

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 31, 1939.

Senate called to order by the President.

Prayer by the Rev. E. J. Webber of Hallowell.

Journal of yesterday, read and approved.

From the House:

The Committee on Conference on the disagreeing action of the two branches of the Legislature on bill "An Act Relating to Medical Examiners and Their Duties," (H. P. 29) (L. D. 22) reported that the House recede from its former action whereby the bill was passed to be engrossed as amended by House Amendment "A," and by House Amendment "B," reconsider the adoption of House Amendments "A" and "B," adopt Senate Amendment "A" to House Amendment "A" in concurrence, adopt House Amendment "A" as amended in concurrence, indefinitely postpone House Amendment "B" in concurrence, adopt House Amendment "C" submitted herewith and pass the bill to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" thereto, and by House Amendment "C"; and that the Senate recede from its former action whereby the bill was passed to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" thereto, adopt House Amendment "A" thereto, adopt House Amendment "C" and pass the bill to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" thereto and by House Amendment "C".

Comes from the House, report read and accepted.

House voted to recede, and reconsidered its action whereby the bill as amended by House Amendments "A" and "B" was passed to be engrossed, and further reconsidered its action whereby House Amendments "A" and "B" were adopted. Senate Amendment "A" to House Amendment "A" was adopted in concurrence; House Amendment "A" as amended was adopted in concurrence; House Amendment "B" was indefinitely postponed in concurrence; House Amendment "C" was offered and adopted, and the bill passed to be engrossed as amended by House Amendment "A"

as amended by Senate Amendment "A" thereto, and by House Amendment "C".

In the Senate, on motion by Mr. Spear of Cumberland, that Body voted to accept the report of the Committee on Conference in concurrence.

Mr. SPEAR: Mr. President, I move that the Senate reconsider its former action, under suspension of the rules, whereby this bill was passed to be engrossed as amended by House Amendment A as amended by Senate Amendment A thereto.

Mr. HILL of Cumberland: Mr. President, may I inquire who is the Chairman of the Committee of Conference?

The PRESIDENT: The Chair will inform the Senator that the Senator from Kennebec, Senator Marden, is the Chairman of the Committee of Conference.

Mr. HILL: Mr. President, in view of the fact that not all of the Senators have immediately available before them at the moment these several amendments, may I inquire through the Chair of the Senator from Kennebec, Senator Marden, whether he would be kind enough to explain to the Senate the substance of the effect of adopting the several steps recommended by the Committee?

Mr. SPEAR: Mr. President, have I the floor?

The PRESIDENT: The Senator from Cumberland, Senator Spear has the floor.

Mr. SPEAR: Mr. President, I would like to move that we reconsider our former action whereby this bill was passed to be engrossed and I would also like to move that we adopt House Amendment C in concurrence. I would then yield to anyone.

The PRESIDENT: The Senator from Cumberland, Senator Spear moves that the Senate reconsider its action, under suspension of the rules, whereby the bill as amended by House Amendment A as amended by Senate Amendment A thereto was passed to be engrossed. Is this the pleasure of the Senate?

The motion to reconsider prevailed.

Thereupon, on further motion by Mr. Spear of Cumberland, House Amendment C was read and adopted in concurrence.

Mr. SPEAR: Mr. President, I now yield the floor.

Mr. CHAMBERLAIN of Penob-

scot: Mr. President, the bill on the calendar this morning, An Act Relating to Medical Examiners and Their Duties, is not a very important matter. It has become very involved, however, with considerable verbiage and I move that it be laid upon the table.

The PRESIDENT: The Senator from Penobscot, Senator Chamberlain moves that the bill be laid upon the table pending passage to be engrossed.

Mr. MARDEN of Kennebec: Mr. President, I will very gladly answer the Senator from Cumberland, Senator Hill, but inasmuch as a motion has been made to table, which motion none of us by any means objects to, the Senator may be able to satisfy himself on that point or I will discuss it with him at recess.

The PRESIDENT: Is it the pleasure of the Senate that the bill be laid upon the table pending passage to be engrossed.

The motion to table prevailed and the bill as amended by House Amendment A as amended by Senate Amendment A thereto, and as amended by House Amendment C, was laid upon the table pending passage to be engrossed in concurrence.

Bill "An Act Relating to the Keeping of Dogs." (S. P. 509) (L. D. 1048) (In the Senate, on March 22, 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. Morse of Waldo, under suspension of the rules, that Body voted to reconsider its action taken on March 22nd whereby the bill was passed to be engrossed. House Amendment A was read, and on further motion by the same Senator, House Amendment A was adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

Papers from the House referred in concurrence.

House Committee Reports

The Committee on Appropriations and Financial Affairs on "Resolve Providing for Old Age Pensions," (H. P. 1526) (L. D. 866) reported that the same ought not to pass as

legislation thereon is inexpedient. Subject matter has been taken care of in another bill.

