

# 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, March 9, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Edwin Cunningham of Augusta.

Journal of yesterday, read and approved.

Papers from the House disposed of in concurrence.

## House Committee Reports

The Committee on Claims on "Resolve in Favor of C. E. Lamb of East Otisfield," (H. P. 1377) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Wiscasset for Porcupine Bounties Paid in 1937," (H. P. 1144) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Leland Merchant of Eastbrook," (H. P. 1374) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of William H. McPherson," (H. P. 1362) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Burchard E. Higgins of Mapleton," (H. P. 831) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Mrs. Alfred Lausier of Frenchville, for Board of Mrs. Joseph S. Nadeau," (H. P. 1029) reported that the same ought not to pass.

The same Committee on "Resolve to Reimburse the Town of Wiscasset for Porcupine Bounties Paid in 1938," (H. P. 1143) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of D. E. Norwalt of Indiana," (H. P. 1516) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on "Resolve for Repairing Screen and Dam at Outlet of Great Embden Lake," (H. P. 1126) reported that the same ought not to pass.

The same Committee on bill "An Act Establishing a Game Preserve in Yarmouth in Cumberland County," (H. P. 1141) (L. D. 552) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Hunting Waterfowl on Number 3 Pond," (H. P. 1316)

(L. D. 501) reported that the same ought not to pass.

The Committee on Towns on bill "An Act Relating to Qualification of Voters at Town Meetings," (H. P. 1466) (L. D. 570) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Agriculture on bill "An Act to Prohibit the Sale of Cull or Unclassified Apples," (H. P. 1311) (L. D. 527) reported the same in a new draft (H. P. 1846) (L. D. 1005) under the same title and that it ought to pass.

The Committee on Salaries and Fees on bill "An Act Relating to Taxation of Motor Vehicles," (H. P. 1712) (L. D. 648) reported the same in a new draft (H. P. 1844) (L. D. 1004) under the same title and that it ought to pass.

The Committee on Towns on bill "An Act Relating to Municipal Elections in Bar Harbor (formerly Town of Eden)," (H. P. 520) (L. D. 173) reported that the same ought to pass.

The same Committee on bill "An Act Authorizing the Town of Island Falls to Raise Money," (H. P. 1749) (L. D. 899) 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 Committee on Agriculture on bill "An Act Relating to the Labeling of Fresh Eggs for Sale," (H. P. 848) (L. D. 312) reported the same in a new draft (H. P. 1775) (L. D. 943) and that it ought to pass.

In the House, the report was accepted and bill passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was 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 Appropriations and Financial Affairs on "Resolve in Favor of the Lincoln Home, of Newcastle," (H. P. 849) (L. D. 331) reported that the same ought not to pass.

In the House, recommitted to the

Committee on Appropriations and Financial Affairs.

In the Senate, on motion by Mr. Spear of Cumberland, recommitted to the Committee on Appropriations and Financial Affairs in concurrence.

The majority of the Committee on Judiciary on bill "An Act Making Illegal Contracts to Remit Certain Taxes," (H. P. 485) (L. D. 180) reported that the same ought to pass.

(Signed)

Senators

Burns of Aroostook

Hill of Cumberland

Laughlin of Cumberland

Representatives

Varney of Berwick

Hinckley of South Portland

Fellows of Augusta

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

(Signed)

Representatives

McGlaulin of Portland

Weatherbee of Lincoln

Bird of Rockland

In the House, the minority report "Ought not to pass" was accepted.

In the Senate, on motion by Mr. Spear of Cumberland, tabled pending acceptance of either report.

#### Referred to Committee

The following petitions were received and on recommendation by the Committee on Reference of Bills were referred to the Committee on Taxation:

Mr. Lewis of Lincoln presented Petition of E. L. Spinney and 627 others of Lincoln County against any Tax on Tobacco. (S. P. 476)

Mr. Dorr of Oxford presented Petition of Wallace E. Abbott and 480 others of Rumford and Mexico against any Tax on Tobacco." (S. P. 477)

Sent down for concurrence.

Mr. FRIEND of Somerset: Mr. President, I wish to ask the Senate for unanimous consent to introduce a bill entitled, An Act Concerning Certain Trunk Line Highways. I will say that this same bill, or one practically similar to this, is now being introduced in the halls of the other legislatures of New England.

This bill comes recommended by the New England Council and the only reason that it was not introduced before is because the material was not available until this time.

Thereupon, unanimous consent was granted Mr. Friend of Somerset to introduce bill, An Act Concerning Certain Trunk Line Highways (S. P. 478); and on motion by that Senator the bill was referred to the Committee on Ways and Bridges and 500 copies ordered printed.

Sent down for concurrence.

#### First Reading of Printed Bills

Bill "An Act Relating to Insurance Agents and Brokers." (S. P. 473) (L. D. 1007)

Which bill was read once and tomorrow assigned for second reading.

