

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

Friday, March 3, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Zebedee Andrews of Gardiner.

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, March 7th, 1939, at eleven o'clock in the forenoon. (S. P. 457)

Sent down for concurrence.

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

Committee Report

The Committee of Conference on the disagreeing action of the two branches of the legislature on bill "An Act to Grant a New Charter to the City of Gardiner." (H. P. 682) (L. D. 266) reported that the Senate recede and concur with the House, in its former action where-by the bill was passed to be engrossed as amended by House Amendment "A".

On motion by Mr. Spear of Cumberland tabled pending acceptance of the report.

From the House:

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

(In the Senate on February 28 passed to be engrossed as amended by House Amendment "A" in concurrence.)

Comes from the House, passage to be engrossed reconsidered, adoption of House Amendment "A" reconsidered, House Amendment "A" indefinitely postponed, and the bill passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Spear of Cumberland, tabled pending consideration.

From the House:

Senate Report from the Committee on Salaries and Fees "Ought to Pass in a New Draft (S. P. 417) (L. D. 879) under the same title" on bill "An Act to Provide Compensation for Indian Representatives to the Legislature." (S. P. 172) (L. D. 188)

(In the Senate on March 1st, re-committed to the Committee on Salaries and Fees in non-concurrence.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate:

Mr. KENNEDY of Hancock: Mr. President and members of the Senate, I think it is fair to state that in supporting the two Indian representatives in this legislature in their fight for compensation equal to that of their fellow members of the House, I am now and have been actuated only by a desire to see justice and fair play accorded them.

Both of these men stand high in the communities they have the honor to represent, and they have been duly elected to represent their people in this legislature. They have been accepted by their fellow members of the House of Representatives and seated as members of that Body. Having thus been accorded the honor due them as members of this Eighty-ninth Legislature and being known and accepted as such in this city and throughout the state of Maine, it seems to me little short of injustice to compel them to accept as compensation for their services an amount which, if offered one of their fellow members of the white race, so-called would, to say the least, be considered much less than an amount sufficient to meet legitimate expenses, not to speak of maintaining the dignity you have conferred upon them.

It has been said that because they are not allowed to vote, having been branded paupers by a beneficent state, and not having to serve on committees, the amount of work they are required to do does not warrant the increase. As to that I have this to say: If each member of this legislature were paid according to the actual amount of work performed by him and if \$600 were the maximum salary then when this session is over some of us would not have enough

money coming to buy the gasoline necessary to take us home. Now I yield to no person in this legislature in my desire for real economy but to bring about that economy I am not prepared to lower the standard of living or to take from any man his self respect, nor to create in him the feeling that he is held inferior to those who have the honor to sit with him in this legislature. I shall maintain my present attitude on this question until these men are accorded that which in my opinion is justly due them.

Mr. President, I move to adhere and ask for a division.

A division of the Senate was had. Twenty-two having voted in the affirmative and none opposed the motion to adhere prevailed.

Sent down for concurrence.

Papers from the House disposed of in concurrence.

House Committee Reports

The Committee on Claims on "Resolve in Favor of Fred N. Babcock of Litchfield," (H. P. 537) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Mrs. Lena Dunton of Augusta," (H. P. 1250) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Carl Simpson of Auburn," (H. P. 463) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of L. S. Grant of Leeds," (H. P. 1253) reported the same ought not to pass.

The same Committee on "Resolve in Favor of Alice Page of Leeds," (H. P. 1252) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Moose Pond," (H. P. 888) (L. D. 345) reported that the same ought not to pass.

The same Committee on "Resolve Regulating Fishing in Colcord and Bickford Ponds," (H. P. 889) (L. D. 346) reported that the same ought not to pass.

The same Committee on Bill "An Act Relative to Hunting Near Highways in Unorganized Townships," (H. P. 380) (L. D. 101) reported that the same ought not to pass.

The same Committee on bill "An

Act Relative to Game Preserve in Hancock County," (H. P. 1552) (L. D. 650) reported that the same ought not to pass.

The same Committee on "Resolve for Screening Outlet of Long Pond in Bowdoin College Grant," (H. P. 1125) reported that the same ought not to pass.

The same Committee on "Resolve Screening Certain Waters in Lincoln County," (H. P. 1580) reported that the same ought not to pass.

