

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

Tuesday, February 21, 1939.

The Senate was called to order by the President.

Prayer by the Reverend L. E. Stiles of Hallowell.

Journal of Thursday, February 17, read and approved.

From the House:

Bill "An Act Relating to Tuition for Indian Scholars in the Elementary Schools of Old Town." (S. P. 353) (L. D. 778)

(In the Senate on February 14, referred to the Committee on Education.)

Comes from the House referred to the Committee on Indian Affairs in non-concurrence.

In the Senate, on motion by Mr. Kennedy of Hancock, that Body voted to recede and concur with the House in the reference of the bill to the Committee on Indian Affairs.

Papers from the House disposed of in concurrence.

From the House:

Bill "An Act Relative to Pollution of Inland Water." (H. P. 1582) (L. D. 855)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Spear of Cumberland, tabled pending reference in concurrence.

From the House:

Bill "An Act Relative to Depositing Slabs, Edgings, Sawdust in Streams." (H. P. 1589) (L. D. 864)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Miss Laughlin of Cumberland, tabled pending reference in concurrence.

From the House:

Bill "An Act Relating to Jurisdiction on Divorce Libels." (H. P. 1595) (L. D. 910)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Burns of Aroostook, tabled pending reference in concurrence.

Additional papers from the House disposed of in concurrence.

House Committee Reports

The Committee on Legal Affairs on bill "An Act to Incorporate the New Portland School District." (H. P. 1178) (L. D. 495) recommends leave to withdraw.

Which report was read and accepted and leave to withdraw was granted in concurrence.

The Committee on Judiciary on bill "An Act Relative to Errors in Records, Tax Lists, Descriptions of Real Estate, and Returns, how Amended," (H. P. 555) (L. D. 226) reported that the same ought not to pass.

(On motion by Mr. Chamberlain of Penobscot, tabled pending acceptance of the report.)

The same Committee on "Resolve Proposing an Amendment to the Constitution Relating to the Election of the Governor's Council," (H. P. 558) (L. D. 192) reported that the same ought not to pass.

The same Committee on "Resolve Proposing an Amendment to the Constitution Abolishing the Governor's Council," (H. P. 559) (L. D. 193) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Aid for Private Roads," (H. P. 74) (L. D. 31) reported that the same ought not to pass.

The Committee on Motor Vehicles on bill "An Act Relative to Operation of Commercial Motor Trucks and Busses on the Highways of This State," (H. P. 252) (L. D. 96) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Operation of Motor Boats on Long Lake and Brandy Pond," (H. P. 1186) (L. D. 457) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Judiciary on bill "An Act Relating to Corporations," (H. P. 281) (L. D. 88) reported that the same ought to pass.

The Committee on Legal Affairs on bill "An Act Relating to the York Beach Village Corporation," (H. P. 927) (L. D. 365) reported that the same ought to pass.

The same Committee on bill "An Act to Amend the Charter of the

York Beach Village Corporation," (H. P. 926) (L. D. 364) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Licenses for Dogs," (H. P. 924) (L. D. 318) reported that the same ought to pass.

The same Committee on bill "An Act to Incorporate the Charles A. Dean Memorial Hospital," (H. P. 922) (L. D. 361) reported that the same ought to pass.

The Committee on Mercantile Affairs and Insurance on bill "An Act to Clarify the Meaning of the Law Regulating Mutual Insurance Companies," (H. P. 930) (L. D. 321) reported that the same ought to pass.

The same Committee on bill "An Act Conferring Additional Powers on Domestic Insurance Companies," (H. P. 929) (L. D. 320) reported that the same ought to pass.

The same Committee on bill "An Act Relating to the Charter of Aroostook Mutual Fire Insurance Company," (H. P. 1184) (L. D. 455) reported that the same ought to pass.

The Committee on State Lands and Forest Preservation on bill "An Act Ratifying the Conveyance of Certain Land and Buildings in Thomaston," (H. P. 139) (L. D. 50) reported that the same ought to pass.

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

The majority of the Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Certain Waters in Auburn," (H. P. 473) (L. D. 144) reported that the same ought to pass.

(Signed) Senators Worthen of Penobscot
Elliot of Knox
Representatives Starrett of Warren
Peakes of Milo
LaFleur of Portland
Brown of Corinna
Welch of
Chapman
Robinson of
Bingham

The minority of the same Committee on the same subject reported that the same ought not to pass.

