

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, March 14, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Cymbrid Hughes of Augusta.

Journal of Friday, March 10, 1939, read and approved.

Papers from the House referred in concurrence.

From the House:

"Resolve in Favor of the Town of Charleston." (H. P. 1877) (L. D. 1021)

In the House, received by unanimous consent and referred to the Committee on Claims.

In the Senate, received by unanimous consent and referred to the Committee on Claims in concurrence.

House Committee Reports

The Committee on Legal Affairs on bill "An Act Relating to the Charter of the City of Auburn," (H. P. 510) (L. D. 164) reported that legislation thereon is inexpedient as the subject matter has been taken care of in another bill.

The same Committee on bill "An Act to Extend the Charter of the Bluehill Water Company," (H. P. 923) (L. D. 362) reported that the same ought not to pass.

(On motion by Mr. Graves of Hancock, tabled pending acceptance of the report in concurrence.)

The Committee on Public Utilities on bill "An Act Relating to Issuance of Stock," (H. P. 1710) (L. D. 751) reported that the same ought not to pass.

The same Committee on bill "An Act Fixing the Charges for Electrical Energy," (H. P. 1709) (L. D. 840) reported that the same ought not to pass.

The same Committee on bill "An Act Relative to Dams in Disrepair," (H. P. 939) (L. D. 328) reported that the same ought not to pass.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Forest Commissioner to Convey Certain Land to Guy D. Clifford, of Reed Plantation," (H. P. 1212) (L. D. 425) reported that the same ought not to pass.

The same Committee on bill "An Act to Authorize the Town of Mos-

cow to Withdraw from the Maine Forestry District," (H. P. 1211) (L. D. 424) reported that the same ought not to pass.

The same Committee on bill "An Act to Authorize the Town of Deblois to Withdraw from the Maine Forestry District," (H. P. 1210) (L. D. 423) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Knox Memorial Association, Inc., for Support and Maintenance of 'Montpelier,'" (H. P. 523) (L. D. 213) reported that the same ought to pass.

The Committee on Claims on "Resolve in Favor of Mrs. Alfred Lausier, of Frenchville," (H. P. 688) reported the same in a new draft (H. P. 1866) (L. D. 1013) under the same title and that it ought to pass.

The same Committee on "Resolve to Reimburse the Town of Bethel for the Fighting of Fire in Unorganized Township of Albany," (H. P. 270) reported the same in a new draft (H. P. 1867) (L. D. 1010) under the same title and that it ought to pass.

The Committee on Mercantile Affairs and Insurance on bill "An Act Providing for the Payment of a Filing Fee for Statements of Foreign Insurance Companies," (H. P. 1437) (L. D. 615) reported the same in a new draft (H. P. 1864) (L. D. 1011) under the same title, and that it ought to pass.

The Committee on Sea and Shore Fisheries on bill "An Act Regulating the Closed Time on Scallops," (H. P. 1718) (L. D. 673) 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 Mercantile Affairs and Insurance on bill "An Act Relating to Insurance Policy Forms & Endorsements," (H. P. 1431) (L. D. 610) reported the same in a new draft (H. P. 1865) (L. D. 1012) under the same title and that it ought to pass.

In the House, report read and accepted and the bill 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 to Conserve the Supply of Herring on the Coast of Maine," (H. P. 1456) (L. D. 565) reported the same in a new draft (H. P. 1862) (L. D. 1014) under the same title and that it ought to pass.

In the House, report read and accepted, and the bill 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.

Referred to Committees

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

Mr. Boothby of York presented petition of Fred W. Smith and 84 others of Buxton and Vicinity against any Tax on Tobacco as a Selective Sales Tax. (S. P. 483)

The same Senator presented Petition of Richard P. Stickney and 1087 others of Biddeford and Saco against any Tax on Tobacco as a Selective Sales Tax. (S. P. 485)

The same Senator presented Petition of Natt R. Hubbard and 286 others of Kittery against any Tax on Tobacco as a Selective Sales Tax. (S. P. 484)

Sent down for concurrence.