The Committee on Judiciary on bill "An Act to Make Admissible Testimony of Surviving Parties and Declarations of Decedents in Actions by or against Representatives of Estates of Deceased Persons and Declarations of Testators or Testatrices in Proceedings for the Probate of Wills," (H. P. 1619) (L. D. 707) reported that the same ought not to pass.

The Committee on Taxation on bill "An Act Relating to Payment of Taxes in Installments," (H. P. 1730) (L. D. 836) reported that the same ought not to pass.

The same Committee on bill "An Act Amending the Method of Assessments of Town Taxes," (H. P. 1738) (L. D. 831) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Taxes Assessed Upon Homes," (H. P. 1731) (L. D. 834) reported that the same ought not to pass.

The Committee on Sea and Shore Fisheries on bill "An Act Relating to the Legal Size of Lobsters," (H. P. 1341) (L. D. 525) reported that leave be granted to withdraw.

Which reports were severally read and accepted in concurrence.

The Committee on Claims on "Resolve in Favor of Harland B. Webber of Cumberland," (H. P. 533) reported that the same be referred to the Committee on Pensions.

Which report was read and accepted in concurrence.

The Committee on Banks and Banking on bill "An Act Relating to the Provident Loan Company," (H. P. 854) (L. D. 313) reported that the same ought to pass.

The Committee on Judiciary on bill "An Act to Amend the Fair Trade Act," (H. P. 557) (L. D. 228) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Payment to the County Law Library of York County," (H. P. 900) (L. D. 356) reported that the same ought to pass.

The Committee on Banks and Banking on bill "An Act Relating to Loan and Building Associations," (H. P. 1139) (L. D. 454) reported that the same ought to pass.

The same Committee on bill "An Act Amending the Laws Relating to the Issuance of Preferred Stock by Trust Companies," (H. P. 1138) (L. D. 466) reported the same in a new draft (H. P. 1820) (L. D. 991) under the same title and that it ought to pass.

The Joint Select Committee on University of Maine on bill "An Act Relating to the Treasurer of the University of Maine," (H. P. 263) (L. D. 74) reported the same in a new draft (H. P. 1821) (L. D. 992) under the same title and that it ought to pass.

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

Joint Order

(Out of Order)

From the House:

ORDERED, the Senate concurring, that the Committee on Appropriations and Financial Affairs be authorized and empowered to originate and report Bills and Resolves which, in the judgment of that committee, may be necessary or advisable to carry out the recommendations of the budget message or effect a reduction in State expenditure. (H. P.)

In the House, read and passed.

In the Senate, read and passed in concurrence.

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. Friend of Somerset presented Remonstrance of Blin W. Page and 525 others of Somerset County Opposing any Increase in the Gasoline Tax. (S. P. 458)

Sent down for concurrence.

First Reading of Printed Bills

Bill "An Act Relating to Knox County Game Preserve." (S. P. 296) (L. D. 996)

Which bill was read once and Tuesday next assigned for second reading.

Senate Committee Reports

Mr. Thatcher from the Committee on Appropriations and Financial Affairs on bill "An Act Relating to a State Geologist," (S. P. 107) (L. D. 93) reported that legislation thereon is inexpedient as subject matter has been taken care of in another bill.

The same Senator from the same Committee on bill "An Act Providing State Services for the Blind," (S. P. 248) (L. D. 450) reported that the same ought not to pass.

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

The same Senator from the same Committee on "Resolve Appropriating Money to Build Fishway on Meduxnekeag River" (S. P. 22) reported that the same ought not to pass.

Mr. Chase of Washington from the Committee on Labor on bill "An Act Relating to the Payment of Wages," (S. P. 232) (L. D. 279) reported that the same ought not to pass.

Mr. Marden from the Committee on Military Affairs on bill "An Act Relating to Maine Soldiers and Sailors in the War with Spain," (S. P. 153) (L. D. 127) reported that legislation thereon is inexpedient.

Mr. Osgood from the Committee on Towns on bill "An Act Extending Time in Which Collector is Liable for Tax," (S. P. 147) (L. D. 134) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Spear from the Committee on Salaries and Fees on bill "An Act Relating to the Filing Fee for Conditional Sales Agreements," (S. P. 400) (L. D. 816) reported that the same be referred to the Committee on Judiciary.

Which report was read and accepted.

Sent down for concurrence.