(Signed) Boothby of York
Hanold of
Standish

Comes from the House, the majority report accepted and the bill passed to be engrossed.

In the Senate, on motion by Mr. Worthen of Penobscot, the majority report of the committee "Ought to pass" was accepted in concurrence, the bill was read once and tomorrow assigned for second reading.

Order

On motion by Mr. Marden of Kennebec, it was

ORDERED, that five hundred copies be printed of "Report of Recess Committee on Blood Tests from Alcohol." (S. P. 419)

First Reading of Printed Bills

Bill "An Act to Provide Compensation for Indian Representatives to the Legislature." (S. P. 417) (L. D. 879)

Bill "An Act Relative to Taking Tuna." (S. P. 418) (L. D. 877)

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

Passed to be Engrossed

"Resolve Relating to Smelt Fishing in Georges River." (H. P. 138) (L. D. 49)

Bill "An Act Amending the Acts Relating to the Deer Isle-Sedgwick Bridge District." (H. P. 504) (L. D. 158)

Bill "An Act in Relation to the Duties of Town Treasurer." (H. P. 509) (L. D. 163)

"Resolve Relating to Digging of Clams in Harrington." (H. P. 516) (L. D. 169)

"Resolve Relating to the Taking of Shellfish and Worms within the Limits of the Town of Falmouth." (H. P. 257) (L. D. 69)

Bill "An Act Relating to Recording of Personal Property Titles." (H. P. 564) (L. D. 197)

Which bills and resolves were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to Adoption of Children." (S. P. 54) (L. D. 18)

Bill "An Act Regulating Places and Time of Taking Salmon, Shad and Alewives in Certain Waters; Penalty." (S. P. 78) (L. D. 790)

Bill "An Act Relative to Weekly Close Time for Salmon, Shad, Alewives and Bass." (S. P. 79) (L. D. 792)

"Resolve Designating The Governor Barrows Rearing Station." (S. P. 119) (L. D. 791)

Bill "An Act Relating to Certificates of Organization of Corporation." (S. P. 181) (L. D. 232)

Bill "An Act to Incorporate the Town of Princeton Lighting District." (S. P. 184) (L. D. 235)

Bill "An Act Prohibiting the Unlawful Taking of Aircraft." (S. P. 186) (L. D. 237)

Bill "An Act Relative to the Soldiers' Bonus Fund and the War Bond Sinking Fund." (S. P. 220) (L. D. 283)

Bill "An Act Relative to Approval of Bonds of Sheriffs." (S. P. 222) (L. D. 281)

Which bills and resolve were severally read a second time and passed to be engrossed.

Sent down for concurrence.

Passed to be Enacted

An Act Providing that the State of Maine May Enter into a Compact with Any of the United States for Mutual Helpfulness in Relation to Persons Convicted of Crime or Offenses Who May be on Probation or Parole. (S. P. 31) (L. D. 9)

An Act to Promote Aviation in Maine. (S. P. 36) (L. D. 8)

An Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings. (S. P. 70) (L. D. 38)

An Act Relating to Extradition. (S. P. 71) (L. D. 37)

An Act to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Cooperate with Other States Therein. (S. P. 92) (L. D. 56)

An Act Providing for the Administration and Control of Baxter State Park and Repealing the Act Creating the Baxter State Park Commission. (S. P. 115) (L. D. 94)

An Act Relating to Katahdin Park Game Preserve and Enlarging Same. (S. P. 116) (L. D. 95)

An Act to Ratify and Make Valid the Incorporation of the Maine State Advent Christian Conference. (H. P. 1239) (L. D. 479)

Bill "An Act to Establish the Van Buren Municipal Court." (S. P. 91) (L. D. 54)

Mr. BURNS of Aroostook: Mr. President, in relation to this bill, I received this morning a communication from Judge Nadeau of the Northern Aroostook Municipal Court

and in this letter there was an amendment to this bill establishing the Van Buren Municipal Court. It is a little late at this stage of the proceedings to offer an amendment and I would rather not offer the proposed amendment unless I feel it is absolutely necessary. I have not had time to study it fully as yet, having only just received this communication, and for that reason I would like to have the bill laid upon the table.

