

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

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AUGUSTA, MAINE

**HOUSE**

Saturday, April 1, 1939.

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

Prayer by the Rev. Dr. Wood 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 relating to Aid to Libraries, Expenses of State Historian, Topographic Mapping and Abolishment of Grade Crossings" (S. P. 131) (L. D. 115)

Bill was read twice and assigned for third reading the next legislative day.

From the Senate: Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing State Services for the Blind" (S. P. 248) (L. D. 450)

Comes from the Senate, with the bill substituted for the report and referred to the next Legislature.

In the House:

Mr. HINMAN of Skowhegan: Mr. Speaker, I do not know that I have got so much objection to these matters that are reconsidered as gestures, if they can really remain there. Frankly, my principal reason for rising is in order that the Legislative Record may, two years from now, should it become necessary to so appear, show that if we do accept the action of another branch of the Legislature, that it is being done as a gesture, because certainly we do not want to set up an additional department, even though it should develop that at a later date we have the funds. I just want to go on record as not wanting to antagonize the upper branch of this House, but as making it plain that though I have no particular objection to the House going along as a gesture, if they so choose, I hope it will be taken that way two years from now rather than the fact that we laid it over because we were short of funds and with every intention of enacting it two years from now.

The SPEAKER: What is the

pleasure of the House? The question is on the acceptance of the "Ought not to pass" report of the committee. The Chair recognizes the gentleman from Berwick, Mr. Varney.

Mr. VARNEY: Mr. Speaker, I move the House adhere.

The SPEAKER: The Chair will call the attention of the gentleman to the fact that the House has not yet acted on this item. Is it the pleasure of the House to accept the "Ought not to pass" report of the Committee on Appropriations and Financial Affairs in non-concurrence?

The motion prevailed, and the "Ought not to pass" report was accepted in non-concurrence, and sent up for concurrence.

From the Senate: Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act to Authorize the Construction of a Bridge on Square Pond in Shapleigh" (S. P. 498) (L. D. 1039)

Comes from the Senate, report read and accepted and the bill passed to be engrossed as amended by Senate Amendment "A".

In the House, Senate Amendment "A" read by the Clerk. The House then voted to accept the "Ought to pass" report of the committee in concurrence, and the bill had its two several readings. Senate Amendment "A" was adopted in concurrence, and the bill was assigned for third reading on the next legislative day.

From the Senate: Resolve for Laying of the County Taxes for the Year 1940 (H. P. 2076) which was finally passed and passed to be engrossed in the House on March 29th.

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

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

On motion by Mr. Marshall of Auburn, the House then voted to recede from its former action whereby it finally passed this resolve and to further recede from its former action whereby it passed the resolve to be engrossed.

Senate Amendment "A" was then adopted, and the resolve as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

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

### Judiciary

The following Remonstrances against H. P. 1621, L. D. 708, An Act relating to Child Welfare;

Maurice Ouellette and 36 others of Old Town and vicinity (H. P. 2137)

L. B. Johnston and 45 others of Milford and vicinity (H. P. 2138)

Linwood Herrick and 37 others of Westbrook and vicinity (H. P. 2139)

Owen P. Wilson and 19 others (H. P. 2140)

W. W. Chase and 218 others (H. P. 2141)

Rose Soucier and 51 others of Presque Isle and vicinity (H. P. 2142)

((All presented by Mr. Bird of Rockland)

Sent up for concurrence.

### Taxation

Petition of Augusta K. Christie and 81 others of Presque Isle in favor of H. P. 1728, L. D. 696, an Act Providing for an Excise Tax on Cigarettes and Tobacco (H. P. 2143) (Presented by Mr. Cleaves of Presque Isle)

Resolution of Garrison Hill Grange against any Increase in Gasoline Tax (H. P. 2144) (Presented by Miss Fowles of Whitefield)

Petition of Joe Bushey and 31 others of Bangor in favor of H. P. 1758, L. D. 933, Act relating to Licenses for Operation of Retail Stores (H. P. 2145) (Presented by Mr. Eddy of Bangor)

Petition of Millard E. Pratt and 65 others of Wilton and vicinity in favor of same (H. P. 2146) (Presented by Mr. Hall of Wilton)

Remonstrance of Mrs. Fred M. West and 34 other Consumers of Biddeford against same (H. P. 2147) (Presented by Mr. Donahue of Biddeford)

Sent up for concurrence.

