

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 28, 1939.

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

Prayer by the Rev. Dr. McWhorter of Augusta.

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 State Lands and Forest Preservation reporting "Ought not to pass" on Bill "An Act Creating the Office of Land Agent" (S. P. 401) (L. D. 987)

Comes from the Senate, report read and accepted.

In the House, on motion of Mr. Good of Monticello, tabled pending acceptance of committee report.

Majority Report of the Committee on Temperance on Bill "An Act relating to Local Option Provisions" (S. P. 146) (L. D. 132) reporting same in a new draft (S. P. 497) (L. D. 1035) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. Boucher of Androscoggin
—of the Senate.
Merrifield of E. Lebanon
Dorrance of Richmond
Mills of Farmington
Mervise of Casco
Dow of Kennebunkport
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. Littlefield of York
Marden of Kennebec
—of the Senate.
Good of Monticello
Bubar of Weston
—of the House.

Comes from the Senate with the majority report read and accepted and the new draft passed to be engrossed.

In the House, on motion by Mr.

Mills of Farmington, the majority report "Ought to pass" was accepted, the bill had its two several readings and was assigned for third reading tomorrow morning.

Senate Bills in First Reading

Bill "An Act relating to Incorporation of Cemeteries and the Operation of Burying Grounds, Burial Structures, and Disposal of Dead Human Bodies" (S. P. 325) (L. D. 578)

Bill "An Act relating to the Clerk of Courts of Lincoln County" (S. P. 271) (L. D. 503)

Bills were read twice and tomorrow assigned.

From the Senate: Bill "An Act relating to Operation of Motion Picture Machines" (H. P. 1675) (L. D. 885) on which the House accepted the report of the Committee on Mercantile Affairs and Insurance reporting "Ought not to pass."

Comes from the Senate, recommended to the Committee on Mercantile Affairs and Insurance in non-concurrence.

In the House, on motion by Mr. Poulin of Rumford, the House voted to recede from its former action whereby the "Ought not to pass" report of the Committee was accepted and concurred in the action of the Senate in recommitting the bill to the Committee on Mercantile Affairs and Insurance.

From the Senate: Joint Order relative to Authorizing Bank Commissioner to Investigate relative to Small Loan Companies charging 36 per cent per year on Loans (S. P. 506) which was referred to the Committee on Banks and Banking in the House in non-concurrence.

Comes from the Senate with the Order withdrawn.

In the House, on motion by Mr. Varney of Berwick, the House voted to recede from its former action whereby it voted to refer this Order to the Committee on Banks and Banking and concurred in the action of the Senate in granting leave to withdraw.

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

Appropriations and Financial Affairs and Inland Fisheries and Game.

Remonstrance of George Lavoie, Jr. and 45 others of Old Town and vicinity against H. P. 1998, L. D. 1057, An Act Increasing the Fee for Resident and Non-Resident Hunting and Fishing Licenses (H. P. 2074) (Presented by Mrs. Latno of Old Town)

Remonstrance of the members of Dexter Sportsmen's Ass'n. and other citizens of Dexter against Increase in Price of Resident Hunting and Fishing Licenses (H. P. 2062) (Presented by Mr. Otto of Dexter)
Sent up for concurrence.

Judiciary

Remonstrance of Thomas Banks and 244 other residents of the State against H. P. 1621, L. D. 708, Act relating to Child Welfare (H. P. 2063) (Presented by Mr. Bird of Rockland)

Remonstrance of Fred O. Wooster and 108 others of Camden and vicinity against same (H. P. 2064) (Presented by same gentleman)
Sent up for concurrence.

Legal Affairs

Remonstrance of Mrs. Laura M. Perry and 60 others against Legalizing Dog Racing in the State (H. P. 2065) (Presented by Mr. Young of Old Orchard Beach)
Sent up for concurrence.

Taxation

Petition of Levi O. Taylor and 3 others of Baileyville in favor of H. P. 1758, L. D. 933, Act relating to Licenses for Operation of Retail Stores (H. P. 2066) (Presented by Mr. Sylvia of Danforth)

Remonstrance of Everett J. Babbin and 79 others of Greenville against same (H. P. 2067) (Presented by Mr. Dean of Greenville)

Remonstrance of Mrs. Marjorie C. McCullough and 249 others of Portland against same (H. P. 2068)

Remonstrance of Mrs. Bertha Lunt and 107 other Consumers of Rockland against same (H. P. 2069) (Presented by Mr. Sleeper of Rockland)

Remonstrance of Roy C. Blake and 145 others of Bethel against same (H. P. 2070) (Presented by Mr. Williams of Bethel)

Remonstrance of Levi O. Taylor and 6 others of Baileyville and Bangor against Tax on Tobacco

(H. P. 2071) (Presented by Mr. Sylvia of Danforth)
Sent up for concurrence.

