

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 30, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Cymbrid Hughes of Augusta.

Journal of yesterday, read and approved.

From the House:

Bill "An Act Amending the Unemployment Compensation Law Exempting Certain Employees." (H. P. 902) (L. D. 294)

(In the Senate, on March 21 bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.)

Comes from the House, Senate Amendment "A" indefinitely postponed, and the bill passed to be engrossed in non-concurrence.

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

From the House:

Remonstrance of Robert M. Scott Jr., and 106 others of Webster and Sabattus against (H. P. 1998) (L. D. 1057) bill "An Act Increasing the Fee for Resident and Non-Resident Hunting and Fishing Licenses." (H. P. 2077)

In the House, read and ordered placed on file.

In the Senate, read and ordered placed on file in concurrence.

Papers from the House referred in concurrence.

House Committee Reports

The Committee on Inland Fisheries and Game on the following remonstrances, (H. P. 1762), (H. P. 1894 to H. P. 1923 incl.) (H. P. 1936), (H. P. 1946 to H. P. 1954 incl.) reported that the same be placed on file.

Which report was read and accepted in concurrence.

The Committees on Appropriations and Financial Affairs and Inland Fisheries and Game jointly, on bill "An Act Increasing the Fee for Resident and Non-Resident Hunting and Fishing Licenses," (H. P. 1998) (L. D. 1057) reported that the same ought not to pass.

The Committee on Claims on "Resolve in Favor of Alden Robbins, of Belfast," (H. P. 1545) reported

that leave be granted to withdraw.

The same Committee on "Resolve in Favor of Harold J. Allen of Lubec," (H. P. 1376) reported that the same ought not to pass, as taken care of in another matter.

The same Committee on "Resolve in Favor of H. W. Peck of Winthrop," (H. P. 828) reported that the same ought not to pass, as taken care of otherwise.

The same Committee on "Resolve in Favor of Viola C. Penny, of Auburn," (H. P. 462) reported that the same ought not to pass.

The same Committee on "Resolve for Payment of Expenses of Reporting Births and Deaths in Township 17, Range 4 and Township 17, Range 5" (H. P. 1475) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on bill "An Act Relating to Open Season on Fur-Bearing Animals," (H. P. 1567) (L. D. 665) reported that the same ought not to pass.

The Committee on Judiciary on bill "An Act to Preserve Attachments Against Property of Persons Who Die Subsequent to the Attachment and Whose Estates are Later Decreed to be Insolvent," (H. P. 1323) (L. D. 506) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Liens on Vehicles," (H. P. 1636) (L. D. 722) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Reports from Registers of Probate," (H. P. 1157) (L. D. 385) reported that the same ought not to pass.

The Committee on Mercantile Affairs and Insurance on bill "An Act Relating to Insurance Companies," (H. P. 1770) (L. D. 946) reported that leave be granted to withdraw.

Which reports were severally read and accepted in concurrence.

The Committee on Appropriations and Financial Affairs pursuant to Joint Order ask leave to report a bill under title of bill "An Act Repealing the Bounty on Porcupines," (H. P. 1986) (L. D. 1055) reported that the same ought to pass.

The Committee on Judiciary on bill "An Act Relating to the Assessment of Inheritance Taxes," (H. P. 1633) (L. D. 917) reported the same in a new draft (H. P. 2056) (L. D. 1092) under the same title and that it ought to pass.

The same Committee on bill "An Act Increasing the License and Permit Fees for Outdoor Advertising," (H. P. 385) (L. D. 103) reported the same in a new draft (H. P. 1995) (L. D. 1062) under the same title, and that it ought to pass.

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

The Committee on Motor Vehicles on bill "An Act Regulating the Operation of Motor Vehicles," (H. P. 1689) (L. D. 744) reported the same in a new draft (H. P. 2058) (L. D. 1094) under the same title and that it ought to pass.

The same Committee on bill "An Act Relating to Permits for Non-resident Charter Parties," (H. P. 1333) (L. D. 540) reported that the same ought to pass.

The same Committee on bill "An Act Relating to the Inspection of Motor Vehicles," (H. P. 1438) (L. D. 618) reported the same in a new draft (H. P. 2080) (L. D. 1096) under the same title and that the same ought to pass.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Sale of a Certain Interest held by the State in an Undivided Part of Township 4, Range 3, N. B. K. P. in Somerset County," (H. P. 948) (L. D. 374) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the Forest Commissioner to Convey Certain Land in Aroostook County to Hector Martin," (H. P. 1726) (L. D. 898) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the Forest Commissioner to Sell Land on Muscongus Island," (H. P. 1461) (L. D. 568) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the Forest Commissioner to Convey Certain Land to Mrs. Grace Shannon Moore of Macwahoc," (H. P. 1460) (L. D. 569) 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 Counties on bill "An Act Relating to the Compensation of the National Guard,"

(H. P. 1408) (L. D. 551) reported that the same be referred to the Committee on Legal Affairs.