Mr. Osgood from the Committee on Agriculture on bill "An Act Relating to Bang's Disease," (S. P. 293) (L. D. 513) reported that the same ought to pass.

Mr. Chase of Washington from the Committee on Towns on bill "An Act Relating to Bonds for Town Treasurers, Tax Collectors and Constables," (S. P. 148) (L. D. 133) reported that the same ought to pass.

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

Passed to be Engrossed

Bill "An Act to Amend the Charter of the Gray Water District." (H. P. 513) (L. D. 166)

Bill "An Act to Extend the Charter of the Central Aroostook Railway Company." (H. P. 577) (L. D. 202)

Bill "An Act Relating to Registration Fees for Apothecaries." (H. P. 936) (L. D. 326)

"Resolve in Favor of Sylvia A. Martin of Eagle Lake." (H. P. 1805) (L. D. 986)

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

Bill "An Act Relating to the Practice of the Law." (S. P. 322) (L. D. 591)

Bill "An Act Relating to Motions to Set Aside a Verdict Heard by the Presiding Justice." (S. P. 369) (L. D. 799)

Bill "An Act Relating to the Proof of an Official Record." (S. P. 373) (L. D. 797)

Bill "An Act Relating to Taxation of Colts." (S. P. 404) (L. D. 809)

Bill "An Act Relative to the Investment of Unclaimed Money in the Hands of County Treasurers." (S. P. 448) (L. D. 994)

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

Sent down for concurrence.

Passed to be Enacted

An Act to Permit Charles Hayden Foundation to be and Become a Limited Partner in Hayden, Stone & Co. and to authorize said Firm to Conduct Business under said Name. (S. P. 62) (L. D. 35)

An Act Relating to the Town Manager Form of Government for the Town of Dover-Foxcroft. (H. P. 283) (L. D. 90)

An Act Relating to Registration of Motor Vehicles. (H. P. 512) (L. D. 165)

Finally Passed

Resolve Relating to the Taking of Clams in Bluehill. (H. P. 1206) (L. D. 419)

Resolve Regulating Digging of Clams Within the Limits of the Towns of South Bristol and Boothbay. (H. P. 1208) (L. D. 421)

Resolve Relating to the Taking of Clams in Surry. (H. P. 1235) (L. D. 392)

Resolve Regulating the Taking of Smelts from Smelt Brook in the Town of Perry." (H. P. 1781) (L. D. 945)

Orders of the Day

Mr. BECKETT of Washington: Mr. President, I ask permission to address the Senate.

The PRESIDENT: The Senator from Washington, Senator Beckett, asks permission to address the Senate. The Chair hears no objection. The Senator may proceed.

Mr. BECKETT of Washington: Mr. President and members of the Senate, in 1937 the legislature gave permission to ask the voters of the city of Calais their opinion upon a charter for a city manager form of government for that city. This bill was presented to the people and due to organized opposition by a certain faction of the voters it was defeated. The proponents of the bill discussed the advisability of introducing a similar bill at this session of the legislature but it was thought because of opposition by this faction that it would be inadvisable.

While at home during this last week-end, some of the leaders of the faction of voters which opposed the bill in 1937 came to me and offered their support for such a bill now.

For that reason I have prepared a bill for a city manager form of government, "An Act to Change the Charter of the City of Calais," and, Mr. President, I ask unanimous consent to introduce the bill.

Thereupon, Mr. Beckett of Washington was granted unanimous consent to introduce bill, "An Act to Change the Charter of the City of

Calais" (S. P. 459); and on motion by the same Senator the bill was referred to the Committee on Legal Affairs and 500 copies ordered printed.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland the Senate voted to take from the table Report of the Committee of Conference on the disagreeing action of the two branches of the legislature on bill, "An Act to Grant a New Charter to the City of Gardiner," (H. P. 682) (L. D. 266) reporting that the Senate recede and concur with the House in its former action whereby the bill was passed to be engrossed as amended by House Amendment A; tabled by that Senator earlier in today's session pending acceptance of the report; and that Senator

yielded to the Senator from Kennebec, Senator Marden.

Thereupon, on motion by Mr. Marden of Kennebec the report of the Committee of Conference was accepted 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 next Tuesday assigned for second reading.

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

On motion by Mr. Findlen of Aroostook,

Adjourned until next Tuesday forenoon, March 7th, at eleven o'clock.