### Reports of Committees

#### Ought to Pass—Consolidated Bill

Mr. Paul from the Committee on Motor Vehicles on the following Bills:

Bill "An Act to Regulate the Business of Selling Used or Second-hand Motor Vehicles by Dealers not residing in or Having a Permanent Place of Business in the State of Maine, and by Resident Dealers Purchasing, Handling or Selling

Used or Second-hand Motor Vehicles Received or Acquired from Non-residents" (H. P. 932) (L. D. 323)

Bill "An Act requiring the Secretary of State to Maintain a File Arranged by Manufacturer's Name, Motor and Serial Number," (H. P. 1694) (L. D. 924)

Bill "An Act Requiring the Filing of Statement of Title with Application for Registration of Motor Vehicles" (H. P. 1693) (L. D. 923)

Reported a Consolidated Bill under title of "An Act relating to Guaranty of Titles of Motor Vehicles and to the Facilitation of the Recovery of Stolen Motor Vehicles" (H. P. 2135) and that it "Ought to pass".

The SPEAKER: The Consolidated Bill will lie on the table for printing.

#### Ought to Pass in New Draft

Mr. Farrington from the same Committee on Bill "An Act relating to Speed and Operation of Motor Vehicles" (H. P. 1441) (L. D. 621) reported same in a new draft (H. P. 2136) under same title and that it "Ought to pass"

Mr. DeBeck from same Committee on Bill "An Act relative to Exemption from Registration Fees of Certain Vehicles Owned by Non-residents" (H. P. 686) (L. D. 259) reported same in a new draft (H. P. 2131) under same title and that it "Ought to pass"

Mr. Townsend from the Committee on Public Health on Bill "An Act Concerning the Practice of Podiatry" (H. P. 1338) (L. D. 542) reported a Resolve (H. P. 2132) under title of "Resolve Concerning the Practice of Podiatry" and that it "Ought to pass"

Mr. Douglass from the Committee on State Lands and Forest Preservation on Resolve Authorizing the Forest Commissioner to Convey Certain Land in Aroostook County to Lucie Ouellette (H. P. 1725) (L. D. 897) reported same in a new draft (H. P. 2133) under same title and that it "Ought to pass"

Mr. Preble from the Committee on State Lands and Forest Preservation on Bill "An Act Enlarging the Duties of the Forest Commissioner" (H. P. 1799) (L. D. 964) reported same in a new draft (H. P. 2134) under same title and that it "Ought to pass"

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

### **Ought to Pass Bills Tabled**

Mr. Farrington from the Committee on Motor Vehicles reported "Ought to pass" on Bill "An Act Amending the Law relative to Registration of Motor Vehicles" (H. P. 1188) (L. D. 470)

(On motion by Mr. Noyes of Franklin, tabled pending acceptance of committee report)

Mr. Hawes from the Committee on Pensions reported "Ought to pass" on Bill "An Act relating to Requisites for Old Age Assistance" (H. P. 286) (L. D. 91)

(On motion by Mr. Lambert of Lewiston, tabled pending acceptance of committee report)

Mr. Hodgkins from the Committee on Pensions reported "Ought to pass" on Bill "An Act Amending the Old Age Assistance Law relating to Disqualification for Transferring Property" (H. P. 1447) (L. D. 624)

Mr. Holden from same Committee reported same on Bill "An Act Amending the Old Age Assistance Law relating to Funeral Expenses" (H. P. 1449) (L. D. 626)

Reports were read and accepted.

