

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 17, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Oscar Withée 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 21st, 1939 at eleven o'clock in the forenoon. (S. P. 501)

Sent down for concurrence.

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

Papers from the House referred 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. 880) (L. D. 337) reported that the same ought not to pass.

The same Committee on bill "An Act Permitting Sunday Hunting of Game Birds and Foxes," (H. P. 542) (L. D. 216) reported that the same ought not to pass.

The same Committee on "Resolve Regulating the Taking of Bait Fish," (H. P. 1574) (L. D. 637) reported that the same ought not to pass.

The same Committee on "Resolve Relative to Open Season on Pheasants," (H. P. 1579) (L. D. 642) reported that the same ought not to pass.

The Committee on Judiciary on bill "An Act Relating to Publishing of Assessment Lists," (H. P. 553) (L. D. 224) reported that the same ought not to pass, as subject matter is covered by another bill.

The Committee on Legal Affairs on bill "An Act to Provide a Manager Form of Government for the Town of Anson," (H. P. 1168) (L. D. 487) reported that the same ought not to pass.

The same Committee on bill "An

Act Relating to Painting, Decorating and Paperhanging," (H. P. 915) (L. D. 307) reported that the same ought not to pass.

The Committee on Public Utilities on bill "An Act Repealing the Law Requiring Public Utility Plates on Trailers and Semi-trailers," (H. P. 1453) (L. D. 627) reported that the same ought not to pass.

The Committee on Taxation on bill "An Act Reducing Registration Fees of Motor Vehicles and Increasing the Gasoline Tax," (H. P. 1801) (L. D. 969) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The same Committee on bill "An Act Increasing the Gasoline Tax to Provide for Old Age Assistance," (H. P. 786) (L. D. 302) reported that the same ought not to pass.

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

The Committee on Agriculture on bill "An Act to Regulate the Sale of Commercial Fertilizer," (H. P. 669) (L. D. 244) reported the same in a new draft (H. P. 1927) (L. D. 1026) under the same title and that it ought to pass.

The same Committee on bill "An Act Relating to State Aid to Agriculture Societies," (H. P. 1532) (L. D. 679) reported the same in a new draft (H. P. 1928) (L. D. 1027) under the same title, and that it ought to pass.

The Committee on Claims on "Resolve in Favor of O. M. Proding, of Portland," (H. P. 234) reported the same in a new draft (H. P. 1931) (L. D. 1030) under the same title and that it ought to pass.

The Committee on Claims on Resolve in Favor of Mrs. Abbie Libby Towle of Newfield and Oxbow," (H. P. 705) reported the same in a new draft (H. P. 1932) (L. D. 1031) under the same title, and that it ought to pass.

The Committee on Education on bill "An Act Relating to Vocational Rehabilitation," (H. P. 1548) (L. D. 906) reported that the same ought to pass.

The Committee on Judiciary on bill "An Act Amending the Unemployment Compensation Law Providing for Recovery of Erroneous Payments," (H. P. 901) (L. D. 293) reported that the same ought to pass.

The same Committee on bill "An Act Amending the Unemployment Compensation Law Exempting Certain Employees," (H. P. 902) (L. D. 294) reported that the same ought to pass.

The same Committee on bill "An Act Amending the Unemployment Compensation Law to Provide Uniform Coverage Termination," (H. P. 904) (L. D. 296) reported that the same ought to pass.

The same Committee on bill "An Act Amending the Unemployment Compensation Law Relative to Seasonal Employment," (H. P. 908) (L. D. 300) reported that the same ought to pass.

The same Committee on bill "An Act Amending the Unemployment Compensation Law Relative to Disqualifications," (H. P. 909) (L. D. 301) reported that the same ought to pass.

The Committee on Motor Vehicles on bill "An Act Relating to Automobiles Stopping Upon Signal of Officer," (H. P. 1688) (L. D. 743) reported that the same ought to pass.

The Committee on Sea and Shore Fisheries on "Resolve Relating to Lobster Fishing in Machias Bay," (H. P. 548) (L. D. 209) reported that the same ought to pass.

The same Committee on "Resolve Relating to Lobster Fishing at Jonesboro - Roque Bluffs," (H. P. 1209) (L. D. 422) reported that the same ought to pass.

The same Committee on "Resolve Regulating Digging of Clams Within the Limits of the Towns of Deer Isle and Stonington," (H. P. 1722) (L. D. 675) reported that the same ought to pass.

The same Committee on "Resolve Relative to Protection of Smelts in Medomak River," (H. P. 1724) (L. D. 676) reported that the same ought to pass.

