature:

I have the honor to herewith transmit the county estimates of the several counties within the State for the years 1939 and 1940, the same having been filed in this office according to the provisions of the Revised Statutes, Chapter 13, Section 67.

(Signed) Frederick Robie,
Secretary of State.

Was read and with the accompanying estimates was referred to the Committee on County Estimates.

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

Agriculture and Maine Publicity

Remonstrance of George E. Schoppe and 54 others against S. P. 343, L. D. 827, Bill "An Act Imposing a Tax on Blueberries for Advertising and Stabilizing the Blueberry Industry of the State" (H. P. 1878) (Presented by Mr. Melanson of Cherryfield)

Remonstrance of H. A. Grant and 19 others against same (H. P. 1879) (Presented by same gentleman)

Sent up for concurrence.

Appropriations and Financial Affairs

Petition of Lindore G. Perron of Lewiston in favor of S. P. 248, L. D. 450, An Act Providing State Service for the Blind (H. P. 1880) (Presented by Mr. Marshall of Auburn)

Sent up for concurrence.

Legal Affairs

Remonstrance of Rev. F. W. Domino and 48 others of Livermore Falls against Legalizing of Sunday Baseball, Sunday Moving Pictures, Lotteries and Games of Chance (H. P. 1892) (Presented by Mr. Grua of Livermore Falls)

Sent up for concurrence.

Taxation

Resolution of Naples Grange protesting any Increase in the Gasoline Tax (H. P. 1881) (Presented by Mr. Meserve of Casco)

Remonstrance of Louis Spill and 181 others of Kennebunk against any Tax on Tobacco (H. P. 1882) (Presented by Mr. Dow of Kennebunkport)

Remonstrance of Geo. B. Wolstenholme and 972 others of Bath against same (H. P. 1883) (Presented by Mr. Miller of Bath)

Remonstrance of Edward Tomlinson and 1943 others in Portland and South Portland against same (H. P. 1884) (Presented by Mr. Shesong of Portland)

Remonstrance of Walter C. Rogers and 718 others of Bath and Woolwich against same (H. P. 1885) (Presented by Mr. Tardif of Bath)

Petition of B. S. Chapman and 44 others of Caribou in favor of L. D. 933, bill "An Act relating to Licenses for Retail Stores" (H. P. 1886) (Presented by Mr. Brown of Caribou)

Petition of W. A. Currier and 58 others of Caribou in favor of same (H. P. 1887) (Presented by same gentleman)

Petition of Millard W. Smart and 15 others of Sangerville in favor of same (H. P. 1888) (Presented by Mr. Snow of Dover-Foxcroft)

Petition of Leo K. Averill and 14 others of Presque Isle in favor of same (H. P. 1889) (Presented by same gentleman)

Petition of French & Elliott Co. and 10 others of Guilford in favor of same (H. P. 1890) (Presented by same gentleman)

Petition of E. P. Peters and 7 others of Dover-Foxcroft in favor of same (H. P. 1891) (Presented by same gentleman)

Sent up for concurrence.

Reports of Committees

Ought Not to Pass

Mr. Dow from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act to Extend

the Charter of the Bluehill Water Company" (H. P. 923) (L. D. 362)

Mr. Arzonico from the Committee on Public Utilities reported same on Bill "An Act relating to Issuance of Stock" (H. P. 1710) (L. D. 751)

Mr. Batchelder from same Committee reported same on Bill "An Act Fixing the Charges for Electrical Energy" (H. P. 1709) (L. D. 840)

Mr. Farwell from same Committee reported same on bill "An Act relative to Dams in Disrepair" (H. P. 939) (L. D. 328)

Mr. Douglass from the Committee on State Lands and Forest Preservation reported same on Resolve Authorizing the Forest Commissioner to Convey Certain Land to Guy B. Clifford of Reed Plantation (H. P. 1212) (L. D. 425)

Same gentleman from same Committee reported same on Bill "An Act to Authorize the town of Moscow to Withdraw from the Maine Forestry District" (H. P. 1211) (L. D. 424)

Same gentleman from same Committee reported same on Bill "An Act to Authorize the town of Deblois to Withdraw from the Maine Forestry District" (H. P. 1210) (L. D. 423)

Reports were read and accepted and sent up for concurrence.

Inexpedient

Mr. Dow from the Committee on Legal Affairs on Bill "An Act relating to the Charter of the city of Auburn" (H. P. 510) (L. D. 164) reported legislation thereon is inexpedient as the subject matter has been taken care of in another Bill.

Report was read and accepted and sent up for concurrence.

Ought to Pass

Mr. Palmeter from the Committee on Public Health reported "Ought to pass" on Bill "An Act relating to Toy Pistols" (H. P. 1705) (L. D. 872)

Mr. Otto from the Committee on Public Utilities reported same on Bill "An Act relating to the Livermore Falls Water District" (H. P. 938) (L. D. 367)

Reports were read and accepted.

Ought to Pass With Committee Amendment

Mr. Donahue from the Committee on Legal Affairs on Bill "An Act relating to the Election of Officers in the town of Oakland" (H. P. 920) (L. D. 360) reported "Ought to pass"

if amended by Committee Amendment "A" submitted herewith.

Mr. Dow from same Committee reported same on Bill "An Act to Incorporate the Lisbon Water District" (H. P. 917) (L. D. 355)

Mr. Pike from same Committee reported same on Bill "An Act to Incorporate the Boothbay-Boothbay Harbor Cemetery District" (H. P. 1176) (L. D. 493)

Reports were read and accepted.