### **Bill Tabled**

Mr. Jewett from the Committee on Pensions reported "Ought to pass" on Bill "An Act Amending the Old Age Assistance Law relating to Additional Aid by Municipalities" (H. P. 1446) (L. D. 623)

(On motion by Mr. Grua of Livermore Falls, tabled pending acceptance of committee report)

Mr. Mahon from the Committee on Pensions reported "Ought to pass" on Bill "An Act Amending the Old Age Assistance Law relating to Payment to Guardians" (H. P. 1448) (L. D. 625)

Report was read and accepted.

### **Ought to Pass with Committee Amendment**

#### **Bill Tabled**

Mr. Debeck from the Committee on Motor Vehicles on Bill "An Act relating to Operator's Licenses" (H. P. 1691) (L. D. 746) reported "Ought to pass" when amended by Committee Amendment "A" submitted therewith.

(On motion by Mr. Burgess of Limestone, tabled pending acceptance of committee report)

Mr. Williams from the Committee

on Motor Vehicles reported "Ought to pass" on Bill "An Act relating to Registration of Motor Vehicles" (H. P. 1686) (L. D. 742)

Report was read and accepted.

### **First Reading of Printed Bills and Resolve**

Bill "An Act to Require Annual Registration of Osteopathic Physicians" (H. P. 708) (L. D. 261)

Bill "An Act relating to Surface Treatment of Third Class Highways" (H. P. 728) (L. D. 310)

Bill "An Act relating to the Expenditure of Highway Funds" (H. P. 1468) (L. D. 572)

Bill "An Act relative to Fishing Licenses" (H. P. 1568) (L. D. 666)

Bill "An Act relating to the Sale of Cigarettes" (H. P. 1703) (L. D. 870)

Bill "An Act Regulating Automobile Finance Business" (H. P. 2124) (L. D. 1112)

Bill "An Act relating to Apothecaries and the Sale of Poisons" (H. P. 2128) (L. D. 1113)

Bill "An Act relating to the Statute Defining Real Estate for Taxation Purposes" (H. P. 2129) (L. D. 1114)

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

### **Resolve Tabled**

Resolve Creating a Recess Committee on Motor Vehicle Legislation (H. P. 1699) (L. D. 928)

(On motion by Mr. Bubar of Weston, tabled pending second reading)

Resolve Providing for the Payment of Certain Damages Caused by Protected Wild Animals (H. P. 2130) (L. D. 1115)

Resolve was read once and assigned for second reading on the next legislative day.

### **First Reading of Printed Bill with Committee Amendment**

Bill "An Act relating to Reserved Number Plates for Motor Vehicles" (H. P. 566) (L. D. 199)

Bill was given its two several readings. Committee Amendment "A" was read by the Clerk, as follows:

Committee Amendment "A" to H. P. 566, L. D. 199, Bill, "An Act Relating to Reserved Number Plates for Motor Vehicles."

Amend said Bill by inserting after the word "year" in the eleventh

line of Section 102 the words, 'plus a fee of \$1.00.'

Further amend said Bill by striking out the last sentence of Section 102 and inserting in place thereof the following sentences:

'The secretary of state may reserve additional registration numbers, for pleasure vehicles, for the succeeding year provided, however, that any person desiring such reservation shall make a special request for the same previous to the 1st day of December of the current year and pay the registration of his vehicle for the succeeding year plus a fee of \$1.00 and otherwise comply with the provisions of the motor vehicle law at the time of such request. The secretary of state shall not reserve any registration number other than is provided herein and all other registration plates or numbers shall be issued in rotation.

'The amount received from the fee charged for reserved numbers shall go into the general fund of the state.'