The same Committee on "Resolve Relative to the Digging of Clams in the Towns of Wiscasset and Edgcomb," (H. P. 1723) (L. D. 896) reported the same in a new draft (H. P. 1930) (L. D. 1029) under a new title, "Resolve Relative to the Digging of Clams in the Towns of Wiscasset, Edgcomb, Boothbay and Boothbay Harbor," and that it ought to pass.

The Committee on Temperance on bill "An Act Relating to the Issuance of Liquor Licenses," (H. P. 1739) (L. D. 842) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Licenses for Consumption Sale of Liquor," (H. P. 1741) (L. D. 844) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Liquor Licenses," (H. P. 1742) (L. D. 845) reported that the same ought to pass.

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

The Committee on Judiciary on bill "An Act Amending the Unemployment Compensation Law to Increase Certain Penalties," (H. P. 903) (L. D. 295) reported that the same 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 Tuesday next assigned for second reading.

The same Committee on bill "An Act Amending the Unemployment Compensation Law Relative to Office Records," (H. P. 905) (L. D. 297) reported that the same 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 Tuesday next assigned for second reading.

The same Committee on bill "An Act Amending the Unemployment Compensation Law Relative to Refunds," (H. P. 907) (L. D. 299) reported that the same 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 read-

ing. 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 Legal Affairs on bill "An Act Relating to the School Board of the City of Eastport," (H. P. 563) (L. D. 196) reported that the same ought not to pass.

In the House, the bill having been substituted for the report, House Amendment "A" was offered and adopted, and the bill as amended passed to be engrossed.

In the Senate, on motion by Mr. Beckett of Washington, that Body voted to concur with the House on the substitution of the bill for the report, and the bill was given its first reading. House Amendment A was read and adopted in concurrence; and on further motion by the same Senator, the bill, as amended by House Amendment A was laid upon the table pending assignment for second reading.

Communication

STATE OF MAINE
HOUSE OF REPRESENTATIVES
Augusta

Office of Clerk
March 16, 1939.

Hon. Royden V. Brown
Secretary of the Senate
State House
Augusta, Maine.
Sir:

I am directed by vote of the House of Representatives to transmit to the Senate the enclosed copy of the Communication of His Excellency, Governor Lewis O. Barrows, dated March 16, 1939 and addressed to the Speaker of the House of Representatives.

Very truly yours,

HARVEY R. PEASE,

Clerk of the House.

On motion by Mr. Spear of Cumberland the communication was read by the Secretary.

Mr. BURNS of Aroostook: Mr. President, I concur in the hope of Governor Barrows that this is the final chapter in this unfortunate matter and I therefore move that his very excellent obituary message in relation to scurvy, malnutrition et cetera be placed on file.

The motion prevailed.

Referred to Committee

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

Mr. Kennedy of Hancock presented Remonstrance of Mariaville Grange in form of Resolution against any increase in Gasoline Tax." (S. P. 502)

Mr. Spear of Cumberland presented Remonstrance of Philip Lowell and 100 others of Gorham against any Tax on Tobacco. (S. P. 503)

The same Senator presented Remonstrance of Linwood Pratt and 126 others of Windham and vicinity against any Tax on Tobacco. (S. P. 504)

The same Senator presented Remonstrance of R. W. Sawyer and 31 others of Gray and vicinity against any Tax on Tobacco. (S. P. 505)

Sent down for concurrence.

Mr. SPEAR of Cumberland: Mr. President, I present an order and move its passage and I would like to make a statement after it is read:

Order

ORDERED, the House concurring, that the Bank Commissioner is hereby ordered and authorized to investigate the system used by persons, firms, partnerships and corporations permitted by law to operate under the provisions of Section 150 of Chapter 57 of the Revised Statutes, relating to loans not exceeding the amount of Three Hundred Dollars and receiving thereon interest at a rate of not more than thirty-six percent per year. Said Commissioner may employ counsel and auditors, compel the attendance of witnesses and the production of books, papers, documents, records and other evidence, and may administer oaths to witnesses and punish for contempt in the same manner as provided by law in re proceedings before the Public Utilities Commission. Said Commissioner shall report his findings to the 89th Legislature.

All expenses incurred by said Commissioner in the discharge of his duties shall be paid from the general funds upon approval by the Governor and Council. (S. P. 506)

Mr. SPEAR of Cumberland: Mr. President, I move that this matter

be temporarily laid upon the table in order that one of the Senators may confer with me a little later in the session today.

The motion prevailed and the order was laid upon the table pending passage.

Senate Committee Reports

Mr. Burns from the Committee on Judiciary on bill "An Act Relating to Filing Referendum Petitions," (S. P. 377) (L. D. 793) reported that the same ought not to pass.