Senate Committee Reports

Mr. Chamberlain from the Committee on Indian Affairs on bill "An Act Repealing the Law Relating to the Policemen for the Penobscot Tribe of Indians," (S. P. 210) (L. D. 282) reported that the same ought not to pass.

The same Senator from the same Committee on bill "An Act Relating to the Ferry Between Indian Island and Old Town," (S. P. 211) (L. D.

271) reported that the same ought not to pass.

Mr. Kennedy from the same Committee on bill "An Act Relating to Tuition for Indian Scholars in the Elementary Schools of Old Town," (S. P. 353) (L. D. 778) reported that the same ought not to pass.

The same Senator from the same Committee on bill "An Act Relating to the Disposal of the Receipts on the Ferry at Indian Island," (S. P. 354) (L. D. 779) reported that the same ought not to pass.

Mr. Boucher from the Committee on Temperance on bill "An Act to Permit Town and City Officers to Limit the Number of Liquor Licenses," (S. P. 334) (L. D. 574) 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 Indian Affairs on "Resolve Appropriating Money for Drilling Artesian Wells in the Town of Perry," (S. P. 426) (L. D. 970) reported that the same ought to pass.

(On motion by Mr. Chase of Piscataquis, tabled pending acceptance of the report.)

Mr. Beckett from the Committee on Motor Vehicles on bill "An Act Relating to Penalties for Removing Identification Mark from Motor Vehicles," (S. P. 384) (L. D. 787) reported that the same ought to pass.

Mr. Littlefield from the Committee on Temperance on bill "An Act Enlarging the Discretionary Powers of the Liquor Commission," (S. P. 429) (L. D. 974) reported that the same ought to pass.

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

Mr. Kennedy from the Committee on Banks and Banking on bill "An Act Defining the Term 'Dealer' and 'Securities,'" (S. P. 312) (L. D. 582) reported the same in a new draft (S. P. 486) under the same title, and that it ought to pass.

Mr. Graves from the Committee on Claims on "Resolve in Favor of Harry F. Ward, of Baldwin," (S. P. 134) reported the same in a new draft (S. P. 487) under the same title and that it ought to pass.

Mr. Beckett from the Committee

on Motor Vehicles on bill "An Act Relating to Registration of Motor Vehicles," (S. P. 223) (L. D. 280) reported the same in a new draft (S. P. 488) under the same title and that it ought to pass.

Which reports were severally read and accepted and the bills and resolve laid upon the table for printing under the joint rules.

Passed to be Engrossed

"Resolve Granting Authority to the Commissioner of Education to Convey Certain Land." (H. P. 947) (L. D. 373)

Bill "An Act Relating to Minimum Standards for Schools of Nursing Accredited in Maine." (H. P. 1197) (L. D. 473)

"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)

Bill "An Act Relating to Records of Sales of Lobsters." (H. P. 1720) (L. D. 674)

"Resolve Authorizing the Forest Commissioner to Convey Certain Lands to the Aroostook Trust Company of Caribou, Maine, as Trustee." (H. P. 1853) (L. D. 1006)

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

Bill "An Act to Amend the Law Relating to Unemployment Compensation, with Regard to Gratuities." (S. P. 321) (H. P. 576)

Bill "An Act Relating to the Merchant or Marine Flag." (S. P. 348) (L. D. 772)

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

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 Relating to the Practice of Law. (S. P. 322) (L. D. 591)

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

An Act Relating to the Proof of

an Official Record. (S. P. 373) (L. D. 797)

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

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

(On motion by Mr. Cony of Kennebec tabled pending passage to be enacted.)

An Act to Grant a New Charter to the City of Gardiner. (H. P. 682) (L. D. 266)

An Act Relating to Licenses for Dogs. (H. P. 924) (L. D. 318)

An Act Amending the Law Relating to the Issuance of Preferred Stock by Trust Companies. (H. P. 1820) (L. D. 991)

Bill "An Act to Define the Pre-emptive Right of Stockholders." (H. P. 1825) (L. D. 995)

Finally Passed

"Resolve, Relating to Close Time on Lobsters in Certain Waters." (H. P. 1207) (L. D. 420)

Orders of the Day

On motion by Miss Laughlin of Cumberland, the Senate voted to reconsider its action taken earlier in today's session whereby the report of the Committee on Appropriations and Financial Affairs "Ought to Pass" on Resolve in Favor of Knox Memorial Association, Inc., for Support and Maintenance of 'Montpelier' (H. P. 523) (L. D. 213) was accepted in concurrence and on further motion by the same Senator the resolve and the report were laid upon the table pending acceptance of the report, in concurrence.

