

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 28, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Edwin Cunningham of Augusta.

Journal of Friday, March 24, 1939, read and approved.

From the House:

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)

(In the Senate on March 10 passed to be engrossed.)

Comes from the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

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

Papers from the House referred in concurrence.

House Committee Reports

The Committee on Appropriations and Financial Affairs on bill "An Act Relating to the Maine Development Commission." (H. P. 1536) (L. D. 860) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Knox Memorial Association, Inc., for Support and Maintenance of 'Montpelier'," (H. P. 1542) reported that the same ought not to pass as legislation thereof is inexpedient. Subject matter has been taken care of in another bill.

The Committee on Inland Fisheries and Game on "Resolve for Moving Screen at the Mouth of Eagle Lake," (H. P. 1124) reported that the same ought not to pass.

The same Committee on bill "An Act Relative to Licenses for Dealers in Furs," (H. P. 357) (L. D. 770) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Trapping of Bear," (H. P. 1555) (L. D. 653) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Closed Season on Deer," (H. P. 1553) (L. D. 651) reported that the same ought not to pass.

The same Committee on "Resolve for Screening Mattawamkeag Lake

in Island Falls," (H. P. 882) (L. D. 339) reported that the same ought not to pass.

The same Committee on bill "An Act Regulating Trapping Season with Reference to Counties," (H. P. 377) (L. D. 98) reported that the same ought not to pass.

The same Committee on "Resolve Regulating Fishing in Rangeley Waters," (H. P. 891) (L. D. 348) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Bounty on Bears," (H. P. 1556) (L. D. 654) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Closed Time on Deer," (H. P. 1551) (L. D. 643) reported that the same ought not to pass.

The same Committee on "Resolve Opening Macwahoc Stream to Ice Fishing," (H. P. 1317) (L. D. 502) reported that the same ought not to pass, as covered by other legislation.

The same Committee on "Resolve for Repairing Screen at Outlet of Webbs Pond in Weld," (H. P. 551) reported that the same ought not to pass.

The Committee on Judiciary on bill "An Act Relative to Depositing Slabs, Edgings, Sawdust, in Streams," (H. P. 1589) (L. D. 864) reported that the same ought not to pass.

The same Committee on "Resolve Proposing an Amendment to the Constitution to Provide a Limitation of Indebtedness for Counties," (H. P. 1639) (L. D. 932) reported that the same ought not to pass.

The same Committee on bill "An Act Relative to Pollution of Waters," (H. P. 1152) (L. D. 468) reported that the same ought not to pass.

The same Committee on bill "An Act Relative to Pollution of Inland Waters," (H. P. 1582) (L. D. 855) reported that the same ought not to pass.

The same Committee on bill "An Act to Provide for Compromises of Wills," (H. P. 1419) (L. D. 554) reported that the same ought not to pass.

The same Committee on bill "An Act Reducing the Time Necessary to Acquire and Lose a Pauper Settlement to one Year," (H. P. 1591) (L. D. 690) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to the State Police Assigned as Inspectors," (H. P. 1615) (L. D. 669) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Town Clerks," (H. P. 1326) (L. D. 507) reported that leave be granted to withdraw.

The same Committee on bill "An Act Relating to Age Limits of State Employees," (H. P. 1767) (L. D. 936) reported that the same ought not to pass.

The same Committee on bill "An Act Providing for Rights of Riparian Owners in Their Property Below High Water Mark," (H. P. 1625) (L. D. 717) reported that the same ought not to pass.

The same Committee on bill "An Act Relative to Duties of Selectmen," (H. P. 1420) (L. D. 555) reported that the same ought not to pass as covered by existing law.

The Committee on Motor Vehicles on bill "An Act Relating to Motor Vehicle Operators," (H. P. 1687) (L. D. 743) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to the Registration of Power Shovels and Cranes," (H. P. 1690) (L. D. 745) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Farmers Hauling Logs and Lumber to Market," (H. P. 1187) (L. D. 469) reported that the same ought not to pass.

The same Committee on bill "An Act to Regulate the Use of Public Ways by Pedestrians," (H. P. 1332) (L. D. 530) reported that the same ought not to pass, as subject matter is covered in another bill.

Which reports were severally read and accepted in concurrence

The Committee on Agriculture on bill "An Act Relating to the Sale of Wood by the Load," (H. P. 1534) (L. D. 681) reported the same in a new draft (H. P. 1893) (L. D. 1022) under the same title and that it ought to pass.