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

#### Passed to Be Engrossed

Bill "An Act to Promote the Topographic Mapping of Maine in co-operation with the United States Geological Survey" (S. P. 549) (L. D. 1075)

Bill "An Act Authorizing the Issue of Full Paid Stock by Public Utility Companies at Less Than Par when Authorized by the Public Utilities Commission" (S. P. 551) (L. D. 1077)

Bill "An Act relating to Acceptance of Donations by Cemetery Corporations" (H. P. 2117) (L. D. 1109)

Bill "An Act relating to Part-time Malt Liquor Licenses" (H. P. 2118) (L. D. 1110)

Bill "An Act relative to Insurance Agents" (H. P. 2119) (L. D. 1111)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Washington County to Edith D. McKenney of Lincoln (H. P. 1760) (L. D. 1063)

Sent up for concurrence.

#### Amended Bill

Bill "An Act Amending the Law relating to Embalmers and Funeral Directors" (H. P. 1666) (L. D. 856)

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.

#### Orders of the Day

The Chair lays before the House the first tabled and today assigned matter, Bill "An Act Relating to School Busses" (H. P. 2059) (L. D. 1095), tabled on March 31st by Mr. Gyger of Cumberland, pending the motion of the gentleman from Unity, Mr. Farwell, that the bill be indefinitely postponed; and the Chair recognizes that gentleman.

Mr. GYGER: Mr. Speaker, if it is in order under the pending motion, I would like to present House Amendment "B" and move its adoption.

The SPEAKER: The gentleman from Cumberland, Mr. Gyger, offers House Amendment "B" and moves its adoption. The Clerk will read the amendment.

House Amendment "B" to H. P. 2059, L. D. 1095, Bill, "An Act relating to School Busses".

Amend said Bill by striking out paragraph 9 of Section 2, which reads as follows: "Bumpers both front and rear shall be fastened directly to the chassis."

Thereupon, House Amendment "B" was adopted.

The Chair recognizes the gentleman from Fairfield, Mr. Ellis.

Mr. ELLIS: Mr. Speaker, with so many members being absent, I move that this matter lie on the table and be specially assigned for next Tuesday.

The SPEAKER: The gentleman from Fairfield, Mr. Ellis, moves that Bill "An Act relating to School Busses" lie on the table pending the motion of the gentleman from Unity, Mr. Farwell, that the bill be indefinitely postponed, and be specially assigned for next Tuesday. Is this the pleasure of the House?

Mr. FARRINGTON of Augusta: Mr. Speaker—

The SPEAKER: The motion is debatable only on the question of special assignment.

Mr. FARRINGTON: Mr. Speaker, I merely wanted to rise now in favor of the motion—

The SPEAKER: Does the gentleman desire to debate the merits of the bill or the question of assignment?

Mr. FARRINGTON: Mr. Speaker, I guess I better sit down.

Mr. SNOW of Dover-Foxcroft: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

The question is on the motion to table. Is it the pleasure of the House that the motion of the gentleman from Fairfield, Mr. Ellis, that the bill lie on the table, pending the motion of the gentleman from Unity, Mr. Farwell, that the bill be indefinitely postponed, and be specially assigned for next Tuesday, prevail?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Snow.

Mr. SNOW: Mr. Speaker, out of order and under suspension of the rules, I move to take from the table L. D. 1079, Bill "An Act to Promote the Blueberry Industry of the State," whereby the House voted yesterday to accept the minority report of the committee "Ought not to pass".

The SPEAKER: Does the gentleman wish to make a motion for reconsideration? The motion is in order without suspension of the rules.

Mr. SNOW: I move to reconsider, Mr. Speaker.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Snow, moves that the House reconsider its action of yesterday whereby it accepted the minority report "Ought not to pass" on L. D. 827, Bill "An Act Imposing a Tax on Blueberries for Advertising and Stabilizing the Blueberry Industry of the State," being reported in a New Draft, L. D. 1079 under the title of "An Act to Promote the Blueberry Industry of the State." Is this the pleasure of the House?

Mr. HINMAN of Skowhegan: Mr. Speaker, I hope that the House will not take this matter from the table at this particular time because—

The SPEAKER: The Chair will inform the gentleman that the matter is not on the table. The pending question is on the motion of the gentleman from Dover-Foxcroft, Mr. Snow, that the House reconsider its action of yesterday whereby it accepted the minority report "Ought not to pass".

