

# 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

**SENATE**

Thursday, February 9, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Henry Webb of Wiscasset.

Journal of yesterday read and approved.

**Order**

(Out of Order)

On motion by Mr. Spear of Cumberland, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, February 14th, 1939, at eleven o'clock in the forenoon. (S. P. 340)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

**House Committee Reports**

The Committee on Inland Fisheries and Game on "Resolve Opening Twitchell Pond to Ice Fishing," (H. P. 240) reported that the same ought not to pass.

The same Committee on "Resolve Opening South Pond to Ice Fishing," (H. P. 241) reported that the same ought not to pass.

The Committee on Judiciary on bill "An Act Relating to Lien on Lands for Drilling Wells," (H. P. 124) (L. D. 46) reported that the same ought not to pass.

The Committee on Legal Affairs on bill "An Act Relating to Barber Shops," (H. P. 251) (L. D. 66) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Legal Affairs on bill "An Act Relating to Norway Village Corporation," (H. P. 76) (L. D. 33) reported that the same ought to pass.

The same Committee on Bill "An Act Validating Certain Acts of the Norway Village Corporation," (H. P. 75) (L. D. 32) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the bills read once and Tuesday next assigned for second reading.

The following bills and resolves were received and on recommendation by the Committee on Reference of Bills were referred to the following committees:

**Agriculture**

Mr. Finden of Aroostook presented bill "An Act Relating to the Proper Branding of Potatoes." (S. P. 310)

(500 copies ordered printed)

Sent down for concurrence.

**Appropriations and Financial Affairs**

Mr. Hill of Cumberland presented bill "An Act Providing for the Publication of an Annual Statement of the Financial Condition of the State by the State Controller." (S. P. 311)

(500 copies ordered printed)

Sent down for concurrence.

**Banks and Banking**

The same Senator presented by request bill "An Act Defining the Term 'Dealer' and 'Securities.'" (S. P. 312)

(500 copies ordered printed)

Sent down for concurrence.

**Claims**

Mr. Dow of Franklin presented "Resolve in Favor of Vivian M. Bryant, of Jay." (S. P. 313)

Mr. Chase of Washington presented "Resolve in Favor of Lorin Moraisey of Crawford." (S. P. 314)

Sent down for concurrence.

Mr. Dorr of Oxford presented "Resolve Reimbursing the Town of Mexico for Support of Joseph and Rosario Rossi." (S. P. 315)

(500 copies ordered printed)

Sent down for concurrence.

**Inland Fisheries and Game**

The same Senator presented by request "Resolve Regulating Fishing in Howard Lake in the Town of Hanover, Oxford County" (H. P. 316)

Sent down for concurrence.

Mr. Worthen of Penobscot presented bill "An Act Relative to Trapping." (S. P. 317)

(500 copies ordered printed)

The same Senator presented bill "An Act Relative to Open Seasons on Fur-Bearing Animals." (S. P. 318)

(500 copies ordered printed.)

The same Senator presented "Resolve Relating to Fish Pounds or Traps Used in Fishing for Salmon

in Penobscot River and Bay." (S. P. 319)

(500 copies ordered printed)  
Sent down for concurrence.

#### Judiciary

Mr. Burns of Aroostook presented bill "An Act Relating to the Resignation of Attorneys-at-Law." (S. P. 320)

Mr. Wentworth of York presented bill "An Act to Amend the Law Relating to Unemployment Compensation with Regard to Gratuities." (S. P. 321)

Mr. Sanborn of Cumberland presented bill "An Act Relating to the Practice of the Law." (S. P. 322)

Mr. Burns of Aroostook presented bill "An Act Relating to Veterans Preference." (S. P. 323)

(500 copies of each ordered printed.)

Sent down for concurrence.

Mr. Beckett of Washington presented bill "An Act Defining and Prohibiting Unfair Sales Practices." (S. P. 324)

(1500 copies ordered printed)

Sent down for concurrence.

#### Legal Affairs

Mr. Hill of Cumberland presented by request 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)

Mr. Graves of Hancock presented bill "An Act Relating to the Keeping of Dogs." (S. P. 326)

(500 copies of each ordered printed)

Sent down for concurrence.

#### Library

The same Senator presented bill "An Act Relating to Returns of Vital Statistics." (S. P. 327)

(500 copies ordered printed)

Sent down for concurrence.

#### Military Affairs

Mr. Cony of Kennebec presented "Resolve Making an Appropriation for the Purchase of Land Adjoining Land of the State Military Department, at Augusta, Known as Camp Keyes." (S. P. 328)

(500 copies ordered printed)

Sent down for concurrence.

#### Pensions

Mr. Thatcher of Penobscot presented "Resolve Providing for a State Pension for Mary Kane, of Bangor." (S. P. 329)

Sent down for concurrence.

