

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Friday, March 10, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Robert Beecher of Hallowell.

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 14, 1939, at eleven o'clock in the forenoon. (S. P. 479)

Sent down for concurrence.

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

From the House:

Bill "An Act to Regulate Automobile Inspection Stations." (H. P. 1794)

In the House, leave granted to withdraw.

In the Senate, leave granted to withdraw in concurrence.

From the House:

Bill "An Act Relating to Removal of Paupers." (H. P. 488) (L. D. 183)
(In the Senate on March 2, passed to be engrossed in concurrence.)

Comes from the House, under suspension of the rules passage to be engrossed reconsidered. House Amendment "A" read and adopted and the bill passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Spear of Cumberland, under suspension of the rules, the Senate voted to reconsider its former action taken on March 2nd whereby the bill was passed to be engrossed, House Amendment A was read and adopted and the bill as amended by House Amendment A was passed to be engrossed in concurrence.

From the House:

Bill "An Act Relating to Removal of Paupers." (H. P. 246) (L. D. 62)
(In the Senate on March 2,

passed to be engrossed in concurrence.)

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

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

Papers from the House referred in concurrence.

From the House:

Bill "An Act Relating to Minimum Fair Wages for Women and Minors." (H. P. 1641) (L. D. 644)

(In the Senate on February 23 referred to the Committee on Judiciary in non-concurrence.)

Comes from the House, that body insisting on its former action whereby the bill was referred to the Committee on Labor, and asking for a Committee of Conference, the Speaker having appointed as House members of such a Committee: Mr. Butler of Waterville, Mr. Varney of Berwick, Miss Clough of Bangor.

In the Senate:

Miss LAUGHLIN of Cumberland: Mr. President, in spite of the fact that the House has never yet receded and concurred with the Senate, while the Senate has many many times this session receded and concurred with the House, and perhaps it might be proper for the Senate to adhere, I am nevertheless going to move that the Senate insist and join with the House in a Committee of Conference.

The motion prevailed and the President appointed as members of such committee on the part of the Senate, Senators Laughlin of Cumberland, Spear of Cumberland, and Marden of Kennebec.

From the House:

Bill "An Act for Minimum Wage for Women and Minors." (H. P. 1426) (L. D. 599)

(In the Senate on March 7, referred to the Committee on Judiciary in non-concurrence.)

Comes from the House, that body insisting on its former action whereby the bill was referred to the Committee on Labor, and asking for a Committee of Conference, the Speaker having appointed as House members of such a Committee:

Mr. Pike of Lubec, Mr. Varney of Berwick, Miss Clough of Bangor.

In the Senate, on motion by Miss Laughlin of Cumberland, that Body voted to insist and join with the House in a Committee of Conference, and the President appointed as members of such committee on the part of the Senate, Senators Laughlin of Cumberland, Spear of Cumberland and Marden of Kennebec.

House Committee Reports

The Committee on Appropriations and Financial Affairs on "Resolve for the Appropriating of Money for Fire Hazard Reduction Work," (H. P. 1137) (L. D. 465) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Knox Memorial Sarcophagus," (H. P. 1539) (L. D. 684) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Knox Academy of Arts and Sciences Inc., under the Educational Laws of Maine," (H. P. 671) (L. D. 246) reported that the same ought not to pass.

The Committee on Judiciary on bill "An Act Relative to Liability of Collectors of Taxes," (H. P. 493) (L. D. 147) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Homesteads," (H. P. 492) (L. D. 146) reported that the same ought not to pass.

The same Committee on bill "An Act to Incorporate the First Universalist Society of Gardiner, Maine," (H. P. 1158) (L. D. 386) reported that the same ought not to pass.

The same Committee on bill "An Act Creating a Probation Department," (H. P. 73) (L. D. 30) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to the Duties of the Clerk of the Municipal Court of Lewiston," (H. P. 1153) (L. D. 382) reported that the same ought not to pass.

The same Committee on bill "An Act Amending the Law Against Burning Property of Another," (H. P. 1417) (L. D. 573) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to the Bath Municipal Court," (H. P. 1156) (L. D. 384) reported that the same ought not to pass.

The same Committee on bill "An

Act Relating to Notice to Parties in Interest in Probate Proceedings," (H. P. 498) (L. D. 152) reported that the same ought not to pass.

The Committee on Legal Affairs on bill "An Act Relating to Municipal Ordinances," (H. P. 1657) (L. D. 646) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Towns and Town Officers," (H. P. 1654) (L. D. 711) reported that the same ought not to pass.

The same Committee on bill "An Act Relative to Expenditure of Town Appropriations," (H. P. 1429) (L. D. 560) reported that the same ought not to pass.