The same Senator from the same Committee on bill "An Act Relating to Return Date of Executions," (S. P. 68) (L. D. 36) reported that the same ought not to pass.

Miss Laughlin from the same Committee on bill "An Act to Provide for the Protection and Preservation of Trees Growing and to be Grown upon the State and State Aid Highways Within the State of Maine," (S. P. 297) (L. D. 583) reported that the same ought not to pass.

Mr. Spear from the Committee on Mercantile Affairs and Insurance on bill "An Act Relating to Inspection of Theaters," (S. P. 415) (L. D. 881) reported that legislation thereon is inexpedient, as matter is taken care of in other ways.

Mr. Cony from the Committee on Taxation on bill "An Act to Raise an Excise Tax on Corporations Organized for Making, Generating, Selling, Distributing and Supplying Electricity or Electric Current for Power, Lighting, Heating, Manufacturing or Mechanical Purposes," (S. P. 40) (L. D. 7) reported that the same ought not to pass.

Mr. Littlefield from the Committee on Temperance on bill "An Act Relating to the Sale of Malt Liquors within a Radius of 500 Feet of a Gasoline Filling Station," (S. P. 306) (L. D. 516) 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 bill "An Act Relating to the Penobscot Tribe of Indians," (S. P. 177) reported the same in a new draft (S. P. 507) under the same title and that it ought to pass.

Mr. Hill from the Committee on Judiciary on bill "An Act Relating

to Licenses for Dispensing Victuals," (S. P. 142) (L. D. 123) reported the same in a new draft (S. P. 508) under the same title and that it ought to pass.

Mr. Morse from the Committee on Legal Affairs on bill "An Act Relating to the Keeping of Dogs," (S. P. 326) (L. D. 593) reported the same in a new draft, (S. P. 509) under the same title and that it ought to pass.

Mr. Marden from the same Committee on bill "An Act to Provide for the Appointment of a Board of Commissioners of Police for the City of Bath," (S. P. 183) (L. D. 234) reported the same in a new draft (S. P. 510) under a new title, Bill "An Act to Provide for Civil Service Rules for the Police and Fire Departments in the City of Bath," and that it ought to pass.

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

Miss Laughlin from the Committee on Judiciary on bill "An Act Amending the Law Relating to Outdoor Advertising," (S. P. 69) (L. D. 39) reported that the same ought to pass.

On motion by Miss Laughlin of Cumberland, the report was read and accepted and the bill was given its first reading.

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

"Senate Amendment A to Senate Paper 69, Legislative Document 39, An Act Amending the Law Relating to Outdoor Advertising. Amend said bill by re-inserting in the 18th line of the 2nd paragraph of Section 1 of the bill the deleted word 'state' and adding thereafter a comma; also re-inserting the deleted words 'state aid highway' and adding thereafter the word 'or'. And further amend said bill by striking out in the 2nd paragraph of Section 3 the words 'and destroy' in the 12th and 16th lines thereof, and by striking out the words, 'and destroyed' in the 21st line of said paragraph."

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

Mr. Owen from the Committee on Public Buildings and Grounds, on behalf of that Committee submitted its final report.

Which report was read and accepted.

Sent down for concurrence.

Passed to be Engrossed

Bill "An Act to Incorporate the Lisbon Water District." (H. P. 917) (L. D. 355)

Bill "An Act Relating to the Election of Officers in the Town of Oakland." (H. P. 920) (L. D. 360)

Bill "An Act Relating to the Livermore Falls Water District." (H. P. 936) (L. D. 367)

Bill "An Act to Incorporate the Boothbay-Boothbay Harbor Cemetery District." (H. P. 1176) (L. D. 493)

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

Bill "An Act to Extend the Charter of the Bluehill Water Company." (H. P. 923) (L. D. 362)

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

Sent down for concurrence.

Bill "An Act Relative to the Taking of Hellgrammites." (S. P. 178) (L. D. 229)

Bill "An Act Relating to Inheritance and Estate Tax Law." (S. P. 259) (L. D. 446)

Bill "An Act to Extend the Charter of the Patten Water and Power Co." (S. P. 288) (L. D. 433)

Bill "An Act to Extend the Charter of the Vanceboro Water Company." (S. P. 289) (L. D. 434)

Bill "An Act Defining Jack-light." (S. P. 360) (L. D. 775)

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

Sent down for concurrence.