The Committee on Legal Affairs on bill "An Act Relating to Removal of Paupers," (H. P. 1664) (L. D. 994) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Copies of Records," (H. P. 1662) (L. D. 713) reported that the same ought to pass.

The same Committee on bill "An Act Changing the Name of the Preachers' Aid Society of the Maine Conference of the Methodist Episcopal Church," (H. P. 1836) (L. D. 997) reported that the same ought to pass.

The same Committee on bill "An Act to Incorporate the City of Rockland School District," (H. P. 1166) (L. D. 485) reported the same in a new draft (H. P. 2018) (L. D. 1066) under the same title and that it ought to pass.

The same Committee on bill "An Act Relating to Civil Service in the City of Auburn," (H. P. 1173) (L. D. 458) reported the same in a new draft (H. P. 2019) (L. D. 1065) under the same title and that it ought to pass.

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

The Committee on Motor Vehicles on bill "An Act Relating to the Registration of Non-Resident Owned Motor Vehicles," (H. P. 1697) (L. D. 927) reported that the same ought to pass when amended by Committee Amendment "A" submitted herewith.

Which report was read and accepted in concurrence, Committee Amendment "A" was read and adopted in concurrence, the bill read once as amended, and tomorrow assigned for second reading.

Referred to Committee

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

Mr. Worthen of Penobscot presented Petition of Mrs. John Prescott and 701 other Consumers of Bangor against any Tax on Chain Stores. (S. P. 566)

Mr. Burns of Aroostook presented Petition of Mrs. George Nickerson and 139 others of Caribou Opposing a Chain Store Tax. (S. P. 567)

Mr. Cony of Kennebec presented Petition of Mary Rand and 525 others of Augusta and Hallowell against a Chain Store Tax. (S. P. 568)

Mr. Marden of Kennebec presented Petition of Gertrude McKinnon and 250 other Consumers of Water-

ville against a Chain Store Tax. (S. P. 569)

Mr. Osgood of Oxford presented Petition of Jane Porter and 75 other Consumers of Kezar Falls Opposing Chain Store Tax. (S. P. 570)

Mr. Findlen of Aroostook presented Petition of Mrs. Florence L. Wilcox and 614 others of Houlton against a Tax on Chain Stores. (S. P. 571)

The same Senator presented Petition of George Parker and 136 others of Presque Isle and Vicinity Against a Tax on Chain Stores. (S. P. 572)

Sent down for concurrence.

Senate Committee Reports

Mr. Graves from the Committee on Claims on "Resolve in Favor of Paul Ginchereau, of Lewiston," (S. P. 413) reported that the same ought not to pass.

Mr. Owen from the Committee on Public Health on bill "An Act Defining and Relating to Narcotic Drugs and to Make Uniform the Law with Reference thereto," (S. P. 416) (L. D. 880) reported that the same ought not to pass.

The same Senator from the same Committee on bill "An Act Relating to the Use of Marijuana," (S. P. 395) (L. D. 820) reported that the same ought not to pass

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Owen from the Committee on Public Health on bill "An Act Relating to Sale or Possession of Poisons," S. P. 330) (L. D. 581) reported that the same ought to pass.

Mr. Osgood from the Committee on Towns on bill "An Act Providing for the Election of a Chairman of the Board of Selectmen," (S. P. 196) (L. D. 240) reported that the same ought to pass.

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

Passed to be Engrossed

Bill "An Act Relating to Registration of Certain Trucks." (H. P. 285) (L. D. 92)

Bill "An Act Relating to the Licensing of Aircraft." (H. P. 1439) (L. D. 619)

Bill "An Act Relating to Paupers." (H. P. 1599) (L. D. 728)

Bill "An Act Relating to Support of Child Committed to Custodial Agency by Municipal Courts." (H. P. 1600) (L. D. 729)

Bill "An Act Relating to Custodial Care of Children." (H. P. 1602) (L. D. 730)

Bill "An Act Relating to Transfer of Inmates of State Institutions." (H. P. 1605) (L. D. 698)

Bill "An Act Relating to Commitments to the Pownall State School." (H. P. 1606) (L. D. 699)

Bill "An Act Relating to Disposal of Minor Children in Divorce Proceedings." (H. P. 1609) (L. D. 702)

"Resolve Naming 'Perley's Pond.'" (H. P. 1994) (L. D. 1061)

Bill "An Act Relating to the Weight of Commercial Motor Vehicles." (H. P. 1996) (L. D. 1059)

Bill "An Act Relating to Registration Fees to be Paid for Registration of Funeral Coaches and Funeral Hearses." (H. P. 1997) (L. D. 1060)

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

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Washington County to Robert Bernard Jr., of New York." (S. P. 229) (L. D. 276)

Bill "An Act Relating to Public Exhibitions." (S. P. 390) (L. D. 823)

Which bill and resolve were read a second time and passed to be engrossed.