The Committee on Claims on "Resolve Providing for the Payment of Certain Pauper Claims to the Town of Greene," (H. P. 974) reported that leave be granted to withdraw.

The Committee on Judiciary on "Resolve Authorizing Hiram Corliss of Cherryfield to Bring a Suit at Law Against the State of Maine," (H. P. 1155) (L. D. 954) reported that leave be granted to withdraw.

The Committee on Legal Affairs on bill "An Act to Incorporate the Wilson Lake Sewer District in the Town of Wilton," (H. P. 1783) (L. D. 949) reported that leave be granted to withdraw.

The same Committee on bill "An Act Relating to Reports to Towns of Excise Tax Payments," (H. P. 1647) (L. D. 726) reported that the same ought not to pass as subject matter therein is covered by other legislation.

The same Committee on bill "An Act Relating to the Charter of the City of Rockland," (H. P. 561) (L. D. 195) reported that the same ought not to pass, as the subject is covered by other legislation.

The Committee on Mercantile Affairs and Insurance on bill "An Act Relating to Standard Fire Insurance Policies," (H. P. 1792) (L. D. 959) reported that the same ought not to pass.

The Committee on Public Health on bill "An Act Relating to Beauty Culture," (H. P. 1708) (L. D. 839) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Hairdressing Apprentices," (H. P. 709) (L. D. 262) reported that the same ought not to pass.

The same Committee on bill "An Act Establishing a Low Rate Tax on Intangible Personal Property in Accordance with Constitutional Amendment Permitting the Same," (H. P. 1343) (L. D. 544) reported that the same ought not to pass.

The same Committee on bill "An Act Relative to Appropriations of Cities and Towns," (H. P. 1216) (L. D. 461) reported that the same ought not to pass.

The Committee on Temperance on bill "An Act Relating to Local Option Provisions," (H. P. 944) (L. D. 329) reported that the same ought

not to pass, as covered by other legislation.

The same Committee on bill "An Act Amending Requirements for Licenses to Hotels, Restaurants, and Clubs," (H. P. 1463) (L. D. 629) reported that the same ought not to pass as covered by other legislation.

Which reports were severally read and accepted in concurrence.

The Committee on Towns on bill "An Act Relating to Regulation of Pauper Expense for Conveyance of Children Attending the Public Schools," (H. P. 1751) (L. D. 900) reported that the same ought to pass.

The same Committee on bill "An Act Relative to the Office of Town Auditor," (H. P. 519) (L. D. 172) reported that the same ought to pass.

The Committee on Maine Publicity on "Resolve Creating a Recess Committee on Possibility of Acquiring Property for the Establishment of Public Bathing Beaches," (H. P. 1700) (L. D. 838) reported the same in a new draft (H. P. 2038) (L. D. 1072) under a new title, "Resolve Creating a Recess Committee on Possibility of Acquiring Property for the Establishment of Public Bathing Beaches and for Encouraging the Development of the Shores of the Lakes and Streams of the State," and that it ought to pass.

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

The Committee on Towns on bill "An Act to Provide for the Surrender by Medford of Its Organization," (H. P. 587) (L. D. 210) 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 same Committee on bill "An Act to Provide for the Surrender by Milton Plantation of Its Organization," (H. P. 522) (L. D. 175) 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 tomorrow assigned for second reading.

The same Committee on bill "An Act to Provide for the Surrender by Orneville of Its Organization" (H. P. 588) (L. D. 211) 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 tomorrow assigned for second reading.

The majority of the Committee on Legal Affairs on bill "An Act to Permit Sunday Moving Pictures," (H. P. 1665) together with remonstrances (H. P. 1892) and (S. P. 481) (L. D. 736) reported that the same ought to pass.

(Signed)

Senators: Chase of Washington, Morse of Waldo, and Representatives: Dow of Norway, Donahue of Biddeford, Dwinal of Camden, Buzzell of Belfast, Shesong of Portland, Payson of Portland.

The minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed) Senator: Marden of Kennebec and Representative: Pike of Bridgton.

Comes from the House majority report read and accepted, the bill passed to be engrossed as amended by House Amendments "A", "B" and "C".

In the Senate:

Mr. CHASE of Washington: Mr. President, I move the acceptance of the majority report.

Mr. MARDEN of Kennebec: Mr. President, in opposing the acceptance of the majority report on this

measure I am wondering if it might not be right to reconsider for a few moments the merits of this measure wholly apart from this sort of hysteria that has been going around the legislature for the past few days relative to it, and to look at the measure not purely as a bill for Sunday movies but as a bill not unlike any other of the scores and literally hundreds of measures that come and go before us.

