

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 16, 1939.

The Senate was called to order by the President.

Prayer by the Reverend H. E. P. Pressey of Augusta.

Journal of yesterday, read and approved.

From the House:

Bill "An Act Relating to Medical Examiners and Their Duties." (H. P. 29) (L. D. 22)

(In the Senate on March 9, passed to be engrossed as amended by House Amendment "A" and 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 as amended by House Amendments "A" and "B," and asking for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Representatives Mills of Farmington, Downs of Rome, Pike of Bridgton.

In the Senate, on motion by Mr. Cony of Kennebec, tabled pending consideration.

Papers from the House referred in concurrence.

From the House:

Bill "An Act Relating to Taxation of Radios." (H. P. 1835) (L. D. 1001)
(In the Senate, on March 9, passed to be engrossed in concurrence.)

Comes from the House, having failed on its passage to be enacted.

In the Senate:

Mr. CONY of Kennebec: Mr. President, in this matter I would like to move the appointment of a Committee of Conference. I think perhaps there may be some misunderstanding in connection with this matter. It was passed to be engrossed with an emergency preamble and the reason for the failure of its passage to be enacted in the House was because of the interference of the 1939 tax collections as the result of a court decision. I therefore would suggest that a Committee of Conference be appointed, so that we may endeavor to straighten out the matter.

Thereupon the Senate voted that a Committee of Conference be appointed and the President appointed as members of such Committee on the part of the Senate, Senators Cony of Kennebec, Chamberlain of Penobscot and Dow of Franklin.

Sent down for concurrence.

From the House:

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve in Favor of Leo Shay, Representative of the Penobscot Tribe of Indians" (H. P. 230) (L. D. 389) reported that the Senate recede and concur with the House in passing the resolve to be engrossed without amendment.

In the House, report read and accepted.

In the Senate, on motion by Mr. Spear of Cumberland, that Body voted to accept the report of the committee to recede and concur with the House in passing the resolve to be engrossed without amendment.

From the House:

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve in Favor of Samuel J. Dana, Representative of the Passamaquoddy Tribe of Indians," (H. P. 452) (L. D. 390) reported that the Senate recede and concur with the House in passing the resolve to be engrossed without amendment.

In the House, report read and accepted.

In the Senate, on motion by Mr. Spear of Cumberland, that Body voted to accept the report of the committee to recede and concur with the House in passing the resolve to be engrossed without amendment.

From the House:

The Committee on Salaries and Fees on bill "An Act Relating to the Expenses of the Members of the State Liquor Commission," (H. P. 1797) (L. D. 962) reported that the same ought to pass.

In the House, indefinitely postponed.

In the Senate, on motion by Mr. Spear of Cumberland, indefinitely postponed in concurrence.

House Committee Reports

The Committee on Inland Fisheries and Game on bill "An Act Relative to Closed Time on Wild Hares and Rabbits," (H. P. 543) (L. D. 217) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to the Transportation of Wild Hares and Rabbits in Hancock County," (H. P. 466) (L. D. 137) reported that the same ought not to pass.

The same Committee on bill "An Act Relative to Protection of Fur-Bearing Animals Owned by Breeders," (H. P. 1564) (L. D. 662) reported that the same ought not to pass.

The same Committee on bill "An Act Relative to Open Season on Raccoons," (H. P. 1133) (L. D. 377) reported that the same ought not to pass.

The same Committee on bill "An Act Relative to Open Season on Mink," (H. P. 831) (L. D. 338) reported that the same ought not to pass.

The Committee on Taxation on bill "An Act Relating to Lists of Real Estate," (H. P. 1236) (L. D. 463) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to the License Fees of Travelling Circuses," (H. P. 517) (L. D. 170) reported that the same ought not to pass.

The same Committee on bill "An Act Exempting Estates of Widows of Blind Persons from Taxation," (H. P. 260) (L. D. 72) reported that the same ought not to pass.

The Committee on Temperance on bill "An Act Relating to the Sale of Malt Beverages in Bay Point Village Corporation," (H. P. 1217) (L. D. 476) reported that the same ought not to pass.

The same Committee on bill "An Act Prohibiting the Employment of Females in Beer Establishments," (H. P. 1346) (L. D. 545) reported that the same ought not to pass as covered by other legislation.