Mr. HINMAN: Mr. Speaker, I hope that we will not reconsider our action of yesterday at this time because of the fact that so few members are here.

Mr. BROWN of Caribou: Mr. Speaker, I would oppose the motion to reconsider not because there are not a great many here, but because I do not think there is any reason for reconsidering the action we took yesterday.

As I explained at the hearing, the people from Washington County were unanimously against any tax or any interference by the State of Maine with the blueberry industry. Mr. Burrows, representing the Maine Blueberry Growers' Association, testified at the hearing as follows: "The blueberry industry in Maine is a private enterprise in which the State should take no part. Why should the State step in when we don't need its help? Why not tax corn, apples and strawberries?"

I might say there is another section in this bill which was not mentioned yesterday which I wish to call to your attention. Section 4 of the proposed bill says that the Department of Agriculture shall establish identification grades for blueberries sold by those cooperating under the provisions of this act in order to assist in the advertising of said blueberries. In other words, this bill simply gives them the right to assess taxes or contribute which they can do under the present law, without any new laws. But it does say that the Commissioner of Agriculture shall establish grades and identifications. That means that those who cooperate may put them in special red, white and blue packages with "State of Maine" on them, and any other blueberry growers will be told that they must contribute before they can have that trade-mark. I believe this Legislature of the State of Maine at this time does not want to undertake to change this law, and until the blueberry growers in Washington County unite on a program of their own favoring legislation, I do not think we want that kind of legislation. I think the vote of yesterday to accept the minority report "Ought not to pass" was in order and that we ought to stick to it. I hope the motion for reconsideration will not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Dover-Foxcroft, Mr. Snow, that the House reconsider its action of yesterday whereby the minority report "Ought not to pass" was accepted.

Is the House ready for the question?

Mr. HINMAN of Skowhegan: Mr. Speaker, I move that the motion be tabled and specially assigned for next Tuesday.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, moves that the motion to reconsider the action of yesterday, with the accompanying bills and reports, lie on the table, pending the motion of the gentleman from Dover-Foxcroft, Mr. Snow, that the House reconsider its action of yesterday, and that the motion for reconsideration be specially assigned for next Tuesday. Is this the pleasure of the House?

The motion prevailed, and the motion to reconsider the action of yesterday with the accompanying bill and reports, was tabled and specially assigned for next Tuesday.

On motion by Mr. Downs of Rome, the House voted to take from the table the seventh unassigned matter, Bill "An Act Relating to the Taking of Hellgrammites" (S. P. 178) (L. D. 229) tabled on March 28th by Mr. McGlaflin of Portland pending third reading; and on further motion by the same gentleman the bill was given its third reading and passed to be engrossed in concurrence.

The SPEAKER: Is there any further business to come before the House under Orders of the Day?

The Chair recognizes the gentleman from Augusta, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker,

out of order and under suspension of the rules, I would like permission to address the House.

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

Mr. Farrington: Mr. Speaker, I just want to say a word in regard to the school bus matter which has been tabled and specially assigned.

I think I am speaking the mind of the entire Motor Vehicle Committee when I say that that committee reported this bill out "Ought to pass" for the sole reason that they thought they should do something, if possible, to improve the conditions for carrying children to school. I think what opposition there is to the bill is in accord with that general idea.

I merely wanted to suggest that between now and the time this matter comes off the table again, that it might be possible for those who are opposed to the bill to work out something so that we might work out something toward the safety question in the carrying of children to school. I hope something of that sort may be done rather than have the whole bill killed.

The SPEAKER: Is there any further business to come before the House under Orders of the Day?

Mr. VARNEY of Berwick: Mr. Speaker, I move that the House now adjourn until next Monday, April 3, at 4.00 o'clock in the afternoon.

The motion prevailed, and the House so adjourned.