I suppose if we were to be asked what the function of this legislature is we would say that its purpose is to establish state policies and that from the legislation which we pass here certain economic, legal or social trends are indicated. By way of illustration, and certainly not to be understood as opposed to any of these things which I will attempt to use as illustrations, I am wondering if in 1933, in enacting the first act toward an old age assistance or old age pension, we did not establish an economic trend which today has the state down, and not only the state of Maine, but other states as well.

I am wondering if two years ago in enacting unemployment compensation we didn't establish a trend which is leading us to places we are unable to see or perhaps to imagine. Two years ago, or four years ago, when we enacted the pari mutuel horse racing we established a trend and whether it was right or wrong we have to admit today that we have greyhounds yelping at our gates and in the background a litter of pups which can boast no ancestry and can look forward to no posterity. Along with that we have established certain trends in taxation and because of that, proponents of various taxation measures have taken advantage of the trend and presented to our Committee on Taxation measure after measure in which the Committee so far has seemed to find no merit. And coupled with the need of the state for money to carry on some of the policies which we have established come annual or biannual measures which seek to take advantage of that need and carry out the trend which previous legislatures have established.

I think it is fair to say that in treating the general run of measures which come before us we ultimately act, or think we act, toward what seems to be the best interest of the state. Mr. Chairman

of the Taxation Committee, if a taxation plan is submitted to your committee, even though it has numerous proponents and no opponents, the decision of your committee and the decision of this legislature on that measure is based not solely on how many appeared for or against it but ultimately upon what is good for the state of Maine.

Mr. Chairman of the Inland Fisheries and Game Committee, the mere fact that people come here from certain sections of the state and desire to open or close Pocompus Lake for ice fishing, while the interests of those people before your committee reveal very accurately their desires, the decision of your committee is not always governed by those wishes but is governed by a determination of what is best for the state of Maine.

Now, assuming for a moment that we can look at this particular measure in the same way we have looked at other measures, may we review for a moment the status of this bill? You are all aware that a very largely attended public hearing was held and I would refresh the minds of those who perhaps may not recall or perhaps were not present that there were sixteen proponents speaking for the bill of which sixteen, six were members of the legislature, one was a representative of a Chamber of Commerce in one of our summer resort areas, one was a county attorney from that same community, two were individuals, two were theatre owners, one a summer camp proprietor, one attorney representing a theatre, one school teacher and one Seventh Day Adventist.

I take the liberty to recite or to review that, for your consideration, because it seems to some of us that the proponents of the measure were, should I say, perhaps there for selfish reasons, and certainly it is fair to say they were representing not too large a class of the general public, and there have been those who have been unkind enough to say every proponent was there with a commercial idea in mind. Contrary to that proposition and opposing the measure were twenty-six speakers, eight of whom represented religious or civic organizations,—please note the word "organizations"—the Christian Civic League of Maine, the W. C. T. U., three members of the legislature, and thirteen individuals. I do not know how many members

of this body since that hearing have been contacted or received letters or petitions in regard to this, but as an individual, it happens that I have received one letter in favor of the measure and twenty-five letters, wires and petitions in opposition to the measure. I readily agree that many of those in opposition to the measure come from religious organizations and individuals, but in that respect, Members of the Senate, it is certainly fair to give the same recognition to those organizations even though we perhaps do not approve of their program, that we would give to the Maine Retail Grocers Association or some organization not of a particularly religious or civic type, and I feel perfectly free to say to this group that taking the count of those appearing for and against the measure, that those appearing against the measure—and I mean the measure just as it reads with the local option provision and all—I can truthfully say to this group that those appearing in opposition to the measure, and the people in the state of Maine by their representatives appearing against the measure should satisfy this body that the general public is not ready to say that they want this measure passed, allowing Sunday movies, with or without local option.

We discussed a few minutes ago that the purpose of this legislature was to establish policies, and not only from the hearing to which I have referred but to the letters, telegrams, sentiments expressed since the hearing, I am convinced that the majority of the people of the state of Maine,—and we can judge the majority I submit solely through the contacts they make with us—are not so overwhelmingly in favor of this measure that we should say, upon that reason alone, that the majority report of the committee should be accepted.

Someone has said, and I think it can be found in one of the New York State Reports, that this whole business of the Sunday law was one of the first social security measures, and I like the term because you and I must admit that some of the regulations which we are apt to lay at the feet of religious organizations are not religious rules at all, but health measures. The reason we eat fish on Friday is not entirely a religious rule but a health rule, a social security rule, a humanita-

rian rule. Many say that Sunday should be conducted differently from other days, and that statement is not made entirely because the church believes it so, but it is something far deeper and different from that—it is a social security measure. It gives us, as animals a chance to get the smoke out of our heads and to set our course anew, for the following week, and without it some of us would in time, I believe, suffer. Some of us feel that the trend which this measure would establish heads in the wrong direction and leads to no one knows where. I am sure most of us would be entirely satisfied if every member of this body voted on this measure as he was taught to do.