In the House, recommitted to the Committee on Counties.

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

The Committee on Salaries and Fees on bill "An Act Relating to the Western Hancock Municipal Court," (H. P. 1782) (L. D. 947) reported that the same ought not to pass.

In the House, recommitted to the Committee on Salaries and Fees.

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

The Committee on Appropriations and Financial Affairs pursuant to Joint Order ask leave to report a bill under the title of bill "An Act Relating to Travel Expense of State Employees," (H. P. 1967) (L. D. 1036) and that it ought to pass.

In the House, report read and accepted, and subsequently bill indefinitely postponed.

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

The majority of the Committee on Legal Affairs on bill "An Act Creating a State Lottery Commission," (H. P. 1644) (L. D. 852) together with remonstrance (S. P. 496) reported that the same ought not to pass.

(Signed) Senators: Morse of Waldo, Marden of Kennebec; and Representatives: Pike of Bridgton, Payson of Portland, Shesong of Portland and Dow of Norway.

The minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed) Senator: Chase of Washington, and Representatives: Buzzell of Belfast, Dwinall of Camden and Donahue of Biddeford.

In the House, majority report read and accepted.

In the Senate, on motion by Mr. Marden of Kennebec, that Body voted to accept the majority report "Ought not to pass" in concurrence.

Referred to Committee

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

Mr. Worthen of Penobscot presented Remonstrance of Mrs. D. E. Walters and 126 other Consumers of Bangor Against a Chain Store Tax. (S. P. 598)

The same Senator presented Protests of Mrs. George W. Wright and 200 others of Bangor and Vicinity Against a Tax on Chain Stores. (S. P. 599)

Mr. Friend of Somerset presented Remonstrance of Mrs. Garfield Wilcox and 206 other Consumers of Bingham and Vicinity Against a Chain Store Tax (S. P. 600)

Mr. Wentworth of York presented Remonstrance of Mrs. Kenneth S. Hutchins and 72 others of Kennebunkport against a Tax on Chain Stores. (S. P. 601)

The same Senator presented Remonstrance of Mrs. Mary Morel and 464 other Consumers of Sanford against a Tax on Chain Stores. (S. P. 602)

Mr. Hill of Cumberland presented Remonstrance of Mrs. Bradford Cushman and 745 other Consumers of Portland Against a Tax on Chain Stores. (S. P. 603)

Mr. Findlen of Aroostook presented Remonstrance of Mrs. Flora D. Webster and 271 others of Fort Kent and Vicinity against a Tax on Chain Stores. (S. P. 604)

Mr. Morse of Waldo presented Remonstrance of Mrs. Ardane Whitier and 123 other Consumers of Winterport against a Tax on Chain Stores. (S. P. 605)

Sent down for concurrence.

Order

On motion by Miss Laughlin of Cumberland, it was

ORDERED, That the use of the Senate Chamber be granted the afternoon of March 30th to the Joint Committees on Judiciary and Labor and to the Committee on Judiciary.

First Reading of a Printed Bill

Bill "An Act Creating the Passamaquoddy District Authority." (S. P. 573) (L. D. 1101)

Which bill was given its first reading.

Mr. BECKETT of Washington:

Now, Mr. President, I will present Senate Amendment A and move its adoption without reading, and in explanation, I will say that in an attempt to straighten out the provisions of the bill with all interested parties a paragraph was included in the new draft which unwittingly affected the interests of a public service company, and in an attempt to straighten that out and to have all members concerned represented as they should be I am offering this amendment which is quite long and simply revises the principle of a sub-section of section 4 to straighten out the provisions of the various utility companies.

Thereupon, under suspension of the rules, Senate Amendment A to Legislative Document 1101, bill An Act Creating the Passamaquoddy District Authority, was adopted without reading.

Mr. CHASE of Washington: Mr. President, in view of the fact that this bill has been held in the committee for several weeks in an attempt to straighten out these difficulties which have arisen and now that we have a bill which is satisfactory to all parties concerned, I would move that this bill be given its second reading at this time.

Thereupon, under suspension of the rules, the bill as amended by Senate Amendment A was given its second reading and passed to be engrossed.