#### Public Health

Miss Laughlin of Cumberland presented bill "An Act Relating to Sale or Possession of Poisons." (S. P. 330)

(500 copies ordered printed)

Sent down for concurrence.

#### State Lands and Forest Preservation

Mr. Cony of Kennebec presented bill "An Act Relating to the Maine Forestry District." (S. P. 331)

(500 copies ordered printed)

Sent down for concurrence.

#### Taxation

The same Senator presented bill "An Act Relative to Exemption of Estates from Taxation." (S. P. 332)

(500 copies ordered printed)

Sent down for concurrence.

#### Temperance

Mr. Marden of Kennebec presented bill "An Act Relating to the Sale of Malt Liquors within a Radius of 300 Feet of a Public or Private School." (S. P. 333)

The same Senator presented bill "An Act to Permit Town and City Officers to Limit the Number of Liquor Licenses." (S. P. 334)

(500 copies of each ordered printed)

Set down for concurrence.

#### Ways and Bridges

Mr. Cony of Kennebec presented "Resolve in Favor of the Town of Chelsea." (S. P. 335)

Mr. Chase of Washington presented "Resolve in Favor of the Town of Meddybemps." (S. P. 336)

The same Senator presented "Resolve in Favor of the Town of Princeton." (S. P. 337)

Sent down for concurrence.

Mr. Dorr of Oxford presented "Resolve in Favor of the Houghton-Oquossoc Road." (S. P. 338)

(500 copies ordered printed)

Sent down for concurrence.

#### Taxation, Appropriations and Financial Affairs and Pensions, Jointly

Mr. Wentworth of York presented bill "An Act Providing for Contributions by Towns for Old Age Assistance." (S. P. 339)

Mr. WENTWORTH: Mr. President, I move that this bill be referred to the committees on Taxation, Appropriations and Financial Affairs, and Pensions, jointly, and that 1000 copies be ordered printed, as suggested by the Committee on Reference of Bills.

Mr. President and members of the Senate, at this time I wish to call your attention to some of the merits of this bill in which the Governor and other members of the Budget Committee concur, if you will bear with me while I read.

We all realize that one of the problems that we must attempt to solve is providing for Old Age Assistance, yet not destroying Maine's financial structure.

This bill providing for municipal participation in Old Age Assistance, as recommended by the Governor and the Budget Committee, was devised after careful study of the State's financial position and the need for this form of relief.

In making this recommendation, we considered the well known fact that the people of this state are fast becoming "bedridden" with taxes, both hidden and direct. This "Tax Octopus" with its fast growing tentacles extending into every home and pocketbook in this state must be stunted and its growth stopped. Unless tax growth is stopped we of this state will find ourselves in the same position as many other states that have used nearly every known method of taxation, yet without control over relief expenditures, and have failed to meet their situation.

Let me quote from the inaugural of Governor Fitzgerald of Michigan. "Two years ago Michigan stood at the head of the list of States. There was \$8,775,000 in the Treasury and all bills paid. Today we are at the foot of the list, our treasury empty and debts and overdrafts of between 30 and 50 million dollars."

We believe, in many cases, conditions such as this could not exist had the people been given more voice in the matter, knowing they must share in the costs.

This bill involves two major principles:

1. That of no new taxes as outlined in the platform of both major parties.

2. That of decentralization of authority, or giving the tax payer more control and responsibility in this matter of Old Age Assistance.

Neither the Governor nor the Budget Committee deceived themselves into thinking that this method of having the municipalities assume one quarter of the cost of Old Age Assistance would be re-

ceived with open arms by the people of the legislature. Past experience shows that the tendency has been to throw the relief burden upon the state. The municipalities have been responsible for a large part of the increase and build up of our Health and Welfare Department. They are responsible for many people in our institutions, many of whom could be just as easily cared for locally. All welfare problems were once local and cared for by the municipalities, even to the support of the institutional inmates.

There is no doubt that relieving the community of responsibility in welfare and relief problems has been one of the main reasons for its remarkable and healthy growth.

A back-to-the-people movement must be started if the tendency is to be control and curtailment, rather than addition to the tax burden of the people. It has been said many times that the cities and towns cannot stand the increased burden of Old Age assistance. But placing the burden on the state does not relieve the individual of his responsibility, he must provide the cash in either case. As far as the taxpayer is concerned, the method provided by this bill would bring to him actual realization of what is going on; in fact, it gives him an actual voice in the control of this special kind of relief.

The past six years has seen vast sums of money expended by the state in Emergency Aid. As you know, this has been expended in towns unable to care for their own relief problems. It has been assistance provided through the state by the cities and towns better able to pay to help those in financial difficulty and unable to care for themselves. Such assistance in a period of so-called depression is right and proper. Every one of us believes that these conditions will not always exist, that prosperity will return to the majority of us and our communities. It may be necessary, in providing Old Age Assistance under this bill, to assist certain towns as has been done by Emergency Aid, yet they should not be entirely relieved of all responsibility.