The same Committee on bill "An Act Repealing the Requirement of a Filing Fee," (H. P. 1464) (L. D. 630) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Public Utilities on bill "An Act Relating to the Livermore Falls Water District," (H.

P. 938) (L. D. 367) reported that the same ought to pass.

Which report was read and accepted in concurrence, the bill read once and tomorrow assigned for second reading.

The Committee on Legal Affairs on bill "An Act to Incorporate the Lisbon Water District," (H. P. 917) (L. D. 355) reported that the same ought to pass if amended by Committee Amendment "A" submitted herewith.

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

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 tomorrow assigned for second reading.

The same Committee on bill "An Act Relating to the Election of Officers in the Town of Oakland," (H. P. 920) (L. D. 360) reported that the same ought to pass if amended by Committee Amendment "A" submitted herewith.

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

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 tomorrow assigned for second reading.

The same Committee on bill "An Act to Incorporate the Boothbay-Boothbay Harbor Cemetery District," (H. P. 1176) (L. D. 493) 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 passed to be engrossed as amended by Committee Amendment A.

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 and the bill as amended by Committee Amendment A was tomorrow assigned for second reading.

Senate Committee Reports

Mr. Worthen from the Committee on Inland Fisheries and Game on "Resolve Regulating the Trapping of Muskrats in Unity Pond," (S. P. 251) reported that the same ought not to pass.

Mr. Elliot from the same Committee on bill "An Act Relative to Power Boats in Hunting Waterfowl," (S. P. 362) (L. D. 774) reported that the same ought not to pass.

The same Senator from the same Committee on bill "An Act Relating to Damages Done by Beaver," (S. P. 27) reported that the same ought not to pass.

Mr. Marden from the Committee on Legal Affairs on bill "An Act to Authorize Towns to Establish the Office of Town Manager," (S. P. 302) (L. D. 518) reported that the same ought not to pass as subject herein is covered by other legislation.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Boothby from the Committee on Inland Fisheries and Game on bill "An Act Relative to the Taking of Hellgrammites," (S. P. 178) (L. D. 229) reported that the same ought to pass.

Mr. Worthen from the same Committee on bill "An Act Defining Jack-light," (S. P. 360) (L. D. 775) reported that the same ought to pass.

Mr. Marden from the Committee on Legal Affairs on bill "An Act Relating to Inheritance and Estate Tax Law," (S. P. 259) (L. D. 446) reported that the same ought to pass.

Mr. Sanborn from the Committee on Public Utilities on bill "An Act to Extend the Charter of the Vanceboro Water Company," (S. P. 289) (L. D. 434) reported that the same ought to pass.

The same Senator from the same Committee on bill "An Act to Extend the Charter of the Patten Water and Power Co.," (S. P. 288) (L. D. 433) reported that the same ought to pass.

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

Mr. Marden from the Committee on Legal Affairs on bill "An Act to

Provide for the Repeal of the Charter of the Fort Kent Village Corporation," (S. P. 393) (L. D. 763) reported that the same ought to pass when amended by Senate Amendment "A" submitted herewith.

Which report was read and accepted and the bill was given its first reading.

The Secretary read Senate Amendment A:

"Senate Amendment A. Amend said bill by striking out the words, 'are excluded from' in the second line of Section 4 and inserting in place thereof the following words, 'shall not apply to.' Further amend said bill by adding at the end of the emergency clause the following, 'as above provided.'"

Thereupon, on motion by Mr. Burns of Aroostook, the bill and Senate Amendment A were laid upon the table pending adoption of the amendment.

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 the same in a new draft (S. P. 499) under the same title and that it ought to pass.

Mr. Graves from the Committee on Public Utilities on bill "An Act Exempting the Transportation of Neat Cattle from the Common Carrier Law," (S. P. 397) (L. D. 819) reported the same in a new draft (S. P. 500) under a new title bill "An Act Extending the Exemptions from the Common Carrier Law," and that it ought to pass.