Mr. CHAMBERLAIN of Penobscot: Mr. President, and members of the Senate, I want to voice hearty approval of all that the Senate from Kennebec, Senator Marden, has said. Members of the legislature come here representing the people, the people not being able to assemble together for state action as they do in towns. Consequently the members of a legislature are supposed and expected to use their judgment as to whether this or that should be done. Even though we believe and acknowledge that, we still should be somewhat responsive to the thoughts and beliefs of the people we represent.

It is not easy—often it is very difficult to arrive at the thought and belief of the people. Petitions are not very conclusive. Often they are signed by some without even reading. Letters are much better as voicing the thought, and like the Senator from Kennebec, Senator Marden, I have received many letters opposing this measure. We should give some thought to what the people think, what they believe.

Some years ago a legislature passed a law enabling cities and towns to have in their midst recreational sports on Sunday provided there was no admission fee charged and that the cities and towns acquiesced in that and agreed to it. I believe that we made a mistake in doing it, not from any religious aspect but purely from the necessity of keeping the streets and roads clear of people and automobiles during the time when such sports are carried on.

I know that in many places where a base ball game is going on it is well nigh impossible to get through

there. The police, the constables, endeavor to clear the way but it is a detrimental situation in the midst of a community. I do not believe that anyone would seriously object—as we often see while riding through the country—a baseball game going on in some field. I have no objection to it but I see no necessity of legalizing it, no need of saying by law that they can do it. Let them do it if they want to.

People enjoy going to church. We don't need to pass a law saying they should do it. People enjoy fishing on Sunday. It is certainly a pleasurable thing but we need not pass a law legalizing it. Let them go if they want to.

I am not speaking from any religious aspect of this thing. I think such a bill as this is entirely unnecessary, is entirely wrong. If in some community, in church or hall those people who live there desire to have a moving picture show I see no great objection to their doing it but I don't think we should legalize it.

We have Sunday laws against stores being kept open but stores throughout the state here and there do no harm if they sell a few things to people who ride about and unless there is a large number of people blocking the sidewalks I see no objection to a store in the midst of people living in towns or cities staying open quietly but I do not believe we should legalize their remaining open.

Consequently I am very much opposed to this bill and I think the members of the Senate should give serious consideration to the passage of any such bill as this.

Mr. CHASE of Piscataquis: Mr. President, I most heartily approve of what the two Senators have said in regard to this bill. I don't believe we need it. People have a chance to go to the movies every week evening and Saturday evenings and to stay there until midnight and then I believe they should have a chance to rest after that time to get ready to do business Monday.

Mr. SPEAR of Cumberland: Mr. President, I ask for a division when the vote is taken.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the acceptance of the majority report "Ought to Pass" and the Senator

from Cumberland, Senator Spear asks for a division.

A division of the Senate was had.

Thirteen having voted in the affirmative and seventeen opposed, the motion to accept the majority report did not prevail.

Thereupon, on motion by Mr. Marden of Kennebec, the minority report "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

The Majority of the Committee on Legal Affairs on bill "An Act to Allow Beano at Fairs," (H. P. 1669) (L. D. 737) reported that the same ought not to pass.

(signed) Senators:

Chase of Washington
Morse of Waldo
Marden of Kennebec

Representatives:

Dow of Norway
Pike of Bridgton
Payson of Portland
Shesong of Portland
Dwinal of Camden

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

(signed)

Representatives:

Donahue of Biddeford
Buzzell of Belfast

In the House, recommitted to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Chase of Washington, recommitted to the Committee on Legal Affairs in concurrence.

The Committee on Towns on Bill "An Act to Provide for the Surrender of Town of Topsfield of Its Organization," (H. P. 589) (L. D. 212) reported that the same ought to pass when amended by Committee Amendment "A" submitted herewith.

In the House, report read and accepted, Committee Amendment "A" indefinitely postponed, 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. On motion by Mr. Osgood of Oxford, Committee Amendment A was indefinitely postponed in concurrence. On further motion by the same Senator House Amendment A was read and adopted in

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

The Committee on Legal Affairs on bill "An Act Changing Ward Boundaries in the City of Saco," (H. P. 1169) (L. D. 488) 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" as amended by House Amendment "A" thereto.

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. Committee Amendment A was read; House Amendment A to Committee Amendment A was read and adopted in concurrence; Committee Amendment A as amended by House Amendment A was adopted in concurrence and the bill as amended by Committee Amendment A as amended by House Amendment A thereto was tomorrow assigned for second reading.

The Committee on Towns on bill "An Act to Provide for the Surrender by Lexington Plantation of Its Organization," (H. P. 407) (L. D. 112) reported that the same ought to pass when amended by Committee Amendment "A" submitted herewith.