The Committee on Taxation on bill "An Act Relating to Taxation of State Owned Farms," (H. P. 1772) (L. D. 940) 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 Number of Employees under the Workmen's Compensation Act," (H. P. 1583) (L. D. 736) reported that leave be granted to withdraw.

In the Senate, on motion by Mr. Chamberlain of Penobscot, tabled pending consideration.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Aroostook County to Ivan Clark of East Millinocket," (H. P. 1345) (L. D. 532) reported that the same ought to pass.

The same Committee on "Resolve Granting Authority to the Commissioner of Education to Convey Certain Land," (H. P. 947) (L. D. 373) reported that the same ought to pass.

The same Committee on bill "An Act to Authorize the Forest Commissioner to Convey Certain Lands to the Aroostook Trust Company of Caribou, Maine as Trustee," (H. P. 712) (L. D. 264) reported the same as a Resolve under the title of "Resolve Authorizing the Forest Commissioner to Convey Certain Lands to the Aroostook Trust Company of Caribou, Maine, as Trustee," (H. P. 1833) (L. D. 1006) and that it ought to pass.

Which reports were severally read

and accepted in concurrence, the bill and resolves read once and Tuesday next assigned for second reading.

The majority of the Committee on Judiciary on Bill "An Act Relating to the Enforcement of Executions Against Towns and Cities," (H. P. 486) (L. D. 181) reported that the same ought not to pass.

(Signed)

Senators

Hill of Cumberland

Burns of Aroostook

Representatives

Varney of Berwick

Bird of Rockland

Hinckley of South Portland

Fellows of Augusta

Thorne of Madison

McGlaulin of Portland

Weatherbee of Lincoln

The minority of the same Committee on the same subject matter reported the same in a new draft (H. P. 1873) under the same title and that it ought to pass.

(Signed)

Senator Laughlin of Cumberland

Comes from the House, the majority report "Ought Not to Pass" accepted.

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

The Committee on Sea and Shore Fisheries on bill "An Act Relating to Records of Sales of Lobsters," (H. P. 1720) (L. D. 674) reported that the same ought to pass.

Comes from the House, report read and accepted and the bill as amended by House Amendment "A" passed to be engrossed.

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 Tuesday next assigned for second reading.

The Committee on Public Health on bill "An Act Relating to Minimum Standards for Schools of Nursing Accredited in Maine," (H. P. 1197) (L. D. 473) reported that the same ought to pass if amended by Committee Amendment "A" reported herewith.

Comes from the House, report

read and accepted, and the bill as amended by Committee Amendment "A" passed to be engrossed.

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

The Committee on Legal Affairs on bill "An Act to Provide a Town Manager Form of Government for the Town of Caribou," (H. P. 1161) (L. D. 480) reported that the same ought to pass if amended by Committee Amendment "A" submitted herewith.

Comes from the House, report read and accepted, and the bill as amended by Committee Amendment "A" passed to be engrossed.

In the Senate, the report was accepted in concurrence and the bill was given its first reading. Committee Amendment A was read and adopted in concurrence.

Thereupon, on motion by Mr. Tompkins of Aroostook, under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment A in concurrence.

Communication

State of Maine

House of Representatives

Office of Clerk

Augusta.

March 8, 1939.

Honorable Royden V. Brown,
Secretary of the Senate of the
Eighty-ninth Legislature.

Sir:

This is to advise that the Speaker of the House made today the following appointments to fill vacancies caused by the death of Honorable Calvin W. Bangs of Freedom:

On Committee on Public Health, Mr. Colby of South Paris; Committee on Temperance, Mr. Merrifield of East Lebanon; House Committee on County Estimates, Mr. Farwell of Unity.

Respectfully,

HARVEY R. PEASE,

Clerk of the House.

Which was read and placed on file.

Order

On motion by Mr. Spear of Cumberland, it was

ORDERED, that the use of the Senate Chamber be granted to the Maine Development Commission for a meeting to be held on Tuesday evening, March 14, 1939 at 7 o'clock in the evening.

Referred to Committees

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

Taxation

Mr. Littlefield of York presented Remonstrance of H. C. Eggleston and 465 others of Sanford and Springvale opposing any tax on cigarettes and tobacco. (S. P. 480)

Mr. Kennedy of Hancock presented Remonstrance in form of Resolution of Lamaine Grange opposing increase in Gasoline Tax. (H. P. 482)

Sent down for concurrence.

Legal Affairs

Mr. Tompkins of Aroostook presented Remonstrance of B. C. Roberts of Houlton and 399 others against bills legalizing Sunday movies. Petition of same favoring increase in penalty for violation of present law. (S. P. 481)

Sent down for concurrence.

First Reading of Printed Bills

"Resolve in Favor of J. E. White of Columbia." (S. P. 474) (L. D. 1009)

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

Senate Committee Reports

Mr. Owen from the Committee on Public Health on bill "An Act Creating the Office of State Pathologist," (S. P. 94) (L. D. 57) reported that the same ought not to pass as legislation is inexpedient.