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

Passed to be Engrossed

Bill "An Act Relating to the First Congregational Church of Kittery," (H. P. 126) (L. D. 48)

Bill "An Act to Confirm, Ratify and Validate the Incorporation of the First Baptist Church of Yarmouth, Maine, and to Increase its Powers," (H. P. 919) (L. D. 359)

Bill "An Act Relating to the Probation Officer for the County of Cumberland," (H. P. 1154) (L. D. 383)

Bill "An Act to Amend the Charter of the Ogunquit Village Corporation," (H. P. 1174) (L. D. 491)

"Resolve in Favor of Alvah E. Spear, of Warren." (H. P. 1273) (L. D. 1017)

Bill "An Act Relating to Marriage Licenses." (H. P. 1650) (L. D. 921)

Bill "An Act Relating to Attesting of Records." (H. P. 1667) (L. D. 888)

Bill "An Act Making Certain Changes in the Insurance Law." (H. P. 1863) (L. D. 1015)

"Resolve for the Transfer of Certain Monies in the Hands of the Bangor State Hospital and the Augusta State Hospital." (H. P. 1874) (L. D. 1018)

"Resolve in Favor of William A. Moran of Bangor." (H. P. 1875) (L. D. 1019)

Bill "An Act to Provide for the Surrender by Concord Plantation of its Organization." (H. P. 1876) (L. D. 1020)

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

Bill "An Act Defining the Terms 'Dealer' and 'Securities'." (S. P. 486) (L. D. 1023)

"Resolve in Favor of Harry F. Ward of Baldwin." (S. P. 487) (L. D. 1024)

Bill "An Act Relating to Registration of Motor Vehicles." (S. P. 488) (L. D. 1025)

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 Removal of Paupers. (H. P. 488) (L. D. 183)

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

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

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

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

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

Orders of the Day

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, House Report from the Committee on Judiciary, "Leave to Withdraw" on An Act Relating to Number of Employees under the Workmen's Compensation Act, (H. P. 1583) (L. D. 756), tabled by that Senator on March 10th pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence.

On motion by Mr. Graves of Hancock, the Senate voted to take from the table, Senate Report from the Committee on Public Utilities "Ought Not to Pass" on An Act Authorizing the Issue of Full Paid Stock by Public Utility Companies at Less Than Par and Without Subscription Rights When Authorized by the Public Utilities Commission (S. P. 227) (L. D. 278), tabled by that Senator on March 2nd pending acceptance of the report; and on further motion by the same Senator, the bill was recommitted to the Committee on Public Utilities.

Sent down for concurrence.

On motion by Mr. Graves of Hancock, the Senate voted to take from the table, House Report from the Committee on Legal Affairs "Ought Not to Pass" on An Act to Extend the Charter of the Bluehill Water Company (H. P. 923) (L. D. 362), tabled by that Senator on March 14th pending acceptance of the report in concurrence.

Mr. GRAVES of Hancock: Mr. President, for the purpose of offering an amendment which I might say I have taken up with members of the Legal Affairs Committee here present, I now move to substitute the bill for the report.

The motion prevailed and the bill was substituted for the report in non-concurrence, and given its first reading.

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

"Senate Amendment 'A' to Legislative Document 362, bill, 'An Act to Extend the Charter of the Bluehill Water District Company.' Amend said bill by striking out everything after the word 'company' in the third line thereof and inserting in

place thereof the following: 'as extended by C. 57, P. & S. L. 1935, and further extended by C. 46, P. & S. L. 1937 are hereby further extended for a period of two years.'

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

On motion by Mr. Hill of Cumberland, the Senate voted to take from the table, House Report from the Committee on Judiciary: Majority Report, "Ought Not to Pass"; Minority Report "Ought to Pass in New Draft," on An Act Relating to the Enforcement of Executions Against Towns and Cities (H. P. 486) (L. D. 181), tabled by that Senator on March 10th pending acceptance of either report; and on further motion by the same Senator, the majority report of the committee "Ought Not to Pass," was accepted in concurrence.

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table, House Report from the Committee on Motor Vehicles "Ought Not to Pass" on An Act Authorizing the Secretary of State to Arrange for Expiration of Motor Vehicle Registrations at Stated Period (H. P. 1331) (L. D. 539), tabled by that Senator on March 15th pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence.

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

On motion by Mr. Findlen of Aroostook,

Adjourned until tomorrow morning at ten o'clock.