Orders

Mr. Bubar of Weston, presented the following order and moved its passage:

ORDERED, that the State Highway Commission shall forthwith file with the Clerk of the House a complete list of contracts for highway construction and maintenance, which contracts have been let by the Highway Commission to any member of this Legislature or to any corporation in which any member of this Legislature is either an officer or director during the past four years prior to the date of this order; and that the said list shall include the location of said work done under said contracts, the nature of said work, and the amount of said contracts and the date of payments.

It is further

ORDERED, that 500 copies of said list be printed.

Mr. HINMAN of Skowhegan: Mr. Speaker, first of all I want to say that back earlier in the session I said to you that our obligation was to be kind and considerate, and I say now, "Forgive them, for they know not what they do." For one, I welcome the order.

The SPEAKER: Is it the pleasure of the House that the order have passage?

Cries of no, no.

A viva voce vote being taken, the order failed of passage.

Reports of Committees

Divided Reports

Reports Tabled

Majority Report of the Committee on Salaries and Fees on the following Bills:

Bill "An Act relating to Clerks in the Office of Register of Probate and Clerk of Courts in Hancock County" (H. P. 405) (L. D. 110)

Bill "An Act relating to Clerk Hire in the Office of the Register of Deeds in Lincoln County" (H. P. 579) (L. D. 204)

Bill "An Act relating to Clerk Hire in Somerset County" (H. P. 580) (L. D. 205)

Bill "An Act relating to Clerk Hire in Washington County" (S. P. 398) (L. D. 815)

Bill "An Act relating to Salaries

in Lincoln County" (H. P. 1339) (L. D. 510)
all recommitted; and

Bill "An Act relating to Clerk Hire in the Office of Register of Deeds in the county of York" (H. P. 940) (L. D. 368)

reporting a Consolidated Bill under title of "An Act relating to Clerk Hire in Certain Counties" (H. P. 2072) and that it "Ought to pass"

Report was signed by the following members:

Messrs. Lewis of Lincoln
Spear of Cumberland
Harkins of Androscoggin
—of the Senate.

Ford of Saco
McGillicuddy of Houlton
Fernald of Levant
Churchill of Brewer
Dow of Eliot

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bills.

Report was signed by the following members:

Messrs. Downs of Rome
Douglass of Gorham
—of the House.

(On motion by Mr. LaFleur of Portland, tabled pending acceptance of either report and 500 copies ordered printed)

Divided Reports Reports Tabled

Majority Report of the Committee on Salaries and Fees on the following Bills:

Bill "An Act relating to the County Treasurer of Hancock County" (H. P. 404) (L. D. 109)

Bill "An Act relative to an Increase in the Salary of the Judge and of the Recorder of the Presque Isle Municipal Court" (H. P. 1201) (L. D. 415)

Bill "An Act relating to the Lincoln Municipal Court" (S. P. 272) (L. D. 441)

Bill "An Act relating to the Salary of the County Treasurer of Arostook County and the Clerk Hire in the Office of said Treasurer" (S. P. 399) (L. D. 814)
all recommitted; and

Bill "An Act relating to the Salary of the Judge of Probate of Lincoln County" (H. P. 1715) (L. D. 891) reported a Consolidated Bill

under title of Bill "An Act relating to Salaries in Certain Counties" (H. P. 2073) and that it "Ought to pass"

Report was signed by the following members:

Messrs. Spear of Cumberland
Harkins of Androscoggin
Lewis of Lincoln
—of the Senate.

Fernald of Levant
Ford of Saco
Churchill of Brewer
Dow of Eliot
McGillicuddy of Houlton

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bills.

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Ought Not to Pass

Mr. Fogg from the Committee on Claims reported "Ought not to pass" on Resolve in favor of V. E. Violette of Van Buren (H. P. 1019)

Report of same Committee reporting same on Resolve in favor of Charles G. Schirmer of Boston (H. P. 700)

Mr. Peakes from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to the Issuance of Permits to Propagate Game Birds, Game and Fur-bearing Animals" (H. P. 1560) (L. D. 658)

Same gentleman from same Committee reported same on Bill "An Act relating to the Bounty on Bobcats" (H. P. 1787) (L. D. 955)

Mr. Starrett from same Committee reported same on Resolve Regulating Fishing in Moosehead Lake (H. P. 1573) (L. D. 636)

Mr. Stacy from the Committee on Towns reported same on Resolve Providing for the Surrender by Town of Greenbush of its Organization (H. P. 1774) (L. D. 942)

Mr. Snow from same Committee reported same on Bill "An Act to Repeal the Organization of the Plantation of Dallas" (H. P. 946) (L. D. 372)

Reports were read and accepted and sent up for concurrence.