Sent down for concurrence.

Passed to be Enacted

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

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

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

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

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

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

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

An Act Relating to Trapping and Hunting Fur-bearing Animals. (H. P. 1315) (L. D. 499)

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

Orders of the Day

Mr. BOOTHBY of York: Mr. President, may I inquire if Legislative Document 1051, An Act Relating to Election of Commissioners of Police in Sanford, is in the hands of the Secretary?

The PRESIDENT: The Chair would inform the Senator that the document is in the possession of the Senate.

Thereupon, on motion by Mr. Boothby of York, the rules were suspended and the Senate voted to reconsider its action taken on March 24th whereby the bill was passed to be engrossed in concurrence; and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed in concurrence.

On motion by Mr. Dorr of Oxford, the Senate voted to take from the table House Report from the Committee on Banks and Banking "Ought Not to Pass" on bill, An Act to Authorize the Incorporation of Credit Unions (H. P. 1310) (L. D. 549) tabled by that Senator on March 15th pending acceptance of the report in concurrence; and on further motion by the same Senator the report was accepted in concurrence.

Additional Senate Committee Report, out of order and under suspension of the rules:

Mr. Chase of Washington from the Committee on Legal Affairs, on bill "An Act Creating the Passamaquoddy District Authority," (S. P. 263) (L. D. 453) reported the same in a new draft, (S. P. 573) under the same title and that it ought to pass.

Which report was read and accepted, and the bill laid upon the table for printing under the joint rules.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table, House Report from the Committee on Indian Affairs "Ought to Pass" on bill, An Act Re-

lating to Selling or Giving Liquor to the Indians (H. P. 1150) (L. D. 467), tabled by that Senator on March 24th pending acceptance of the report in concurrence; and that Senator yielded to the Senator from Penobscot, Senator Chamberlain.

Mr. CHAMBERLAIN of Penobscot: Mr. President, this bill allowing the sale of liquor to Indians seems to me not only unnecessary but will result in a great deal of difficulty. Years ago when the lumber industry was in its prime these Indians found much employment in the woods along the rivers. Now, that industry having been entirely done away with, it is difficult for them to compete with white labor, consequently they are very much out of employment and are idle. To be sure, they can obtain in various ways all the liquor they want, but if we pass this bill it seems to me that being idle and unemployed, they will frequent the beer parlors much to the detriment of themselves and to the detriment of the people in the community adjacent to where they live. It seems to me it is unnecessary and a very great mistake to pass this bill.

I have been told that an informer, finding that liquor had been sold to an Indian, made complaint. I was also told that half the fee that was administered by the court went to him and half to the saloon keeper. I am not disturbed with that. If any saloon keeper is willing to pay half the fine to the state or county, I say continue if you want to, but I say it is very unwise to pass this bill. Therefore, Mr. President, I move the bill and report be indefinitely postponed, in non-concurrence.

Mr. KENNEDY of Hancock: Mr. President, the law which this bill would repeal is section 294 of Chapter 1 of the laws of 1933 and reads as follows: "Whoever sells or gives to an Indian intoxicating liquor, forfeits not less than \$5.00 nor more than \$20.00; half to the state and half to the complainant." I submit that a law such as this has no place in the statutes of this state.

Mr. CHAMBERLAIN: May I say a word more? I consulted with quite a few people in Old Town which is adjacent to the Old Town Indians and they do not want this bill. They take care of the situation well enough now without granting further rights to the Indians to

purchase liquor and they can obtain it quietly and go their way but if this bill is passed they will frequent those places and the people of Old Town that I have talked with do not want the bill at all.

Mr. FINDLEN of Aroostook: Mr. President, I employ Indians to pick my potatoes and do my seed cutting. One of our real problems is to keep beer and liquor away from them. They can get plenty now but if this bill passes I am afraid it would be a detriment to the Indians and to the people who employ them, so I hope that this bill will not be passed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot,

Senator Chamberlain that bill, An Act Relating to Selling or Giving Liquor to the Indians, (L. D. 467) be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

Thereupon, the bill was indefinitely postponed in non-concurrence.

Sent down for 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.