Ought to Pass in New Draft

Mr. Larrabee from the Committee on Agriculture on Bill "An Act relating to the Sale of Wood by the Load" (H. P. 1534) (L. D. 681) reported same in a new draft (H. P. 1893) under same title and that it "Ought to pass"

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

First Reading of Printed Bills and Resolve

Bill "An Act to Confirm, Ratify and Validate the Incorporation of the First Baptist Church of Yarmouth, Maine, and to Increase its Powers" (H. P. 919) (L. D. 359)

Bill "An Act relating to the Probation Officer for the county of Cumberland" (H. P. 1154) (L. D. 383)

Bill "An Act relating to Attesting of Records" (H. P. 1667) (L. D. 888)

Bill "An Act Making Certain Changes in the Insurance Law" (H. P. 1863) (L. D. 1015)

Bill "An Act to Provide for the Surrender by Concord Plantation of its Organization" (H. P. 1876) (L. D. 1020)

Resolve in favor of Alvah E. Spear of Warren (H. P. 1273) (L. D. 1017)

Resolve authorizing Charles A. Darrington to Bring Suit at Law against the State of Maine (H. P. 1425) (L. D. 559)

Resolve for the Transfer of Certain Monies in the Hands of the Bangor State Hospital and the Augusta State Hospital (H. P. 1874) (L. D. 1018)

Resolve in favor of William A. Moran of Bangor (H. P. 1875) (L. D. 1019)

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

Amended Bills

Bill "An Act relating to the First Congregational Church of Kittery" (H. P. 126) (L. D. 48)

Bill was given its first two readings. Committee Amendment "A" was read by the Clerk.

Committee Amendment "A" to H. P. 126, L. D. 48, Bill "An Act Relating to the First Congregational Church of Kittery."

Amend said Bill by striking out all of section 4, and inserting in place thereof the following:

'Sec. 4. Effective date. 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 members, in good standing, of said corporation at a meeting duly called and held for the purpose. Members may be represented at said meeting by proxy duly executed no more than 30 days before the date thereof. If a majority of the members of the corporation vote in favor of the acceptance of this act it shall become operative. The Clerk shall forthwith file with the Secretary of State a certificate of the action of the corporation thereon.'

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

Bill "An Act to Amend the Charter of the Ogunquit Village Corporation" (H. P. 1174) (L. D. 491)

Bill was given its first two readings. Committee Amendment "A" read by the Clerk.

Committee Amendment "A" to H. P. 1174, L. D. 491, Bill "An Act to Amend the Charter of the Ogunquit Village Corporation."

Amend said Bill by striking out the first ten words of the second paragraph thereof, and inserting in place thereof the following:

'The Ogunquit Village Corporation is hereby empowered.'

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

Bill "An Act relating to Marriage Licenses" (H. P. 1650) (L. D. 921)

Bill was given its first two readings. Committee Amendment "A" was read by the Clerk.

Committee Amendment "A" to H. P. 1650, L. D. 921, Bill "An Act Relating to Marriage Licenses."

Amend said Bill by inserting after the word "paupers" in the last line thereof the following words:

'And list of such state paupers as reside in their town.'

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

Passed To Be Engrossed

Bill "An Act Regulating the Closed Time on Scallops" (H. P. 1718) (L. D. 673)

Bill "An Act providing for the Payment of a Filing Fee for Statements of Foreign Insurance Companies" (H. P. 1864) (L. D. 1011)

Sent up for concurrence.

Bill "An Act relating to Insurance Policy Forms and Endorsements" (H. P. 1865) (L. D. 1012)

Was reported by Committee on Bills in the Third Reading.

Mr. Winslow of Auburn, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1865, L. D. 1012, Bill, "An Act Relating to Insurance Policy Forms and Endorsements."

Amend said Bill by inserting in the 14th line thereof after the word "court" the following words: 'to be holden in Kennebec county.'

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

Passed To Be Engrossed (Continued)

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

Resolve in favor of Mrs. Alfred Lausier of Frenchville (H. P. 1866) (L. D. 1013)

Resolve to Reimburse the town of Bethel for the Fighting of Fire in Unorganized Township of Albany (H. P. 1867) (L. D. 1010)

Sent up for concurrence.

Amended Bill

Bill "An Act to Conserve the Supply of Herring on the Coast of Maine" (H. P. 1862) (L. D. 1014)

Was 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

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

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

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

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

An Act relative to the Investment of Unclaimed Money in the Hands of County Treasurers (S. P. 448) (L. D. 994)

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

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

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

Finally Passed

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

Orders of the Day

On motion by Mr. Shesong of Portland, the House voted to reconsider its action taken earlier in this morning's session whereby it passed to be engrossed Bill "An Act relating to Assessment and Collection of Taxes" (H. P. 483) (L. D. 178); and on further motion by the same gentleman the bill was tabled pending passage to be engrossed.

On motion by Mr. Cowan of Portland, the House voted to take from the table the eighth unassigned matter, Bill "An Act Amending the Law Relating to the Issuance of Preferred Stock by Trust Companies" (H. P. 1820) (L. D. 991) tabled on March 9th by that gentleman, pending passage to be enacted.

Mr. COWAN: Mr. Speaker, I now move that this bill be passed to be enacted. I will say in explanation that certain errors have been corrected.

The SPEAKER: The gentleman from Portland, Mr. Cowan, moves that Bill "An Act Amending the Law Relating to the Issuance of Preferred Stock by Trust Companies" (H. P. 1820) (L. D. 991) be

passed to be enacted. Is this the pleasure of the House?

The motion prevailed and the bill was passed to be enacted.

The SPEAKER: Are there any other matters that can be taken from the table at this time?

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. Sylvia of Danforth,

Adjourned until Tuesday, March 14th, at eleven o'clock in the forenoon.