Comes from the House, report read and accepted, Committee Amendment "A" indefinitely postponed, and 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. Committee Amendment A was read and on motion by Mr. Osgood of Oxford, was indefinitely postponed in concurrence; House Amendment A was read and adopted in concurrence and the bill as amended by House Amendment A was tomorrow assigned for second reading.

Referred to Committees

The following resolution, petitions, and remonstrances were received and on recommendation by the Committee on Reference of Bills were referred to the following committees:

Legal Affairs

Mr. Chamberlain of Penobscot presented Resolution of Charleston Republican Club favoring increase in fines for violation of Sunday Laws, and opposing bills relative to Dog Racing, State Lottery and Sunday movies. (S. P. 606)

Sent down for concurrence.

Taxation

Mr. Chase of Piscataquis presented Petition of A. Morris and 20 others of Guilford and vicinity in favor of Store Tax Bill. (S. P. 607)

Mr. Littlefield of York presented Petition of George E. Kennison and 71 others of Kennebunk in favor of (H. P. 1758) (L. D. 933) bill "An Act Relating to Licenses for Operation of Retail Stores." (S. P. 608)

Mr. Chamberlain of Penobscot presented Remonstrance of D. W. Kinkaid and 133 others of Bangor against Tax on Tobacco. (S. P. 609)

Mr. Littlefield of York presented Petition of G. C. Downs and 53 others of Alfred in favor of (H. P. 1758) (L. D. 933) bill "An Act Relating to Licenses for Operation of Retail Stores." (S. P. 610)

Mr. Elliot of Knox presented Petition of Edna E. Cook and 324 others of Rockland in favor of (L. D. 933) bill "An Act Relating to Licenses for Operation of Retail Stores." (S. P. 611)

Mr. Wentworth of York presented Petition of Mrs. Robert S. Simpson and 107 other Consumers of Sanford against a Tax on Chain Stores. (S. P. 612)

Mr. Littlefield of York presented Petition of Mrs. Maurice Gilpatrick and 137 other consumers of Springvale Against a Tax on Chain Stores. (S. P. 613)

Mr. Osgood of Oxford presented Petition of Mrs. Harmon B. Keene and 117 other Consumers of Bridgton against a Tax on Chain Stores. (S. P. 614)

Mr. Marden of Kennebec presented Petition of Mrs. F. J. Clark and 140 other consumers of Waterville and Vicinity against a Tax on Chain Stores. (S. P. 615)

Mr. Wentworth of York presented Petition of Mrs. S. E. Pickering and 80 other Consumers of Old Orchard against a Tax on Chain Stores. (S. P. 616)

Mr. Friend of Somerset presented Petition of Roland V. King and 142 other Consumers of Skowhegan

against a Tax on Chain Stores. (S. P. 617)

Sent down for concurrence.

First Reading of Printed Bills

"Resolve Relative to the Purchase of Land Adjoining Land of the State Military Department, at Augusta, Known as Camp Keyes." (S. P. 539) (L. D. 1105)

Which resolve was given its first reading.

Thereupon, Mr. Wentworth of York presented Senate Amendment A and moved its adoption:—

"Senate Amendment A to Legislative Document 1105. Amend said resolve by adding to the end thereof the following: 'provided, however, that no such purchase shall be made until such time as the city of Augusta has entered into an agreement with the state to pay the sum of \$2500 annually to the state for not less than ten years, said sum to be added to and used with any sums appropriated by the legislature for the maintenance and upkeep of the Augusta Airport.'"

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

Bill "An Act Relative to Hunting and Fishing Licenses; Revocation of." (S. P. 574) (L. D. 1106)

Which bill was read once, and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Littlefield from the Committee on Temperance on bill "An Act Relating to the Sale of Malt Liquors within a Radius of 300 feet of a Public or Private School," (S. P. 333) (L. D. 575) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Boothby from the Committee on Inland Fisheries and Game on bill "An Act Relative to Damage by Deer to Growing Crops and Orchards," (S. P. 179) (L. D. 230) reported that the same ought to pass.

Mr. Elliot from the Committee on Public Health on bill "An Act Relating to Beauty Culture," (S. P. 144) (L. D. 129) 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 from the Committee on Appropriations and Financial Affairs on bill "An Act Providing for the Publication of an Annual Statement of the Financial Condition of the State by the State Controller," (S. P. 311) (L. D. 595) reported the same in a new draft (S. P. 618) under the same title and that it ought to pass.

Mr. Worthen from the Committee on Inland Fisheries and Game on bill "An Act Relative to Trapping Muskrats," (S. P. 359) (L. D. 769) reported the same in a new draft (S. P. 619) under the same title and that it ought to pass.