Leave of Absence

Mr. McGlauffin from the House Committee on Leave of Absence, being informed of the illness of Mr. Thorne of Madison, reported that he be excused from attending the sessions of the House during his illness.

The same gentleman from same committee, being informed of the illness of Mr. Dow of Kennebunkport, reported that he be excused from attending the sessions of the House during his illness.

The same gentleman from same committee, being informed of the illness of Mr. Downs of Rome, reported that he be excused from attending the sessions of the House during his illness.

Mr. McGillicuddy from the Committee on Towns reported "Ought to pass" on Bill "An Act relating to Regulation of Pauper Expense for Conveyance of Children Attending the Public Schools" (H. P. 1751) (L. D. 900)

Same gentleman from same Committee reported same on Bill "An Act to Provide for the Surrender by Medford of its Organization" (H. P. 587) (L. D. 210)

Mr. Dwinal from same Committee reported same on Bill "An Act relative to the Office of Town Auditor" (H. P. 519) (L. D. 172)

Mr. Young from same Committee reported same on Bill "An Act to Provide for the Surrender by Milton Plantation of its Organization" (H. P. 522) (L. D. 175)

Mr. Stacy from same Committee reported same on Bill "An Act to Provide for the Surrender by Orneville of its Organization" (H. P. 588) (L. D. 211)

Reports were read and accepted.

Ought to Pass with Committee Amendments

Mr. Dwinal from the Committee on Towns on Bill "An Act to Provide for the Surrender by Town of Topsfield of its Organization" (H. P. 589) (L. D. 212) reported "Ought to pass" when amended by Committee Amendment "A" submitted therewith.

Mr. Lord from same Committee reported same on Bill "An Act to Provide for the Surrender by Lexington Plantation of its Organization" (H. P. 407) (L. D. 112)

Reports were read and accepted.

First Reading of Printed Bills and Resolves

Bill "An Act relating to Permits for Non-resident Charter Parties" (H. P. 1333) (L. D. 540)

Bill "An Act Increasing the License and Permit Fees for Outdoor Advertising" (H. P. 1995) (L. D. 1062)

Bills were read twice and tomorrow assigned.

Bill Tabled

Bill "An Act relating to the Registration and Licensing of Dogs and to the Duties of the Sheep Specialist" (H. P. 2054) (L. D. 1090)

(On motion by Mr. Noyes of Franklin, tabled pending second reading)

First Reading of Printed Bills and Resolves**(Continued)**

Bill "An Act Amending the Unemployment Compensation Law relating to Benefits" (H. P. 2055) (L. D. 1091)

Bill "An Act relating to the Assessment of Inheritance Taxes" (H. P. 2056) (L. D. 1092)

Bills were read twice and tomorrow assigned.

Bill Tabled

Bill "An Act relating to Town Reports" (H. P. 2057) (L. D. 1093)

(On motion by Mr. Welch of Chapman, tabled pending second reading)

First Reading of Printed Bills and Resolves (Continued)

Bill "An Act Regulating the Operation of Motor Vehicles" (H. P. 2058) (L. D. 1094)

Bill was read twice and tomorrow assigned.

Bill Tabled

Bill "An Act relating to School Busses" (H. P. 2059) (L. D. 1095)

(On motion by Mr. Farwell of Unity, tabled pending second reading)

First Reading of Printed Bills and Resolves (Continued)

Bill "An Act relating to the Inspection of Motor Vehicles" (H. P. 2060) (L. D. 1093)

Bill was read twice and tomorrow assigned.

Bill Tabled

Bill "An Act relating to the County Commissioners of Androscoggin County" (H. P. 2061) (L. D. 1097)

(On motion by Mr. Winslow of Auburn, tabled pending second reading)

First Reading of Printed Bills and Resolves (Continued)

Resolve Authorizing the Sale of a Certain Interest held by the State in an Undivided Part of Township 4, Range 3, N. B. K. P. in Somerset County (H. P. 948) (L. D. 374)

Resolve Authorizing the Forest Commissioner to Convey Certain Land to Mrs. Grace Shannon Moore of Macwahoc (H. P. 1460) (L. D. 569)

Resolve Authorizing the Forest Commissioner to Sell Land on Muscongus Island (H. P. 1461) (L. D. 568)

Resolve Authorizing the Forest Commissioner to Convey Certain Land in Aroostook County to Hector Martin (H. P. 1726) (L. D. 898)

Resolves were read once and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act Decreasing the Subsidy Contributed by the State relative to Physical and Industrial Education" (S. P. 132) (L. D. 117)

Bill "An Act to Repeal Certain Acts and Resolves relating to Unnegotiable Bonds in the Custody of the Treasurer of the State" (S. P. 133) (L. D. 118)

Sent up for concurrence.