Mr. Graves from the Committee on Public Utilities on bill "An Act Relative to Operation of Motor Vehicles for Transporting Property for Hire," (S. P. 304) (L. D. 585) reported that the same ought not to pass as covered by other legislation.

The same Senator from the same

Committee on bill "An Act Relating to Transportation to Canneries of the Products of Vining and Cutting Plants," (S. P. 270) (L. D. 442) reported that the same ought not to pass as covered by other legislation.

Miss Laughlin from the Committee on Judiciary on bill "An Act Creating a State Workmen's Compensation Fund," (S. P. 33) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Kennedy from the Committee on Federal Relations on Memorial entitled "Memorial to the Honorable Franklin Delano Roosevelt, President of the United States, requesting Federal Prosecution of Certain Persons," (S. P. 442) reported that the same be referred to the Committee on Judiciary.

Which report was accepted and the bill was referred to the Committee on Judiciary.

Sent down for concurrence.

Mr. Dorr from the Committee on Commerce on bill "An Act Relating to the Merchant or Marine Flag," (S. P. 345) (L. D. 772) reported that the same ought to pass.

Mr. Hill from the Committee on Judiciary on bill "An Act Relating to Unemployment Compensation," (S. P. 141) (L. D. 122) reported that the same ought to pass.

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

The same Senator from the same Committee on bill "An Act to Amend the Law Relating to Unemployment Compensation with Regard to Gratuities," (S. P. 321) (L. D. 576) reported that the same ought to pass.

Mr. Burns from the same Committee on bill "An Act Relating to Bonds on Mesne Process and Disclosures After Judgment," (S. P. 368) (L. D. 800) reported that the same ought to pass.

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

Passed to be Engrossed

Bill "An Act Relating to Municipal Elections in Bar Harbor (formerly Town of Eden)." (H. P. 520) (L. D. 173)

Bill "An Act Authorizing the Town of Island Falls to Raise Money." (H. P. 1749) (L. D. 899)

Bill "An Act Relating to the Labelling of Fresh Eggs for Sale." (H. P. 1775) (L. D. 943)

Bill "An Act Relating to Taxation of Motor Vehicles." (H. P. 1844) (L. D. 1004)

Bill "An Act to Prohibit the Sale of Cull or Unclassified Apples." (H. P. 1846) (L. D. 1005)

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

Bill "An Act Relating to Enforcement Support Decrees." (S. P. 137) (L. D. 116)

Bill "An Act Relating to Foreign Corporations." (S. P. 140) (L. D. 121)

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)

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)

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)

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

Sent down for concurrence.

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

(On motion by Mr. Boucher of Androscoggin, tabled pending second reading)

Finally Passed

Resolve Prohibiting the Taking of Sturgeon in the Penobscot River. (S. P. 228) (L. D. 277)

Passed to be Enacted

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

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

An Act Relating to Lobster Fishermen's Licenses. (S. P. 305) (L. D. 517)

An Act Relating to the Provident Loan Company (H. P. 854) (L. D. 313)

An Act Relating to Payment to the County Law Library of York County. (H. P. 900) (L. D. 356)

An Act Relating to Loan and Building Associations. (H. P. 1139) (L. D. 454)

An Act Relating to the Treasurer of the University of Maine (H. P. 1821) (L. D. 992)

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

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

(In the Senate on March 9 passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed, and asking for a Committee of Conference, and the Speaker having appointed as members on the part of the House: Mr. Whitney of Bangor, Mr. Hinman of Skowhegan, Mr. Sleeper of Rockland.

In the Senate, on motion by Mr. Spear of Cumberland, that body voted to insist and join with the House in a Committee of Conference and the President appointed as members of such committee on the part of the Senate, Senators Kennedy of Hancock, Hill of Cumberland and Wentworth of York.

From the House, out of order and under suspension of the rules: "Resolve in Favor of Samuel J. Dana, Representative of the Passamaquoddy Tribe of Indians." (H. P. 452) (L. D. 390)

(In the Senate on March 9 passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed, and asking for a Committee of Conference; the Speaker

having appointed as members on the part of the House: Mr. Whitney of Bangor, Mr. Hinman of Skowhegan, Mr. Sleeper of Rockland.

In the Senate, on motion by Mr. Spear of Cumberland that Body voted to insist and join with the House in a Committee of Conference and the President appointed as members of such committee on the part of the Senate, Senators

Kennedy of Hancock, Hill of Cumberland, and Wentworth of York.

Orders of the Day

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

On motion by Mr. Spear of Cumberland

Adjourned until next Tuesday, March 14th, at eleven o'clock in the forenoon.