#### Senate Committee Reports

Mr. Chase of Piscataquis from the Committee on Appropriations and Financial Affairs on bill "An Act Relating to State Armories," (S. P. 347) (L. D. 783) reported that legislation thereon is inexpedient as subject matter has been taken care of in another bill.

Mr. MARDEN of Kennebec: Mr. President, this legislative document No. 783 in addition to requesting appropriations for 1939 and 1940 to continue the armory program has also another provision which reinserts into the general military law of the state a section which was inadvertently removed at the last legislature. The proponents of the measure have no quarrel whatever with the Committee on Appropriations and Financial Affairs in relation to the appropriation features of the bill but we do feel that the other section should, and possibly must, be reinserted in the general military law.

We have discussed it with the chairman of that committee who does not object to the recommitment for that purpose and I would so move.

Thereupon, the bill was recommitted to the Committee on Appropriations and Financial Affairs.

Sent down for concurrence.

Mr. Burns from the Committee on Judiciary on bill "An Act Relating to Closing Out Sales and Similar Types of Sales," (S. P. 138)

(L. D. 119) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Chase of Piscataquis from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of Ricker Classical Institute," (S. P. 87) reported that the same be referred to the Committee on Education.

Which report was read and accepted.

Sent down for concurrence.

Mr. Hill from the Committee on Judiciary on bill "An Act Relating to Enforcement Support Decrees," (S. P. 137) (L. D. 116) reported that the same ought to pass.

The same Senator from the same Committee on bill "An Act Relating to Foreign Corporations," (S. P. 140) (L. D. 121) reported that the same ought to pass.

Mr. Burns from the same Committee on bill "An Act Relating to the Collection and Disposition of Money Received through Violations of the Inland Fish and Game Laws," (S. P. 218) (L. D. 289) reported that the same ought to pass.

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

The majority of the Committee on Judiciary on bill "An Act to Make the Process of Forcible Entry and Detainer Available in Case of Trespass on Public Lands," (S. P. 213) (L. D. 285) reported that the same ought to pass.

(Signed)

Senators

Hill of Cumberland  
Burns of Aroostook  
Laughlin of Cumberland

Representatives

Varney of Berwick  
Hinckley of South Portland  
Weatherbee of Lincoln  
Fellows of Augusta

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

(Signed)

Representatives

Bird of Rockland  
McGlaulin of Portland  
Thorne of Madison

Miss LAUGHLIN of Cumberland: Mr. President, I move that the majority report "Ought to Pass" be accepted and whatever this Senate may ultimately do on this bill, and I think it is a purely legal matter, I will ask them to vote for the acceptance of this majority report and I wish to offer an amendment to the bill which was approved by the committee and which will simply save the expense of a new draft.

Thereupon, the majority report "Ought to Pass" was accepted and the bill was given its first reading.

Miss Laughlin of Cumberland presented Senate Amendment A and moved its adoption:

"Senate Amendment A to Legislative Document 285, Senate Paper 213, An Act to Make the Process of Forcible Entry and Detainer Available in Case of Trespass on Public Lands. Amend said bill by striking out the word 'unlawfully' in the fourth line of Section 1 of said bill.

Senate Amendment A was adopted and the bill as so amended was tomorrow assigned for second reading.

The majority of the Committee on Judiciary on bill "An Act Relative to Court Proceedings in Relation to the Enforcement of the Inland Fish and Game Laws," (S. P. 215) (L. D. 287) reported that the same ought to pass.

(Signed)

Senators

Burns of Aroostook  
Hill of Cumberland  
Laughlin of Cumberland

Representatives

Fellows of Augusta  
Thorne of Madison  
McGlaulin of Portland  
Hinckley of South Portland  
Bird of Rockland

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

(Signed)

Representatives

Varney of Berwick  
Weatherbee of Lincoln

On motion by Miss Laughlin of Cumberland, the majority report, "Ought to Pass" was accepted; the bill was given its first reading and tomorrow assigned for second reading.

**Passed to be Engrossed**

"Resolve in Favor of Leo Shay, Representative of the Penobscot Tribe of Indians." (H. P. 230) (L. D. 389).

Which resolve was read a second time and passed to be engrossed as previously amended by Senate Amendment A in non-concurrence. Sent down for concurrence.

"Resolve in Favor of Samuel J. Dana, Representative of the Passamaquoddy Tribe of Indians." (H. P. 452) (L. D. 390)

Which resolve was read a second time and passed to be engrossed as previously amended by Senate Amendment A in non-concurrence. Sent down for concurrence.

Bill "An Act Relating to Assessment and Collection of Taxes." (H. P. 483) (L. D. 178)

Which bill was read a second time and passed to be engrossed as previously amended by Senate Amendment A in non-concurrence. Sent down for concurrence.