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

Passed to Be Engrossed

"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)

Bill "An Act Relating to Permits for Non-Resident Charter Parties." (H. P. 1333) (L. D. 540)

"Resolve Authorizing the Forest Commissioner to Convey Certain Land to Mrs. Grace Shannon Moore of Macwahoc." (H. P. 1460) (L. D. 569)

"Resolve Authorizing the Forest Commissioner to Sell Land on Muscongus Island." (H. P. 1461) (L. D. 568)

"Resolve Authorizing the Forest Commissioner to Convey Certain Land in Aroostook County to Hector Martin." (H. P. 1726) (L. D. 898)

Bill "An Act Relating to Fees for Licenses." (H. P. 1769) (L. D. 938)

Bill "An Act Repealing the Bounty on Porcupines." (H. P. 1986) (L. D. 1055)

Bill "An Act Relating to the Assessment of Inheritance Taxes." (H. P. 2056) (L. D. 1092)

Bill "An Act Regulating the Operation of Motor Vehicles." (H. P. 2058) (L. D. 1094)

Bill "An Act Relating to the Inspection of Motor Vehicles." (H. P. 2060) (L. D. 1096)

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

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)

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

Sent down for concurrence.

Bill "An Act to Authorize the Construction of a Bridge on Square Pond in Shapleigh." (S. P. 498) (L. D. 1039)

Which bill was given its second reading.

Mr. MARDEN of Kennebec: Mr. President, may I offer Senate Amendment A to the measure just read? The bill now provides that this commission may be given to persons named therein, "their assigns, executors and heirs." The wording is a trifle awkward and this amendment changes the order:—

"Senate Amendment A to Legislative Document 1039. Amend said bill by striking out in the second line thereof the words, 'assigns, executors and heirs' and inserting in place thereof, the following: 'heirs, executors, administrators and assigns.'"

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

Sent down for concurrence.

Passed to be Enacted

An Act Decreasing the Subsidy Contributed by the State Relative to Physical and Industrial Education. (S. P. 132) (L. D. 117)

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)

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

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

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

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

An Act relating to Commitments to the Pownal State School. (H. P. 1606) (L. D. 699)

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

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

An Act Relating to Registration Fees of Motor Vehicles. (H. P. 1929) (L. D. 1028)

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

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

Finally Passed

Resolve Naming 'Perleys Pond.' (H. P. 1994) (L. D. 1061)

Emergency Measures

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

Which bill being an emergency measure and having received the affirmative vote of 28 members of the Senate, and none opposed was passed to be enacted.

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

Which resolve being an emergency measure, and having received the affirmative vote of 28 members of the Senate and none opposed, was finally passed.

Orders of the Day

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Amending the Unemployment Compensation Law Exempting Certain Employees (H. P. 902) (L. D. 294), tabled by that Senator on March 30th pending consideration; and that Senator yielded to the Senator from Aroostook, Senator Findlen.

On motion by Mr. Findlen, the rules were suspended and the Senate voted to reconsider its action of March 21st whereby the bill, as amended by Senate Amendment "A" was passed to be engrossed in non-concurrence. On further motion by the same Senator, Senate Amendment "A" was indefinitely postponed in concurrence, and the bill was passed to be engrossed in concurrence.

On motion by Mr. Spear of Cumberland, the Senate voted to take

from the table, House Report from the Committee on Counties, "Be Referred to the Committee on Legal Affairs" on bill, An Act Relating to the Compensation of the National Guard (H. P. 1408) (L. D. 551) tabled by that Senator on March 30th pending consideration; and that Senator yielded to the Senator from Aroostook, Senator Findlen.

Thereupon, on motion by Mr. Findlen, the bill was recommitted to the Committee on Counties, in concurrence.

On motion by Mr. Harkins of Androscoggin, the Senate voted to take from the table, Resolve for Laying of the County Taxes for the Year Nineteen Hundred Forty (H. P. 2076), tabled by that Senator on March 30th pending passage to be engrossed, in concurrence.

Thereupon, Mr. Harkins presented Senate Amendment "A" and moved its adoption:—

"Senate Amendment 'A' to House Paper 2076. Amend said resolve by striking out the figures in the amount of \$143,322.75 beside the word 'Androscoggin' and inserting in place thereof the sum of \$125,000.00."

Senate Amendment "A" was adopted in non-concurrence, and the resolve as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Chase of Piscataquis, the Senate voted to take from the table, Senate Report from the Committee on Indian Affairs "Ought to Pass" on Resolve Appropriating Money for Drilling Artesian Wells in the Town of Perry (S. P. 426) (L. D. 970), tabled by that Senator on March 14th pending acceptance of the report; and that Senator yielded to the Senator from Hancock, Senator Kennedy.

Mr. KENNEDY: Mr. President, I am very happy to report that the Committee on Appropriations and Financial Affairs, by their help and cooperation in this matter have made it possible for the Passamaquoddy Tribe of Indians in the town of Perry to have a clean and sanitary supply of drinking water, and at the same time to save \$2,000 on the cost of this project. I move the acceptance of the committee report, after which I shall present an amendment.

