

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

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## SENATE

Wednesday, March 1, 1939.

The Senate was called to order by the President.

Prayer by the Reverend H. Mortimer Gesner of Augusta.

Journal of yesterday read and approved.

Paper from the House disposed of in concurrence.

## House Committee Reports

The Committee on Education on bill "An Act to Close Eastern Normal School at Castine, and Madawaska Training School," (H. P. 1547) (L. D. 645) reported that leave be granted to withdraw.

Which report was read and accepted in concurrence.

The Committee on Agriculture on bill "An Act Relating to the All Maine Fair Association," (H. P. 670) (L. D. 245) reported that the same ought to pass.

The Committee on Claims on "Resolve in Favor of Allen C. Reed and Warren Reed, of Boothbay Harbor," (H. P. 373) reported the same in a new draft (H. P. 1807) (L. D. 980) under the same title and that it ought to pass.

The same Committee on "Resolve in Favor of the Town of Nobleboro," (H. P. 464) reported the same in a new draft (H. P. 1806) (L. D. 979) under the same title and that it ought to pass.

The Committee on Education on "Resolve in Favor of George H. Larabee of Portland," (H. P. 1147) (L. D. 978) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Apportionment of School Equalization Fund," (H. P. 673) (L. D. 248) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Payment to State of Teachers' Retirement Association Deductions," (H. P. 1409) (L. D. 603) reported that the same ought to pass.

The Committee on Judiciary on bill "An Act Relating to Pauper Settlements," (H. P. 552) (L. D. 189) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Removal of Paupers," (H. P. 488) (L. D. 183) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Removal of Paupers," (H. P. 246) (L. D. 62) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Removal of Paupers from Towns wherein They have no Settlement," (H. P. 245) (L. D. 61) reported that the same ought to pass.

The Committee on Legal Affairs on bill "An Act to Incorporate the City of Presque Isle," (H. P. 683) (L. D. 267) reported that the same ought to pass.

The same Committee on bill "An Act to Incorporate the Presque Isle Water District," (H. P. 921) (L. D. 308) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Set-offs against Taxes," (H. P. 482) (L. D. 177) reported the same in a new draft (H. P. 1808) (L. D. 981) under the same title and that it ought to pass.

The same Committee on bill "An Act Validating Acts of Boothbay Harbor and Southport," (H. P. 1177) (L. D. 494) reported that the same ought to pass.

The same Committee on bill "An Act Authorizing Cities and Towns to Raise Money for Certain Purposes," (H. P. 1330) (L. D. 538) reported that the same ought to pass.

The Committee on Mercantile Affairs and Insurance on bill "An Act Relating to the Harrison Mutual Fire Insurance Company," (H. P. 1185) (L. D. 456) reported that the same ought to pass.

The Committee on Motor Vehicles on bill "An Act Relating to Operators' Licenses," (H. P. 685) (L. D. 258) reported the same in a new draft (H. P. 1809) (L. D. 982) under the same title, and that it ought to pass.

The Committee on Taxation on bill "An Act Relating to Exemption of Polls and Estates from Taxation, of Veterans of the Philippine Insurrection," (H. P. 1344) (L. D. 531) reported that the same ought to pass.

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

The Committee on Judiciary on bill "An Act Relating to Town Clerks," (H. P. 244) (L. D. 60) reported that the same ought to pass.

In the House passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. House Amendment "A" was read and adopted in concurrence, and the bill, as amended by House Amendment "A", was tomorrow assigned for second reading.

The Committee on Sea and Shore Fisheries on bill "An Act Relating to the Digging of Clams in the Town of Brooksville," (H. P. 583) (L. D. 208) reported that the same ought to pass as a Resolve entitled "Resolve Relating to the Digging of Clams in the Town of Brooksville," (H. P. 1810) (L. D. 983)

The same Committee on bill "An Act Relating to the Digging of Clams in the Town of Sedgwick," (H. P. 582) (L. D. 207) reported that the same ought to pass as a "Resolve Relating to the Digging of Clams in the Town of Sedgwick." (H. P. 1811) (L. D. 984)

The same Committee on bill "An Act Relating to the Digging of Clams in the Town of Brooklin," (H. P. 581) (L. D. 206) reported that the same ought to pass as a Resolve entitled "Resolve Relating to the Digging of Clams in the Town of Brooklin." (H. P. 1812) (L. D. 985)

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

### Communication

#### EXECUTIVE DEPARTMENT

March 1, 1939.

To the Honorable Senate and House of Representatives:

I feel it my duty to transmit to the members of the Eighty-ninth Legislature reports and information filed with me by the State Controller.