Sent down for concurrence.

Senate Committee Reports

Mr. Thatcher from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of the Pownal State School," (S. P. 345) (L. D. 782) reported that the same ought not to pass.

Mr. Burns from the Committee on Judiciary on bill "An Act Relating to the Filing Fee for Conditional Sales Agreements," (S. P. 400) (L. D. 816) reported that the same ought not to pass.

Mr. Chase of Washington from the Committee on Legal Affairs on bill "An Act Relating to Pauper Expense," (S. P. 185) (L. D. 236) reported that the same ought not to pass, as subject matter therein is covered by other legislation.

Mr. Tompkins from the Committee on Taxation on bill "An Act Defining, Regulating and Taxing Games of Skill," (S. P. 44) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Thatcher from the Committee on Appropriations and Financial Affairs on bill "An Act Relating to Aid to Libraries, Expenses of State Historian, Topographic Mapping and Abolishment of Grade Crossings," (S. P. 131) (L. D. 115) reported that the same ought to pass.

Mr. Marden from the Committee on Legal Affairs on bill "An Act to Authorize the Construction of a Bridge on Square Pond in Shapleigh," (S. P. 498) (L. D. 1039) 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 Authorizing Peabody Law School to Confer Degrees." (H. P. 6) (L. D. 13)

(On motion by Mr. Sanborn of Cumberland, tabled pending second reading.)

"Resolve Authorizing the Town of East Machias to Close the West Outlet of Gardners Lake." (H. P. 481) (L. D. 145)

Bill "An Act Relative to Jail Auditors." (H. P. 1428) (L. D. 609)

Bill "An Act Relative to Trapping Season." (H. P. 1557) (L. D. 655)

Bill "An Act Relating to Vacancies in Town Offices." (H. P. 1649) (L. D. 709)

Bill "An Act Designating a Certain Road as 'Moosehead Trail'." (H. P. 1802) (L. D. 965)

Bill "An Act Permitting Teachers to be Elected under Contract." (H. P. 1980) (L. D. 1050)

Bill "An Act Providing for the Disposition of Moneys from the Tax on Gasoline Purchased for Use in Internal Combustion Engines." (H. P. 1983) (L. D. 1058)

Bill "An Act to Incorporate the Brooks Water District." (H. P. 2035) (L. D. 1067)

Bill "An Act to Amend the Charter of the Lubec Water Company." (H. P. 2036) (L. D. 1068)

Bill "An Act Naming the Deer Isle-Sedgwick Bridge." (H. P. 2037) (L. D. 1069)

Bill "An Act Providing for Licenses for Cinematograph, Moving Pictures and Operators." (H. P. 2039) (L. D. 1070)

Bill "An Act to Provide a Town

Council and Manager Form of Government for the Town of Norway, in the County of Oxford." (H. P. 2040) (L. D. 1071)

Bill "An Act Amending the Unemployment Compensation Law Relating to Benefits." (H. P. 2055) (L. D. 1091)

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

Bill "An Act Relating to the Powers of the County Commissioners." (S. P. 538) (L. D. 1073)

Bill "An Act to Promote the Topographic Mapping of Maine in Co-operation with the United States Geological Survey." (S. P. 549) (L. D. 1075)

Bill "An Act Authorizing the Issue of Full Paid Stock by Public Utility Companies at Less Than Par When Authorized by the Public Utilities Commission." (S. P. 551) (L. D. 1077)

"Resolve Relating to the Construction of a Dormitory at the Prison Farm." (S. P. 552) (L. D. 1078)

Bill "An Act to Promote the Blueberry Industry of the State." (S. P. 553) (L. D. 1079)

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

Sent down for concurrence.

From the House, out of order, and under suspension of the rules:

"Resolve for the Laying of the County Tax in the County of Androscoggin for the year 1939." (H. P. 2120)

In the House, having been received by unanimous consent, read twice under suspension of the rules and passed to be engrossed without reference to a committee.

In the Senate, received by unanimous consent on motion by Mr. Harkins of Androscoggin, read twice under suspension of the rules and passed to be engrossed, without reference to a committee, in concurrence.

Orders of the Day

Mr. HARKINS of Androscoggin: Mr. President, I would like to inquire if the Senate has in its possession, Resolve for the Laying of the County Taxes for the Year Nineteen Hundred and Forty?

The PRESIDENT: The Chair will

state that Resolve for the Laying of the County Taxes for the year Nineteen Hundred and Forty (H. P. 2076) is in the possession of the Senate.