Thereupon, the bill was laid upon the table pending passage to be enacted.

Finally Passed

Resolve Authorizing the Sale of State's Interest in Certain Lands in Township No. 3 Range 4 (H. P. 258) (L. D. 70)

Emergency Measure

Bill "An Act to Grant a New Charter to the City of Lewiston." (S. P. 55) (L. D. 27)

Which bill being an emergency measure and having received the affirmative vote of 29 members of the Senate and none opposed was passed to be enacted.

Orders of the Day

On motion by Mr. Osgood of Oxford the Senate voted to reconsider its former action, taken earlier in today's session, whereby bill, An Act Relating to the Milk Control Board (H. P. 1531) (L. D. 859) was referred to the Committee on Agriculture in concurrence; and on further motion by the same Senator the bill was laid upon the table pending reference in concurrence.

On motion by Miss Laughlin of Cumberland the Senate voted to take from the table bill, An Act Relative to Depositing Slabs, Edgings, Sawdust in Streams (H. P. 1589) (L. D. 864) tabled by that Senator earlier in today's session pending reference in concurrence.

Miss LAUGHLIN of Cumberland: Mr. President, I move that this bill be referred to the Committee on Interior Waters. I really don't know what the Judiciary Committee has to do with it.

Thereupon, the bill was referred to the Committee on Interior Waters in non-concurrence.

Sent down for concurrence.

On motion by Mr. Dow of Franklin the Senate voted to take from the table bill, An Act to Require Annual Registration of Osteopathic Physicians (H. P. 708) (L. D. 261) tabled by that Senator on February 7th pending reference in concurrence; and on further motion by the same Senator the bill was referred to the Committee on Public Health in concurrence.

On motion by Mr. Burns of Aroostook the Senate voted to take from the table bill, An Act to Establish the Van Buren Municipal Court (S. P. 91) (L. D. 54) tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. BURNS of Aroostook: Mr. President, on examining the amendment which Judge Nadeau of the Northern Aroostook Municipal Court mailed to me, I find that it has merit. On examining the charter of the Northern Aroostook Municipal Court, which was enacted by the legislature in 1911, I find that at that time the Northern Aroostook Municipal Court held terms at Fort Kent and at Van Buren and that the court alternated between those two towns in the transaction of civil business; and Section 11 reads as follows: "Terms of said court for the transaction of civil business shall be held as follows, to wit: In the town of Van Buren on the second Tuesday of the months of January, March, May, July, September and November at ten o'clock in the forenoon, and in the town of Fort Kent on the second Tuesday of the months of February, April, June, August, October and December at ten o'clock in the forenoon" and so on. And so from that the Senate will understand that every other month the court was held at Van Buren and alternated in the remaining months at Fort Kent, so that in establishing the Van Buren Municipal Court there was no provision whereby the Fort Kent Municipal Court would hold civil terms on the second Tuesday of every month. And inasmuch as that court has considerable business this

amendment would clarify the situation and give the Van Buren Municipal Court the right to hold court every month of the year for the transaction of civil business. And inasmuch as the Van Buren Municipal Court was given that same right, namely, to hold court every month, it seems fitting and proper that this proposed amendment which Judge Nadeau has mailed to me should be added to this bill.

Thereupon, on motion by Mr. Burns of Aroostook, the rules were suspended and the Senate voted to reconsider its former action taken on February 8th whereby the bill as amended by Senate Amendment "A" was passed to be engrossed; and that Senator presented Senate Amendment "B" and moved its adoption:—

"Senate Amendment 'B' to Legislative Document 54, An Act to Establish the Van Buren Municipal Court. Upon this act becoming effective, terms of the Northern Municipal Court for the transaction of civil business shall be held on the second Tuesday of every month in the town of Fort Kent in the County of Aroostook at ten o'clock in the forenoon and said court may adjourn from time to time, and so much of Section 11 of Chapter 178 of the Private and Special Laws of Maine, 1911, creating said Northern Aroostook Municipal Court as gives said court jurisdiction to hold terms of court at Van Buren for the transaction of civil business is hereby repealed."

Senate Amendment "B" was adopted; and on further motion by the same Senator, the bill was passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "B" in non-concurrence.

Sent down for concurrence.

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

On motion by Mr. Cony of Kennebec

Adjourned until tomorrow morning at ten o'clock.