The report of the committee was accepted, and the resolve was given its first reading.

Thereupon, Mr. Kennedy presented Senate Amendment "A" and moved its adoption:—

"Senate Amendment 'A'. Amend said resolve by striking out in the second line thereof the figures '\$3,000.00' and inserting in place thereof the figure '\$1,000.00.'"

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

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, An Act Relating to Collection and Disposition of Moneys Received through Violations of Inland Fish and Game Laws (S. P. 218) (L. D. 289) tabled by that Senator on March 28th pending consideration; and that Senator yielded to the Senator from Aroostook, Senator Burns.

On motion by Mr. Burns, the rules were suspended and the Senate voted to reconsider its action of March 10th whereby the bill was passed to be engrossed; and on further motion by the same Senator, House Amendment "A" was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

On motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, Senate Report from the Committee on Appropriations and Financial Affairs "Ought not to pass" on An Act Providing State Services for the Blind (S. P. 248) (L. D. 450) tabled by that Senator on March 3rd pending acceptance of the report.

Mr. CHAMBERLAIN: Mr. President, this bill to provide services for the blind in the state of Maine was for the sole purpose of helping those who are blind to learn how to help support themselves. The state of Maine did pay during the last two years each year approximately \$160,000 just for pensions for the blind, keeping them almost entirely in idleness. This bill was simply for the purpose of assisting them to be somewhat self-supporting and thereby finally relieving the State of the excessive load of pensions for the blind which in the nature of things must increase. I know that there are reasons why

the bill was reported by the Committee on Appropriations and Financial Affairs as "ought not to pass" but as a gesture of good will toward Miss Helen Keller who is devoting her whole time to assisting the blind, I move, Mr. President, that the bill be substituted for the report, and I ask for a division.

Mr. CONY of Kennebec: Mr. President, I merely want to say a word, this not being a matter on which I am very particularly informed, but I want to call attention of the Senate to the fact that it is something more than a gesture. It is a gesture to the tune of \$25,000. I, too, should like a division on it.

Miss LAUGHLIN of Cumberland: Mr. President, I hope the motion to substitute the bill for the report will prevail, that it may be possible to offer an amendment. I am in favor of the purpose of the bill but I would like to see it amended in reference to the amount appropriated therefor, but of course before an amendment could be offered it would be necessary to substitute the bill for the report.

Mr. CHAMBERLAIN: Mr. President, it is not my intention, strange as it may seem, in offering the motion that the bill be substituted for the report—it was simply offered with the thought that it would be a gesture of good will for Miss Helen Keller. I expect it will be defeated, and I want it to be, but after the bill has been substituted for the report, I will move it be referred to the next legislature.

The PRESIDENT: The question is on the motion of the Senator from Penobscot, Senator Chamberlain, that the bill be substituted for the report, and that Senator has asked for a division.

A division of the Senate was had.

Eighteen having voted in the affirmative and seven opposed, the motion prevailed and the bill was substituted for the report.

Thereupon, on motion by Mr. Chamberlain, the bill was referred to the next legislature.

Sent down for concurrence.

On motion by Mr. Worthen of Penobscot, the Senate voted to take from the table, House Report from the Committee on Legal Affairs "Ought to Pass" on bill, An Act Relating to Collection of Poll Taxes (H. P. 484) (L. D. 179), tabled by

that Senator on February 24th 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.

Mr. WORTHEN of Penobscot: Mr. President, I wish to offer an amendment, and I would like to state that this amendment would strike out Section 8 in Legislative Document 179, and it has to do with fishing and hunting licenses. I therefore present Senate Amendment "A" and move its adoption:—

"Senate Amendment 'A' to Legislative Document 179, bill, An Act Relating to Collection of Poll Taxes. Amend said bill by striking out all of Section 3 thereof and renumbering Section 4. Further amend said bill by striking out at the end of Section 4 thereof the words 'and to granting of hunting and fishing licenses as stated in Chapter 38.'"

Mr. MARDEN of Kennebec: Mr. President, I merely wish to move for a division on this matter.

The PRESIDENT: The question is on the adoption of Senate Amendment "A" and the Senator from Kennebec, Senator Marden, has asked for a division.

Mr. HILL of Cumberland: Mr. President, I am opposed to the adoption of this amendment and I believe there is a very general feeling by the municipal officers in our cities and towns that this measure would be of assistance in collecting the poll taxes and I see no reason why the bill should be applied to motor vehicle licenses and not be applied to other licenses. I see no reason for objection to its application to both. I move the amendment be indefinitely postponed.

