

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

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## SENATE

Wednesday, March 22, 1939.

The Senate was called to order by the President.

Prayer by the Reverend A. W. Bickmore of Augusta.

Journal of yesterday, read and approved.

From the House:

Bill "An Act Amending the Law Relating to the Width of Motor Vehicles." (S. P. 264) (L. D. 443)

(In the Senate on March 7, passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" thereto, in concurrence.)

Comes from the House, passage to be engrossed reconsidered, and adoption of Senate Amendment "A" as amended reconsidered. House Amendment "B" to Senate Amendment "A" adopted, and Senate Amendment "A" as amended by House Amendments "A" and "B" thereto adopted, and the bill as amended by Senate Amendment "A", as amended by House Amendments "A" and "B" thereto, passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Spear of Cumberland, under suspension of the rules, that Body voted to reconsider its former action taken on March 7th whereby the bill was passed to be engrossed.

On further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its former action taken on March 7th whereby Senate Amendment A, as amended by House Amendment A was adopted.

House Amendment B to Senate Amendment A was read and adopted in concurrence. Senate Amendment A, as amended by House Amendments A and B thereto, was adopted in concurrence, and the bill, as amended by Senate Amendment A, as amended by House Amendments A and B thereto, was passed to be engrossed in concurrence.

Papers from the House, referred in concurrence.

## House Committee Reports

The Committee on Mercantile Affairs and Insurance on bill "An Act Relating to the Standard Form

Insurance Policy," (H. P. 1672) (L. D. 758) reported that the same ought not to pass.

In the House recommitted to the Committee on Mercantile Affairs and Insurance.

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

The Committee on Temperance on bill "An Act Regulating the Sale of Malt," (H. P. 1744) (L. D. 847) reported that the same ought to pass.

In the House recommitted to the Committee on Temperance.

In the Senate, on motion by Mr. Spear of Cumberland, recommitted to the Committee on Temperance in concurrence.

The Committee on Judiciary on bill "An Act to Prohibit Commercial Advertising by Means of Billboards," (H. P. 1629) (L. D. 868) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Mercantile Affairs and Insurance on bill "An Act Relating to Operation of Motion Picture Machines," (H. P. 1675) (L. D. 885) reported that the same ought not to pass.

(On motion by Mr. Osgood of Oxford tabled pending acceptance of the report in concurrence.)

The Committee on Banks and Banking on bill "An Act Relative to Safe-keeping of Securities of Savings Banks," (H. P. 1407) (L. D. 602) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on bill "An Act Relative to Game Preserve in Caswell Plantation, County of Aroostook," (H. P. 1127) (L. D. 405) reported the same in a new draft (H. P. 1957) (L. D. 1042) under the same title and that it ought to pass.

The same Committee on bill "An Act Relative to Trapping Season," (H. P. 378) (L. D. 99) reported that the same ought to pass.

The same Committee on bill "An Act Regulating Fishing on Ponds, Formed by Brooks, Streams and Rivers," (H. P. 1566) (L. D. 664) reported that the same ought to pass.

The Committee on Legal Affairs on bill "An Act Authorizing Towns to Employ a Town Manager or to Form Unions for the Purpose," (H. P. 1427) (L. D. 561) reported the same in a new draft (H. P. 1958) (L. D. 1043) under the same title, and that it ought to pass.

The same Committee on bill "An Act Relating to Municipal Ordinances," (H. P. 1660) (L. D. 734) reported that the same ought to pass.

The Committee on Public Utilities on bill "An Act Relative to Motor Vehicles Carrying Passengers for Hire," (H. P. 937) (L. D. 327) reported the same in a new draft (H. P. 1960) (L. D. 1045) under the same title and that it ought to pass.

The same Committee on bill "An Act Relating to the Operation of Busses," (H. P. 1711) (L. D. 841) reported the same in a new draft (H. P. 1959) (L. D. 1044) under the same title and that it ought to pass.

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

The Committee on Temperance on bill "An Act Relating to Children," (H. P. 1746) (L. D. 849) reported the same in a new draft (H. P. 1933) (L. D. 1032) under the same title, and that it ought to pass.

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

The Committee on Legal Affairs on bill "An Act to Provide a Town Council and Manager Form of Government for the Town of Lisbon in the County of Androscoggin," (H. P. 918) (L. D. 358) reported that the same ought to pass when 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 so amended was tomorrow assigned for second reading.

The same Committee on bill "An Act to Provide a Town Manager Form of Government for the Town

of Lincoln," (H. P. 1165) (L. D. 484) reported that the same ought to pass when 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 so amended was tomorrow assigned for second reading.

The same Committee on bill "An Act to Incorporate the Town of Monticello School District," (H. P. 1170) (L. D. 489) reported that the same ought to pass when 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 so amended was tomorrow assigned for second reading.