Bill Tabled

Bill "An Act relative to the Taking of Hellgrammites" (S. P. 178) (L. D. 229)

Mr. McGLAUFLIN of Portland: Mr. Speaker, at the request of the gentleman from Rome, Mr. Downs, who is ill, I move to lay on the table S. P. 178, L. D. 229, Bill "An Act relative to the Taking of Hellgrammites."

The motion prevailed and the bill was tabled pending third reading.

Passed To Be Engrossed (Continued)

Bill "An Act relative to Jail Auditors" (H. P. 1428) (L. D. 609)

Bill "An Act relative to Trapping Season" (H. P. 1557) (L. D. 655)

Bill "An Act relating to Vacancies in Town Offices" (H. P. 1649) (L. D. 709)

Bill "An Act Designating a Certain Road as 'Moosehead Trail'" (H. P. 1802) (L. D. 965)

Bill "An Act Permitting Teachers to be Elected under Contract" (H. P. 1980) (L. D. 1050)

Bill "An Act to Incorporate the Brooks Water District" (H. P. 2035) (L. D. 1067)

Bill "An Act to Amend the Charter of the Lubec Water Company" (H. P. 2036) (L. D. 1068)

Bill "An Act Naming the Deer Isle-Sedgwick Bridge" (H. P. 2037) (L. D. 1069)

Bill "An Act Providing for Licenses for Cinematograph, Moving Pictures and Operators" (H. P. 2039) (L. D. 1070)

Bill "An Act to Provide a Town Council and Manager Form of Government for the town of Norway, in the county of Oxford" (H. P. 2040) (L. D. 1071)

Resolve Authorizing the town of East Machias to Close the West Outlet of Gardners Lake (H. P. 481) (L. D. 145)

Sent up for concurrence.

Amended Bill

Bill "An Act relating to Fees for Licenses" (H. P. 1769) (L. D. 938)

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 relative to Trapping Season (H. P. 378) (L. D. 99)

An Act relative to Safe-keeping of Securities of Savings Banks (H. P. 1407) (L. D. 602)

An Act Regulating Fishing on Ponds Formed by Brooks, Streams and Rivers (H. P. 1566) (L. D. 664)

An Act relating to the Collection of Personal Property Taxes (H. P. 1651) (L. D. 710)

An Act relating to Municipal Ordinances (H. P. 1659) (L. D. 733)

An Act relating to Municipal Ordinances (H. P. 1660) (L. D. 734)

An Act relating to Marriage Licenses (H. P. 1661) (L. D. 735)

An Act relating to Toy Pistols (H. P. 1705) (L. D. 872)

An Act relative to Game Preserve in Caswell Plantation (H. P. 1957) (L. D. 1042)

An Act Authorizing Towns to Employ a Town Manager or to Form Unions for the Purpose (H. P. 1958) (L. D. 1043)

An Act relating to the Operation of Busses (H. P. 1959) (L. D. 1044)

An Act relative to Motor Vehicles Carrying Passengers for Hire (H. P. 1960) (L. D. 1045)

An Act relating to the South Port-

land Board of Education (S. P. 90) (L. D. 55)

An Act relating to the Milk Control Board (S. P. 342) (L. D. 825)

An Act relating to State Armories (S. P. 499) (L. D. 1041)

An Act Extending the Exemptions from the Common Carrier Law (S. P. 500) (L. D. 1040)

An Act relating to the Penobscot Tribe of Indians (S. P. 507) (L. D. 1046)

An Act relating to Licenses for Dispensing Victuals (S. P. 508) (L. D. 1047)

Act Tabled

An Act relating to the Keeping of Dogs (S. P. 509) (L. D. 1048)

(On motion by Mr. Payson of Portland, tabled pending passage to be enacted)

Passed to Be Enacted

(Continued)

An Act relating to the Recording of Personal Property Mortgages (H. P. 899) (L. D. 314)

An Act to Provide a Town Council and Manager Form of Government for the town of Lisbon, in the county of Androscoggin (H. P. 918) (L. D. 358)