Mr. WORTHEN: Mr. President, I didn't intend to make any remarks in connection with this measure, but I would like to attempt to prove to members of this Senate that this section is not necessary but it is something we should not pass here. In the first place, this section would apply to everybody who procures a fishing and hunting license. They would be compelled to show that they had paid their poll taxes and show a receipt for the poll taxes before they could secure either license. In the first place, we can deduct all the ladies and all the young men under

21 years of age. The people in the Department of Inland Fisheries and Game have told me from 30,000 to 40,000 would come under that category. I have also checked with the Secretary of State and have been told that about two thirds of the people from 21 to 70 years of age do buy operating licenses. Then deduct from that those who do not buy either fishing or hunting licenses, then deduct those who would naturally, by their own accord, pay their poll taxes, and I ask, what have we left? It seems to me the number would be so small that this section would be practically worthless. On the other hand, I can not see why the Secretary of State's department, and the Inland Fisheries and Game Department should be brought into the matter of helping the municipal officers of the towns collect their poll taxes. I think we have laws already that adequately take care of this situation. I think those are the reasons and reasons enough why we should not stir together too many departments under one bill for a measure of this kind. I hope the amendment will be adopted.

Mr. CHASE of Piscataquis: Mr. President, when this was passed in the House, I think the vote was something more than 100 to 11. In regard to these poll tax fellows, these boys have a right to fish many years before they are obliged to buy a license, and then when it comes to the age of 21 there is a poll tax assessed. They defer the payment just as long as they can. The collector of taxes has to drive after them all the time and they always have some excuse, but still we have built roads and have maintained roads. We have built fish hatcheries and hatched fish and grown the fish, and they have the privilege of enjoying fishing. The collection of poll taxes gives the collectors more headaches than any other tax collection. I do not see why they should be immune or why we should favor them in any way, shape or manner.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I know this bill has the approval of many municipal officers and of the Maine Municipal Officers Association, and after giving it some serious consideration, it seems to me on the whole that after you have compelled all those who want to drive

an automobile to pay a poll tax you have not enough left except in the low income group who will be compelled to pay for a fishing license. I really believe that it will result in quite a number fishing without a license. I have been fishing many times. It is very seldom I see a warden. I could almost get by without a license in my pocket. It would be taking a chance, of course, I believe if you compel the low income group to refrain from fishing because they have to pay a tax it is difficult for them to pay and difficult to be collected, I believe they will go fishing without a license.

Mr. CHASE: Mr. President, may I speak again? I do not believe this imposes any hardship on the Inland Fisheries and Game Commission or on the Secretary of State. All they have to do is pass out their receipt and show they have complied with the law and paid their poll tax.

Mr. WORTHEN: Mr. President, just one more item I wish to point out which might affect most of us who go fishing and hunting. We have a fishing license and a hunting license. Some of us have a combination license. Those who do not wish to fish but want to go hunting might decide some morning they wanted to go hunting and they have got to produce their poll tax receipt before they get their license, and I wonder how many of us if we should wake up some morning and want to go hunting, would know where our poll tax receipt was. I think it would be quite difficult for some of us to search for our poll tax receipt unless we carried it around in our pockets. I think most of us have our pockets pretty well filled with licenses and receipts now. I do not believe on such a small matter as this is, we should impose this burden upon the people who want to go hunting and fishing.

Mr. CONY of Kennebec: Mr. President, I am aware somewhat of the situation in my own city. The automobile law compelling the collection of the poll taxes resulted in the collection of about \$1500 in this city. For my part I can't think of any reason why a person shouldn't pay his poll tax or why the Fish and Game Department shouldn't assist in that direction. I don't know the number of wardens there are in this state and I don't know just what

streams or communities the Senator from Penobscot (Senator Chamberlain) goes to where they don't find any wardens. Perhaps some would like to know, but I know there are plenty of them around here and considering the amount of money the Department costs I don't see why the Fish and Game Department shouldn't lend its aid to the collection of poll taxes.

Mr. KENNEDY of Hancock: Mr. President, I am decidedly opposed to the amendment. I think our towns need every assistance they can get in collecting these poll taxes.

The PRESIDENT: The question before the Senate is on the indefinite postponement of Senate Amendment A. Is the Senate ready for the question?

A viva voce vote being doubted,

A division of the Senate was had.

Twelve having voted in the affirmative and seventeen opposed, the motion to indefinitely postpone did not prevail.

The PRESIDENT: The question now before the Senate is on the adoption of Senate Amendment A and a division has been asked.

A division of the Senate was had. Seventeen having voted in the af-

firmative and ten opposed, Senate Amendment A was adopted.

Thereupon, the bill as so 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 Mercantile Affairs and Insurance on bill, An Act Amending the Act Relating to the Prevention of Fires (H. P. 1434) (L. D. 613) the report being "Ought to Pass in New Draft Under the Same Title" (H. P. 1982) (L. D. 1052), tabled by that Senator on March 23rd pending acceptance of the report in concurrence; and on further motion by the same Senator the report was accepted in concurrence, the bill in new draft 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. Friend of Somerset,

Adjourned until tomorrow morning at ten o'clock.