The same Committee on bill "An Act Relating to the Collection of Personal Property Taxes," (H. P. 1651) (L. D. 710) reported that the same ought to pass when 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 so amended was tomorrow assigned for second reading.

The same Committee on bill "An Act Relating to Municipal Ordinances," (H. P. 1659) (L. D. 733) reported that the same ought to pass when 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 so amended was tomorrow assigned for second reading.

The same Committee on bill "An Act Relating to Marriage Licenses," (H. P. 1661) (L. D. 735) reported that the same ought to pass when amended by Committee Amendment "A" submitted herewith.

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

In the Senate, the report of the committee 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 so amended was tomorrow assigned for second reading.

The Committee on Legal Affairs on bill "An Act to Grant a New Charter to the City of Bath," (H. P. 1164) (L. D. 483) together with petition (H. P. 1822) 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 so amended was tomorrow assigned for second reading.

The Committee on Education on "Resolve Relating to the Creation of a State Commission for Promotion of International Good Will in Education," (H. P. 1550) (L. D. 908) reported that the same ought to pass.

In the House, report was read and accepted, and the resolve passed to be engrossed as amended by House Amendments "A" and "B".

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; House Amendment B was read and adopted in concurrence and the resolve as

so amended was tomorrow assigned for second reading.

The Committee on Public Utilities on bill "An Act Creating the Limestone Water and Sewer District," (H. P. 1705) (L. D. 948) reported that the same ought to pass when amended by Committee Amendments "A" and "B" submitted herewith.

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

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; Committee Amendment B was read and adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

Additional House Papers, out of order and under suspension of the rules:

The Committee of Conference on the disagreeing action of the two branches of the Legislature on bill "An Act for Minimum Wage for Women and Minors" (H. P. 1426) (L. D. 599) reported that both branches recede and that they concur in the reference of the bill to the Committees on Labor and Judiciary jointly.

In the House, report read and accepted and the bill referred to the Committees on Labor and Judiciary jointly.

In the Senate, the report was read and accepted in concurrence and the bill was referred to the Committees on Labor and Judiciary jointly in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on bill "An Act Relating to Minimum Fair Wages for Women and Minors," (H. P. 1641) (L. D. 644) reported that both branches recede and that they concur in the reference of the bill to the Committee on Labor and Judiciary jointly.

In the House, report read and accepted, and the bill referred to the Committees on Labor and Judiciary jointly.

In the Senate, the report was read and accepted in concurrence and the bill was referred to the Committees on Labor and Judiciary jointly in concurrence.

### 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 R. W. Clark and 105 others of Ellsworth against any Tax on Tobacco. (S. P. 515)

Miss Laughlin of Cumberland presented Remonstrance of Melvin E. Averill and 23 others of Freeport against any Tax on Tobacco (S. P. 516)

The same Senator presented Remonstrance of R. W. Kerrigan and 768 others of Portland and vicinity against a Tax on Tobacco. (S. P. 517)

Mr. Friend of Somerset presented Remonstrance of H. H. Harmon and 138 others of Fairfield against any Tax on Tobacco. (S. P. 518)

Mr. Spear of Cumberland presented Remonstrance of Ralph Curtis and 49 others of South Windham Against Chain Store Taxes. (S. P. 519)

Mr. Findlen of Aroostook presented Remonstrance of C. L. Whitaker and 37 others of Presque Isle Against a Tax on Chain Stores. (S. P. 520)

The same Senator presented Protests of O. K. Storey and 89 others of Washburn against Chain Store Taxes. (S. P. 521)

Mr. Graves of Hancock presented Remonstrance of Harold Ledieu and 52 others of Bluehill and Vicinity Against a Tax on Chain Stores. (S. P. 522)

Mr. Burns of Aroostook presented Remonstrance of R. W. Russ and 90 others of Caribou Against Chain Store Taxes. (S. P. 523)

Sent down for concurrence.

### Senate Committee Reports

Mr. Morse from the Committee on Legal Affairs on bill "An Act Relating to the Penalty for Keeping Unlicensed Dogs," (S. P. 221) (L. D. 975) 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 bill "An Act to Repeal Certain Acts and Resolves Relating to Unnegotiable Bonds in

the Custody of the Treasurer of State," (S. P. 133) (L. D. 118) reported that the same ought to pass.

The same Senator from the same Committee on bill "An Act Decreasing the Subsidy Contributed by the State Relative to Physical and Industrial Education," (S. P. 152) (L. D. 117) 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. Chase of Washington from the Committee on Legal Affairs on bill "An Act to Change the Charter of the City of Calais," (S. P. 459) (L. D. 1002) reported that the same ought to pass.