Definite figures available to me as of this date on the current fiscal year ending June 30, 1939 show present appropriations in the Welfare Department are insufficient.

For state pauper support the sum of \$700,000 was appropriated. That amount is exhausted at the present

time and departmental estimates indicate that \$488,000 will be required to complete the present fiscal year.

For emergency aid the sum of \$200,000 was provided. The unexpended balance at this date is \$60,000. It is estimated that an additional amount of \$31,000 will be necessary to complete the present fiscal year.

For board and care of neglected children the sum of \$365,000 was provided. The balance at this date is \$103,000 and for the balance of the present fiscal year it is estimated that an additional \$30,000 is needed. The estimated total amount required to complete these three state activities for the balance of the current fiscal year is \$549,000.

It should be understood that "bills payable" are received from cities and towns on a quarterly basis on account of state paupers. In other words, the state paupers are cared for and supplies are furnished by the local overseers of poor and the bills are forwarded to the State for payment every three months. The amounts paid in January and February were very substantially in excess of any possible estimates by the Eighty-eighth Legislature. The money that is being expended in cities and towns during the present weeks will not be submitted to the State for reimbursement until the last of the present fiscal year.

In the case of expenditures for both emergency aid and board and care of neglected children, our present appropriations are not exhausted but it is plainly apparent that they are insufficient for the balance of the year.

It is well to emphasize that the requested amounts represent only the best available estimates to carry through the balance of the present year ending June 30, 1939.

The financial report of the state, published on August 18, 1938, showed that for the fiscal year of 1938 the budget was balanced with a surplus of \$386,744.17. This was further reflected in the sinking fund reserve of that year which showed a balance of \$722,379.16. That result seems to me most fortunate for the reason that it now affords us our only apparent relief without new taxation.

By your authorization it is possible to transfer the necessary

amount from this account although the remaining balance of \$173,379.16 is an extremely small margin of safety, generally speaking.

I call your attention to the fact that for the second year in succession the temporary borrowing capacity of the state in anticipation of taxes remains intact and I shall continue in my endeavor to show a balanced budget for the entire year. To accomplish this, however, your continued splendid cooperation is essential in resisting every possible expenditure that you do not regard as absolutely necessary.

It seems to me that the necessity for this communication is rather conclusive evidence of the difficulty encountered of accurate budget estimates covering a two-year period in advance to meet a constantly growing demand for all welfare relief under existing statute. You may find it desirable to analyze many of our present laws in this respect.

Respectfully submitted,

LEWIS O. BARROWS,

Governor.

On motion by Mr. Spear of Cumberland, the communication was accepted and referred to the Committee on Appropriations and Financial Affairs and sent forthwith to the House.

(500 copies ordered printed.)

#### **Referred to Committee**

The following remonstrance was received and on recommendation by the Committee on Reference of Bills was referred to the Committee on Taxation.

Mr. Chase of Piscataquis presented Remonstrance of Harry Hubbard and 146 others of Greenville and vicinity opposing any increase in the gasoline tax." (S. P. 454)

Sent down for concurrence.

#### **Senate Committee Reports**

Mr. Friend from the Committee on Ways and Bridges on "Resolve in Favor of the Town of Houlton," (S. P. 237) reported that the same be referred to the Committee on Claims.

Which report was read and accepted.

Sent down for concurrence.

Mr. Lewis from the Committee on Sea and Shore Fisheries on "Resolve Relating to Taking of Clams

in Machiasport," (S. P. 273) (L. D. 440) reported that the same ought to pass.

On motion by Mr. Chase of Washington the resolve was indefinitely postponed.

Sent down for concurrence.

Mr. Wentworth from the same Committee on "Resolve Prohibiting the Taking of Sturgeon in the Penobscot River," (S. P. 228) (L. D. 277) reported that the same ought to pass.

Mr. Worthen from the same Committee on bill "An Act Relating to Lobster Fishermen's Licenses," (S. P. 305) (L. D. 517) reported that the same ought to pass.

Which reports were severally read and accepted, the bill and resolves read once and tomorrow assigned for second reading.

#### **Passed to be Engrossed**

Bill "An Act Relating to Probation Officers," (H. P. 1786) (L. D. 967)

Which bill was read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to the Emergency Municipal Finance Board," (S. P. 214) (L. D. 286)

Bill "An Act Relating to the Resignation of Attorneys-at-Law," (S. P. 320) (L. D. 590)

Bill "An Act Relating to Ricker Classical Institute," (S. P. 438) (L. D. 989)

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

Sent down for concurrence.

Bill "An Act Relating to the Lincoln Municipal Court," (S. P. 444) (L. D. 988)

(On motion by Mr. Spear of Cumberland, recommitted to the the Committee on Salaries and Fees.)