Act Tabled

An Act to Grant a New Charter to the City of Bath (H. P. 1164) (L. D. 483)

(On motion by Mr. Miller of Bath, tabled pending passage to be enacted)

Passed to Be Enacted

(Continued)

An Act to Provide a Town Manager Form of Government for the town of Lincoln (H. P. 1165) (L. D. 484)

An Act to Incorporate the town of Monticello School District (H. P. 1170) (L. D. 489)

An Act to Provide for the Organization of Nonprofit Hospital Service Corporations (H. P. 1433) (L. D. 612)

An Act relative to the Powers of the Insurance Commissioner (H. P. 1435) (L. D. 614)

An Act relating to Sports and Recreation Centers (H. P. 1581) (L. D. 687)

An Act relating to Group Insurance (H. P. 1673) (L. D. 883)

An Act Creating the Limestone Water and Sewer District (H. P. 1785) (L. D. 948)

Act Tabled

An Act relating to Registration Fees of Motor Vehicles (H. P. 1929) (L. D. 1028)

(On motion by Mr. Burgess of Limestone, tabled pending passage to be enacted)

Passed to Be Enacted

(Continued)

An Act relating to Additional Industrial and Vocational Training in State Institutions (H. P. 1969) (L. D. 1038)

Finally Passed

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

Resolve Changing the Name of Fitzgerald Pond (H. P. 896) (L. D. 353)

Resolve Permitting a Wharf and Boathouse to be Built on Pleasant Lake in Casco, Maine (H. P. 897) (L. D. 354)

Resolve relating to the Creation of a State Commission for Promotion of International Good Will in Education (H. P. 1550) (L. D. 908)

Resolve Creating a Recess Committee to Consider Using the Facilities of the Eastern State Normal School for Other Educational Purposes (H. P. 1984) (L. D. 1053)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Washington County to Mrs. Jennie G. Lane of Calais (H. P. 1987) (L. D. 1056)

Orders of the Day

The Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Permitting Signboards Under Certain Conditions" (H. P. 1789) (L. D. 957), tabled on March 23rd by Mr. Thorne of Madison, pending motion of Mr. Sleeper of Rockland, that the bill be substituted for the report. The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker, due to the illness of the gentleman from Madison, Mr. Thorne, I move that this bill be laid on the table.

The SPEAKER: The gentleman from South Portland, Mr. Hinckley, moves that the "Ought not to pass" report of the Committee on Judiciary, and accompanying bill, be retabled, pending the motion of the

gentleman from Rockland, Mr. Sleeper, that the bill be substituted for the report. Is this the pleasure of the House?

The motion prevailed, and the report, together with the bill, was re-tabled.

The Chair lays before the House the second tabled and today assigned matter, Bill "An Act Authorizing Peabody Law School to Confer Degrees" (H. P. 6) (L. D. 13), tabled on March 24th by Mr. Dow of Norway, pending third reading. The Chair recognizes the gentleman from Portland, Mr. Cowan.

Mr. COWAN: Mr. Speaker, I addressed the House very briefly on this matter last Friday and I think it would not be wise or proper to repeat my remarks made at that time. I trust there will be no further delay on this bill. It has been before this House twelve long weeks and I think there has been ample time for consideration.

Mr. PRATT of Turner: Mr. Speaker, it seems to me that there was a little misunderstanding in regard to the action of the committee wherein we did not sign a minority report "Ought not to pass." Certain ones on the committee felt that this bill granting Peabody Law School the right to confer degrees should not pass. I will say that I was one of that committee myself, although I did not sign the minority report. We felt perhaps the time was not

just right at the present time to allow the Peabody Law School to confer degrees. We felt they should carry along a little while longer; that it might establish a precedent, and by taking down the bars, some of your other schools might want to confer degrees. I would move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Turner, Mr. Pratt, moves that Bill "An Act Authorizing Peabody Law School to Confer Degrees" (H. P. 6) (L. D. 13) be indefinitely postponed. Is the House ready for the question?

All those in favor of the indefinite postponement of this bill will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Forty-nine having voted in the affirmative, and 49 in the negative, being a tie vote, the motion did not prevail, and the bill was given its third reading, passed to be engrossed, and sent up for concurrence.

Mr. VARNEY of Berwick: Mr. Speaker, in view of the fact that several of the delegations are going to the Governor's to dinner, I move that the House adjourn.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the House adjourn until tomorrow morning at ten o'clock. Is this the pleasure of the House?

The motion prevailed, and the House was so adjourned.