Mr. TOMPKINS of Aroostook: Mr. President, I would like to inquire whether House Paper 1161, Legislative Document 480, An Act to Provide a Town Manager Form of Government for the Town of Caribou which was passed to be engrossed on the last legislative day is still in the possession of the Senate?

The PRESIDENT: The Chair will inform the Senator that the bill is now in the possession of the Senate.

Mr. TOMPKINS: Mr. President, in order to make certain amendments I move that the Senate re-

consider its action whereby this bill was passed to be engrossed.

Thereupon, the Senate voted to reconsider its action taken on the last legislative day whereby, bill, An Act to Provide a Town Manager Form of Government for the Town of Caribou (H. P. 1161) (L. D. 480) was passed to be engrossed as amended by House Amendment A in concurrence; and on further motion by the same Senator, the adoption of House Amendment A in concurrence was reconsidered.

The same Senator presented Senate Amendment A to House Amendment A and moved its adoption:—

“Senate Amendment A to House Amendment A to House Paper 1161, Legislative Document 480, entitled An Act to Provide a Town Manager Form of Government for the Town of Caribou. Amend said amendment by adding thereto after the word, ‘annual’ in the fourth line of the third paragraph thereof, the words, ‘or special’. Further amend said amendment by adding after the word, ‘town’ in the eighth line of the third paragraph, the words, ‘at its next annual town meeting.’”

Senate Amendment A to House Amendment A was adopted and on further motion by the same Senator House Amendment A as amended by Senate Amendment A thereto was adopted in non-concurrence and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Judiciary “Ought to Pass” on An Act Relating to Bonds on Mesne Process and Disclosures after Judgment (S. P. 368) (L. D. 800), tabled by that Senator on March 10th pending acceptance of the report; and that Senator yielded to the Senator from Aroostook, Senator Burns.

Thereupon, on motion by Mr. Burns of Aroostook, the report of the committee was accepted and the bill was given its first reading.

The same Senator presented Senate Amendment A and moved its adoption:

“Senate Amendment A to Legislative Document 800, An Act Relating to Bonds on Mesne Process and

Disclosures after Judgment. Amend said bill by striking out the word ‘such’ in the fifth line thereof and inserting the word ‘a’; and further amend said bill by adding after the word ‘sureties’ in the fifth line thereof the words ‘said bond to be.’”

Mr. BURNS of Aroostook: Mr. President, this amendment has been examined by the members of the Committee on Judiciary and it has received their unanimous approval. It is a technical matter, pure and simple, and I won’t undertake to burden the members of the Senate with any elaborate explanation of this amendment. I move the adoption of the amendment at this time.

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

On motion by Mr. Hill of Cumberland, the Senate voted to take from the table, Senate Report from the Committee on Judiciary, “Ought to Pass” on An Act Relating to Unemployment Compensation, (S. P. 141) (L. D. 122), tabled by that Senator on March 10th pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted and the bill was given its first reading:

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

“Senate Amendment A to Legislative Document 122, An Act Relating to Unemployment Compensation. Amend said bill by striking out in the 10th and 11th lines of the second paragraph thereof, the words ‘Section 19 F’ or ‘G’ and by inserting in place thereof, the words ‘this act.’”

Mr. HILL of Cumberland: Mr. President, Senate Amendment A is a minor amendment presented in behalf of the Committee on Judiciary and I think I may properly say it has the unanimous approval of that committee.

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

On motion by Mr. Marden of Kennebec, the Senate voted to take

from the table, An Act to Amend the Fair Trades Act (H. P. 557) (L. D. 228) tabled by that Senator on March 7th pending second reading; and on further motion by the same Senator, the bill was given its second reading and passed to be engrossed in concurrence.

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

On motion by Mr. Cony of Kennebec

Adjourned until tomorrow morning at ten o'clock.