Passed to be Enacted

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

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

An Act to Amend the Fair Trade Act. (H. P. 557) (L. D. 228)

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

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

Finally Passed

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

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)

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)

Emergency Measure

Bill "An Act to Provide a Town Manager Form of Government for the Town of Caribou." (H. P. 1161) (L. D. 480)

Which bill being an emergency measure, and having received the affirmative vote of 25 members of the Senate, and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Burns of Aroostook, the Senate voted to take from the table, An Act to Provide for the Repeal of the Charter of the Fort Kent Village Corporation (S. P. 393) (L. D. 763), tabled by that Senator on March 16th pending adoption of Senate Amendment A.

Mr. BURNS: Mr. President, I move the adoption of Senate Amendment A.

The Secretary read the amendment:

"Senate Amendment 'A' to Senate Paper 393, Legislative Document 763, bill, 'An Act to Provide for the Repeal of the Charter of the Fort Kent Village Corporation.' 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.'"

Senate Amendment A was adopted.

Mr. BURNS: Mr. President, this bill was reported out of the Legal Affairs Committee with the suggested Senate Amendment A. Since that time I have examined the bill

further and I feel there should be an additional amendment offered and I have prepared Senate Amendment B. I presented this to the Chairman of the Committee on Legal Affairs, Senator Marden, and he offers no objection. I also had Mr. Holley, the State Tax Assessor, examine it and he approves of this amendment. I therefore present Senate Amendment B and move its adoption:

"Senate Amendment B to Legislative Document No. 763. An Act to Provide for the Repeal of the Charter of the Fort Kent Village Corporation.

"Amend said bill by adding the following words after the first paragraph of Section 1: 'The corporate existence of said Fort Kent Village Corporation shall further survive for the purpose of protecting and preserving the public health, welfare, and safety of the inhabitants and the property of said Fort Kent Village Corporation as heretofore provided.'

"Further amend said bill by adding the following words after the second sentence of Section 2 of said bill: 'and during said period said state tax assessor shall have the power and authority to assess taxes for the purpose of protecting the public health, welfare, and safety of the inhabitants of said Fort Kent Village Corporation.'

"Further amend said Section 2 by striking out the word 'outstanding' in the fourteenth line thereof and inserting in place thereof the words 'present and future'.

"Further amend said bill by adding the following words to the end of Section 3 of said bill: 'and notice of the final dissolution of said Fort Kent Village Corporation shall likewise be filed on completion thereof by said state tax assessor.'

"Further amend said bill by adding to the end of Section 4 thereof the following words: 'as heretofore provided.' "

Senate Amendment B was adopted, and the bill as amended by Senate Amendment A and Senate Amendment B was next Tuesday assigned for second reading.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, bill, An Act Relating to Removal of Paupers (H. P. 246) (L. D. 62), tabled by that Sena-

tor on March 10th pending consideration.

Mr. SPEAR of Cumberland: Mr. President, as this matter has been taken care of by other legislation, I move that the bill be indefinitely postponed in concurrence with the House.

The motion prevailed, and the bill was indefinitely postponed in concurrence.

On motion by Mr. Cony of Kennebec, the Senate voted to reconsider its action taken on March 16th whereby a Committee of Conference was appointed on bill, An Act Relating to Taxation of Radios (H. P. 1835) (L. D. 1001); and on further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its action taken on March 9th whereby the bill was passed to be engrossed in concurrence.

Thereupon, on further motion by the same Senator the bill was laid upon the table pending passage to be engrossed in concurrence.

Mr. SPEAR of Cumberland: Mr. President, I move that we recess for five minutes in order that I may confer with members of the Senate regarding the order tabled by me earlier in today's session.

The motion to recess prevailed.

After Recess

The Senate was called to order by the President.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table Joint Order authorizing the Bank Commissioner to make certain investigations relating to small loan companies (S. P. 506) tabled by that Senator earlier in today's session pending passage.

Mr. SPEAR: Mr. President, the single objection to this matter receiving consideration this morning apparently has been removed. I therefore move that the order receive passage.

Thereupon, the order received a passage.

Sent down for concurrence.

On motion by Mr. Elliot of Knox, the Senate voted to take from the table, House Report from the Committee on Legal Affairs "Ought Not

to Pass" on An Act Providing for the Regulation and Supervision of Electricians and Electrical Installations (H. P. 684) (L. D. 257), tabled by that Senator on March 2nd 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. Cony of Kennebec, 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 March 16th pending consideration; and that Senator yielded to the Senator from Kennebec, Senator Marden.

Thereupon, on motion by Mr. Marden of Kennebec, the Senate 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 Marden of Kennebec, Chase of Washington and Elliot of Knox.

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

On motion by Mr. Spear of Cumberland,

Adjourned until next Tuesday forenoon, March 21st, at eleven o'clock.