Bill "An Act Establishing a Game Preserve in Piscataquis County." (H. P. 540) (L. D. 214)

Bill "An Act Relating to Hunting in the Town of Castine." (H. P. 541) (L. D. 215)

Bill "An Act to Amend the Charter of the Camden and Rockland Water Company." (H. P. 710) (L. D. 263)

Bill "An Act Amending the Farm Lands Loan Act." (H. P. 713) (L. D. 265)

Bill "An Act Relative to Trapping on Game Preserves." (H. P. 1129) (L. D. 407)

Bill "An Act Relative to Trapping in the Winthrop and Wayne, Standish and Rangeley Game Preserves." (H. P. 1130) (L. D. 408)

Bill "An Act Relating to the Standish Game Preserve." (H. P. 1131) (L. D. 409)

Bill "An Act to Extend the Rights, Powers and Privileges of the Sabattus Water and Sewer District." (H. P. 1171) (L. D. 477)

Bill "An Act to Provide for Alternate Jurors." (H. P. 1592) (L. D. 691)

Bill "An Act Relating to Judicial Notice of Foreign Law." (H. P. 1618) (L. D. 706)

"Resolve to Reimburse Certain Exhibitors at the Penobscot and

Piscataquis Fair." (H. P. 1833) (L. D. 999)

Bill "An Act Relative to Game Preserve in York County." (H. P. 1834) (L. D. 1000)

Bill "An Act Relating to Taxation of Radios." (H. P. 1835) (L. D. 1001)

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

Bill "An Act Relative to Enforcing the Collection of Real Estate Taxes by the Alternative Method." (S. P. 219) (L. D. 288)

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

Sent down for concurrence.

**Passed to be Enacted**

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

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

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

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

An Act to Incorporate the Presque Isle Water District. (H. P. 921) (L. D. 308)

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

**Finally Passed**

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

**Orders of the Day**

On motion by Mr. Burns of Aroostook, the Senate voted to take from the table An Act Relating to Medical Examiners and Their Duties (H. P. 29) (L. D. 22) tabled by that Senator on February 24th pending second reading.

Thereupon, that Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment A to Legislative Document 22, An Act Relating to Medical Examiners and Their Duties. Amend said bill, as amended by House Amendment A, by striking out the word 'Penobscot' in the tenth line of section 1 of the bill. And further amend said bill by inserting in the 11th

line thereof after the word 'Cumberland' the words 'and Penobscot.'

Mr. BURNS of Aroostook: Mr. President, the purpose of this amendment is to give the County of Penobscot six medical examiners in place of five, as originally set forth in the bill. This amendment is offered at the request of the county attorney of Penobscot County. He is familiar with the situation as it relates to medical examiners and their duties. He feels that Penobscot County being as large as it is, and having as much need for services as Cumberland County does, that the two should be placed on an equal footing. I feel that the county attorney of that county knows conditions there and that is the principal reason, and, in fact, the only reason I move the adoption of Senate Amendment A.

Senate Amendment A was adopted and the bill was given its second reading and passed to be engrossed as amended by House Amendment A and Senate Amendment A in non-concurrence.

Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Legal Affairs "Ought not to pass" on Act to Prohibit Officials of the Several Counties, Cities, Towns and Plantations From Having Any Pecuniary Interest in the Contracts Thereof (S. P. 262) (L. D. 451), tabled by that Senator on March 8th pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table Divided Report of the Committee on Judiciary on bill An Act Making Illegal, Contracts to Remit Certain Taxes (H. P. 485) (L. D. 180) tabled by that Senator earlier in today's session pending acceptance of either report; and that Senator yielded to the Senator from Kennebec, Senator Marden.

Mr. MARDEN of Kennebec: Mr.

President, Senator Spear earlier in the day tabled this measure at my request inasmuch as I expected to be called from the senate chamber. In this measure I appreciate fully that there is a bona fide difference of opinion, as expressed by the divided committee report, and the names of the Senators and Representatives signing the majority report are persons whose opinions I respect very highly, but in moving that the minority report be accepted I would ask any person who is not entirely satisfied on the merit of that measure one way or the other, to table the motion if he sees fit and read the case of Maine Water Company against the City of Waterville in 93 Maine at page 586, which is a rather pertinent discussion of this very problem.

Some of us are convinced that there are certain contracts which may be made with reference to the remission of certain taxes which are entirely beneficial to the town or city involved. Feeling that perhaps this measure goes too far in that it cuts out some contracts which have been judicially determined as entirely legal, some of us feel the minority report should be accepted. If there are those who would like to acquaint themselves with the matter, pro and con, I would appreciate their tabling the bill. But as the matter now stands, I move the acceptance of the minority report.

Thereupon, the Minority Report "Ought Not to Pass" was accepted in concurrence.

### Order

(Out of Order)

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

Ordered, that 500 additional copies of Legislative Document 1002, bill, An Act to Change the Charter of the City of Calais be printed.

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

On motion by Mr. Boothby of York

Adjourned until tomorrow morning at ten o'clock.