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

Mr. BECKETT of Washington: Mr. President, this is an emergency act and inasmuch as the regular municipal election of Calais is held a week from Monday it would be necessary to have this bill passed within a day or two in order to get proper notices out, and for that reason I move that, out of order and under suspension of the rules, the bill be given its second reading.

Under suspension of the rules, the bill was then given its second reading.

Mr. BECKETT: Mr. President, in order to change a typographical error in the date as it appears on the bill, I submit Senate Amendment A and move its adoption:—

"Senate Amendment A to bill An Act to Change the Charter of the City of Calais. Amend Section 9 by striking out '1936' in the third line thereof and inserting therefor '1939'."

Senate Amendment A was adopted and the bill as so amended was passed to be engrossed.

Thereupon, on further motion by the same Senator, the bill was sent forthwith to the House.

### Passed to be Engrossed

Bill "An Act Relating to the School Board of the City of Eastport," (H. P. 563) (L. D. 196)

Bill "An Act Relating to Trapping and Hunting Fur-Bearing Animals," (H. P. 1315) (L. D. 499)

Bill "An Act Relating to Taxation of Charitable and Benevolent Corporations," (H. P. 1955) (L. D. 1034)

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

Bill "An Act Relating to the South Portland Board of Education." (S. P. 90) (L. D. 55)

Bill "An Act Relating to the Milk Control Board." (S. P. 342) (L. D. 825)

Bill "An Act Relating to State Armories." (S. P. 499) (L. D. 1041)

Bill "An Act Extending the Exemptions from the Common Carrier Law." (S. P. 500) (L. D. 1040)

Bill "An Act Relating to the Penobscot Tribe of Indians." (S. P. 507) (L. D. 1046)

Bill "An Act Relating to Licenses for Dispensing Victuals." (S. P. 508) (L. D. 1047)

Bill "An Act Relating to the Keeping of Dogs." (S. P. 509) (L. D. 1048)

Bill "An Act to Provide for Civil Service Rules for the Police and Fire Departments in the City of Bath." (S. P. 510) (L. D. 1049)

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

Sent down for concurrence.

#### Passed to be Enacted

An Act Relating to Bonds for Town Treasurers, Tax Collectors and Constables. (S. P. 148) (L. D. 133)

An Act to Amend the Law Relating to Unemployment Compensation, with Regard to Gratuities. (S. P. 321) (L. D. 575)

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

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

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)

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

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

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

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

An Act Regulating the Closed Time on Scallops. (H. P. 1718) (L. D. 673)

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

#### Finally Passed

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

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

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

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

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)

#### Orders of the Day

Mr. CHASE of Washington: Mr. President, I rise to a question of personal privilege.

The PRESIDENT: The Senator may state his question.

Mr. CHASE: Mr. President, I have just learned with deep regret of the death this morning of Irving W. Case, which occurred at his home in Lubec sometime this morning. Mr. Case was a former member of this Senate and has for many years served as the efficient clerk of the Committee on Ways and Bridges. I move, Mr. President, that the Secretary be instructed to write to Mrs. Case conveying our deepest sympathy, and that he be authorized to send flowers.

The motion prevailed.

On motion by Mr. Graves of Hancock, the Senate voted to reconsider its action taken yesterday whereby Resolve to Reimburse the Town of Bethel for the Fighting of Fire in Unorganized Township of Albany (H. P. 1867) (L. D. 1010) was finally passed; and on further motion by the same Senator, the resolve was laid upon the table pending final passage.

Mr. BURNS of Aroostook: Mr. President, out of order and under suspension of the rules, I ask unanimous consent of the members of the Senate to introduce bill,

"Relating to Procedure in re Support of Neglected Wives and Children," and ask that the bill be referred to the Committee on Judiciary and that 500 copies be ordered printed. In explanation of this bill, which I have said deals with questions before the court in relation to the support of neglected wives and children, the present statute gives the judges of our Superior Court authority to deal with these matters only during term time. This proposed change will give judges of our Superior Court authority to deal with these matters during vacation.

Thereupon, out of order and under suspension of the rules, Mr. Burns of Aroostook was granted unanimous consent to introduce bill, An Act Relating to Procedure in re Support of Neglected Wives and Children (S. P. 524); and on further motion by the same Senator, the bill was referred to the Committee on Judiciary and 500 copies ordered printed.

Sent down for concurrence.

On motion by Mr. Owen of Kennebec, the Senate voted to take from the table, An Act Relating to Toy Pistols (H. P. 1705) (L. D. 872), tabled by that Senator on March

21st pending adoption of House Amendment "A" in concurrence; and on further motion by the same Senator, House Amendment "A" was adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading. •

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, House Report from 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), tabled by that Senator on March 14th pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence, and the resolve was given its first reading and tomorrow assigned for second reading.

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

On motion by Mr. Chamberlain of Penobscot

Adjourned until tomorrow morning at ten o'clock.