We believe that problems of this nature could be temporarily bridged, that this method would be preferable to placing a millstone of new taxes around our respective necks,

taxes once enacted into law that would never be repealed.

There was still one more reason that had real bearing on this kind of a bill. The sources of revenue that support the state have been drying up for several years and every study indicates that this will continue. This shrinkage at the time of our meeting appeared to be a quarter of a million dollars from last year's figures. Since our report an additional loss of \$175,000 a year has become a certainty. Such losses in receipts make it necessary for some other division of government to assume some part of the burden.

There are many citizens of our state who believe that savings and curtailments of service can be made in amounts sufficient to provide for all new demands for money. In making its recommendations for the support of the functions of government, your Committee had to consider the laws as they now exist and not as they would like them to be. We believe that there are many services performed by the state that are invaluable to the taxpayer, services that help the individual make a better living and thereby help him carry his tax burden. Curtailments in these, while possible, are very difficult to make.

In recommending this bill, the financial part, while of great importance, is not the most important part.

Decentralization of relief must take place if expenditures are to be ever cut. Centralized control and financing is responsible for much of the increases in costs. It makes it easy for those not entirely worthy of assistance to get on the relief rolls. The relief laws were not created for such individuals. We believe that the only cure lays in local supervision. This idea is approved by many people; in fact, Senator Byrd of Virginia in discussing a similar recommendation, used the following:

"This program would embrace a thorough, honest purge of relief rolls, eliminating all undeserving and reducing relief costs by stopping all expenditures in excess of providing for those in need, but this can only be done by requiring localities to bear a portion of the burden, thereby directing local interests to reform in the relief problems."

This is our plan should this measure meet approval.

I thank you.

Thereupon, on motion by Mr. Friend of Somerset, the bill was laid upon the table pending reference.

#### First Reading of Printed Bills

Bill "An Act to Grant a New Charter to the Alumni Association of Bates College." (S. P. 50) (L. D. 429)

Bill "An Act Relating to Carrying Concealed Weapons." (S. P. 282) (L. D. 430)

Which bills were severally read once and Tuesday next assigned for second reading.

#### Committee Reports

Mr. Spear from the Committee on Salaries and Fees on "Resolve Authorizing Compensation for George E. Gogins of Bar Harbor." (S. P. 48) (L. D. 3) reported that legislation is inexpedient, as matter has been taken care of in other ways.

Mr. Chamberlain from the Committee on Taxation on bill "An Act Relating to Tax Exemptions." (S. P. 145) (L. D. 131) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

#### Orders of the Day

On motion by Mr. Beckett of Washington, the Senate voted to take from the table An Act Relative to Operation of Motor Vehicles for Transporting Property for Hire (S. P. 304) tabled by that Senator on February 8 pending reference; and on further motion by the same Senator the bill was referred to the Committee on Public Utilities.

Sent down for concurrence.

On motion by Mr. Graves of Hancock, the Senate voted to take from the table An Act to Provide for the Protection and Preservation of Trees Growing and to be Grown upon the State and State Aid Highways Within the State of Maine (S. P. 297) tabled by that Senator on February 8 pending reference; and on further motion by the same Senator the bill was referred to the Committee on Judiciary and 500 copies ordered printed.

Sent down for concurrence.

On motion by Mr. Graves of Hancock, the Senate voted to take from the table An Act Relating to the Taking of Land by the State Highway Commission, and the Taking or Discontinuing of a Public Highway (S. P. 298) tabled by that Senator on February 8 pending reference; and on further motion by the same Senator the bill was referred to the Committee on Judiciary and 500 copies ordered printed.

Sent down for concurrence.

On motion by Mr. Chase of Piscataquis the Senate voted to take from the table Resolve to Reimburse the City of Brewer for Support of Frank Damon and Family (S. P. 165) tabled by that Senator on February 8 pending consideration.

Mr. CHASE: Mr. President, I move that the Senate recede and concur with the House in the indefinite postponement of this resolve as the matter has been attended to in another resolve.

The motion to recede and concur prevailed.

### Joint Order

From the House: out of order and under suspension of the rules.

ORDERED, the Senate concurring, that notwithstanding joint orders now in effect, that all resolves and public acts, data for which shall be in the hands of the Revisor of Statutes on or before four P. M. February 9th, 1939, shall be received in the same manner as if received before four P. M. February 9th, 1939, and be it further

ORDERED, that the said Revisor shall file a list of the titles of the resolves and public acts, the data for which is in his hands at that time, with the Secretary of the Senate and the Clerk of the House. (H. P. 1470)

In the House, read and passed.

In the Senate, read and passed in concurrence.

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Chamberlain of Penobscot

Adjourned until next Tuesday forenoon, February 14, at eleven o'clock.