Sent down for concurrence.

#### **Orders of the Day**

On motion by Mr. Thatcher of Penobscot, the Senate voted to take from the table, Resolve Appropriating Money for the Study and Control of the European Spruce Sawfly (S. P. 230) (L. D. 275) tabled by that Senator on February 28th pending final passage; and on fur-

ther motion by that Senator the Senate voted to reconsider its action taken on February 17th whereby the bill was passed to be engrossed.

Thereupon, the same Senator presented Senate Amendment A and moved its adoption:—

"Senate Amendment A to Legislative Document 275, Resolve Appropriating Money for the Study and Control of the European Spruce Sawfly. Amend said bill by striking out in the last paragraph of the emergency preamble thereof the words, 'Now, therefore, be it' and inserting in place thereof the word, 'And', and by inserting thereafter the following paragraphs:—

'Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of Section 6, Article 31, of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety,

"NOW, THEREFORE, be it.'"

Senate Amendment A was adopted, and on further motion by the same Senator, the resolve as amended by Senate Amendment A was passed to be engrossed in non-concurrence, and sent to the House forthwith.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Relating to Insurance Companies (H. P. 1770) (L. D. 946), tabled by that Senator on February 23rd pending reference in concurrence; and on further motion by the same Senator, the bill was referred to the Committee on Mercantile Affairs and Insurance in concurrence and 500 copies ordered printed.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act to Increase the Salary of the Judge of the Farmington Municipal Court (H. P. 16) (L. D. 20) tabled by that Senator on February 28th pending acceptance of the committee report "Legislation Inexpedient" in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take

from the table, An Act Relating to Compensation of the Register of Probate of Franklin County (H. P. 942) (L. D. 370), tabled by that Senator on February 28th pending acceptance of the committee report, "Legislation Inexpedient" in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Relating to Clerk Hire in the Office of Register of Probate for Franklin County (H. P. 943) (L. D. 371) tabled by that Senator on February 28th pending acceptance of the committee report, "Legislation Inexpedient" in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Relating to Salary of Clerk of the Northern Registry of Deeds in Aroostook County (H. P. 1455) (L. D. 564), tabled by that Senator on February 28th pending acceptance of the committee report, "Ought Not to Pass" in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Relating to Clerk Hire in the Office of Register of Deeds of Franklin County, (H. P. 578) (L. D. 203), tabled by that Senator on February 28th pending consideration of the committee report, "Ought to pass in new draft" (H. P. 1816); and on further motion by the same Senator, the bill was indefinitely postponed in concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Relating to Clerks in the Offices of Register of Probate and Clerk of Courts in Hancock County, (H. P. 405) (L. D. 110), tabled by that Senator on February 28th pending enactment; and on further motion by the same Senator, the bill was recommitted to the Committee on Salaries and Fees in non-concurrence.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Relating to the County Treasurer of Hancock County (H. P. 404) (L. D. 109), tabled by that Senator on February 28th pending enactment; and on further motion by the same Senator, the bill was recommitted to the Committee on Salaries and Fees in non-concurrence.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Relating to Clerk Hire in Somerset County (H. P. 580) (L. D. 205), tabled by that Senator on February 28th pending enactment; and on further motion by the same Senator, the bill was recommitted to the Committee on Salaries and Fees in non-concurrence.

Sent down for concurrence.

On motion by Mr. Chase of Washington, the Senate voted to take from the table, Senate Report from the Committee on Salaries and Fees "Ought to Pass" on An Act Relating to Clerk Hire in Washington County (S. P. 398) (L. D. 815), tabled by that Senator on February 24th pending acceptance of the report; and on further motion by the same Senator, the bill was recommitted to the Committee on Salaries and Fees.

Sent down for concurrence.

On motion by Mr. Cony of Kennebec, the Senate voted to take from the table, An Act Relating to the Salary of the County Treasurer of Aroostook County and the Clerk Hire in the Office of said Treasurer, (S. P. 399) (L. D. 814), tabled by that Senator on February 28th pending second reading; and on further motion by the same Senator, the bill was recommitted to the Committee on Salaries and Fees, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Beckett of Washington, the Senate voted to take from the table, An Act to Provide Compensation for Indian Representatives to the Legislature (S. P. 417) (L. D. 879) tabled by that Senator on February 22nd pending second reading; and that Senator yielded to the Senator from Cumberland, Senator Spear.

Thereupon, on motion by Mr. Spear of Cumberland, the bill was recommitted to the Committee on Salaries and Fees.

Sent down for concurrence.

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

On motion by Mr. Chase of Piscataquis

Adjourned until tomorrow morning at ten o'clock.