On motion by Mr. Harkins the Senate voted to reconsider its action of yesterday whereby the resolve was finally passed; and on further motion by the same Senator, the Senate voted to reconsider its action of yesterday whereby the resolve was passed to be engrossed, in concurrence.

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

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table, House Report from the Committee on Legal Affairs, "Ought to Pass when amended by Committee Amendment A", on bill, An Act Relating to Fees for Licenses (H. P. 1769) (L. D. 938), tabled by that Senator on March 29th 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 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.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table House Report from the Committee on Salaries and Fees "Ought Not to Pass" on bill, An Act Relating to the Salary of the Recorder of the Northern Cumberland Municipal Court (H. P. 687) (L. D. 260), tabled by that Senator on March 24th pending acceptance of the report in concurrence; and on further motion by the same Senator, the bill was recommitted to the Committee on Salaries and Fees in non-concurrence.

Sent down for concurrence.

Mr. CHASE of Washington: Mr. President, it has come to my attention that Representative Charles Fernald of Levant is today celebrating his eightieth birthday. It seems to me it would be a nice gesture on the part of the Senate if we extended our congratulations, and I would move that the Secretary be instructed to convey the

congratulations and best wishes of the Senate to Representative Charles Fernald of Levant.

The motion prevailed and the Secretary was instructed to convey the congratulations and best wishes of the Senate to Representative Charles Fernald of Levant.

From the House, out of order and under suspension of the rules:

Bill "An Act Creating the Board of Sanitation, Licensing and Inspection and Defining its Powers and Duties." (S. P. 597) (L. D. 1107)

(In the Senate, on March 29th, 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. Osgood of Oxford, that Body voted to reconsider its action taken on March 29th whereby the bill was passed to be engrossed. The Secretary read House Amendment A.

Thereupon, Mr. Osgood of Oxford presented Senate Amendment A to House Amendment A and moved its adoption:

"Senate Amendment A to House Amendment A to Legislative Document 1107. Amend said amendment to read as follows: 'The Board shall as far as possible eliminate needless duplication, travel and other expense in examination, licensing, and inspection services carried on by the Bureau of Health in the Department of Health and Welfare and by the Department of Agriculture, and shall have full authority to perform all acts necessary to accomplish such purpose; provided, however, that nothing contained in this act shall be deemed to give said Board any authority to dispense with or transfer the inspection of milk and registration of milk dealers from the jurisdiction of the Department of Agriculture or to dispense with or transfer any other such services except where duplication and unnecessary expense may be found to exist and where such services can reasonably be consolidated.'"

Senate Amendment A to House Amendment A was adopted, House Amendment A as amended by Senate Amendment A thereto was adopted in non-concurrence, and the bill as amended by House Amendment A as amended by Sen-

ate Amendment A thereto, was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Graves of Hancock, the Senate voted to take from the table, An Act Creating the Port Authority of Mount Desert (S. P. 550) (L. D. 1076), tabled by that Senator on March 29th pending first reading; and that Senator yielded to the Senator from Kennebec, Senator Marden.

Thereupon, on motion by Mr. Marden of Kennebec, the bill was recommitted to the Committee on Legal Affairs.

On further motion by Mr. Marden, the bill was sent forthwith to the House for concurrence.

From the House, out of order and under suspension of the rules:

Bill "An Act Relating to Emergency Aid in Certain Organized and Unorganized Territory." (S. P. 558) (L. D. 1083)

(In the Senate, on March 29th, passed to be engrossed.)

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

In the Senate, on motion by Mr. Burns of Aroostook, that body voted to reconsider its action of yesterday whereby the bill was passed to be engrossed.

House Amendment A was read.

Thereupon, on further motion by the same Senator the bill was laid

upon the table pending passage to be engrossed.

From the House, out of order, and under suspension of the rules:

Emergency Measure

Bill "An Act Relating to Taxation of Radios." (H. P. 1835) (L. D. 1001)

Mr. CONY of Kennebec: Mr. President, I take it that quite a number of my colleagues expect me to say something at this time. I think I made some remarks at the time this bill was before us previously. I think all the Senators know that this bill was tabled on the part of the committee to make it possible for the various towns to tax radios this current year as has been done in most of the towns previous hereto but on account of the decision of the Court this was eliminated and the committee undertook by making this an emergency measure to assist the towns in carrying on their routine assessments this year, and I hope we may be able to pass this emergency measure.

A division of the Senate was had.

Twenty-five having voted in the affirmative and none opposed, the bill was passed to be enacted.

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

On motion by Mr. Sanborn of Cumberland,

Adjourned until tomorrow morning at ten o'clock.