

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

Monday, April 10, 1939.

The Senate was called to order by the President.

Prayer by the Reverend H. W. vanCoudenhoven of Hallowell.

Journal of Friday, April 7, 1939, read and approved.

From the House:

Joint Order, recalling 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) from the legislative files. (H. P. 2218)

In the House, read and passed.

In the Senate:

Mr. SANBORN of Cumberland: Mr. President, it appears to me that this order would revive a matter which has been finally acted upon by this legislature. As I understand, the unanimous "Ought Not to Pass" report of the committee has been accepted by both branches. It seems to me that at this late stage in our proceedings it would be very unwise to begin to go backwards and I therefore move the indefinite postponement of the order.

The motion prevailed and the order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

From the House:

The following various petitions and remonstrances: (H. P. 2203, 2209, 2210, 2211, 2212, and 2213). Which were severally ordered placed on file in concurrence.

From the House:

The following Petitions favoring bill relating to licenses for Operation of Retail Stores (S. P. 633 to S. P. 635) (In the Senate on April 6 referred to the Committee on Taxation)

Come from the House ordered placed on file in non-concurrence.

In the Senate, on motion by Mr. Spear of Cumberland, that Body voted to recede and concur with the House and the petitions were ordered placed on file in concurrence.

From the House:

The following Remonstrances against a Tax on Chain Stores. (S. P. 637 to S. P. 641)

(In the Senate on April 6, referred to the Committee on Taxation)

Come from the House, ordered placed on file in non-concurrence.

In the Senate, on motion by Mr. Spear of Cumberland, that Body voted to recede and concur with the House and the remonstrances were ordered placed on file in concurrence.

House Committee Reports

The Committee on Judiciary on bill "An Act Relating to Apportionment of Taxes on Real Estate Divided Subsequent to Assessment," (H. P. 1632) (L. D. 671) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Rotating Names of Candidates on Ballots at Primary Elections," (H. P. 247) (L. D. 63) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to the Appointment and Tenure of Trial Justices," (H. P. 1327) (L. D. 508) reported that the same ought not to pass.

The same Committee on bill "An Act Relative to Services to be Rendered to Cities and Towns by Able-bodied Paupers," (H. P. 1596) (L. D. 694) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Trial Justices," (H. P. 1637) (L. D. 723) reported that the same ought not to pass.

The Committee on Motor Vehicles on bill "An Act Relating to Motor Vehicle Lamps," (H. P. 1695) (L. D. 925) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to the Use of White Lines on the Highway to Regulate Traffic," (H. P. 1793) (L. D. 960) reported that the same ought not to pass.

The Committee on Taxation on bill "An Act Providing for an Excise Tax on Cigarettes and Tobacco," (H. P. 1342) (L. D. 543) reported that the same ought not to pass as the matter has been taken care of in another bill.

Which reports were severally read and accepted in concurrence.

Report "A" of the Committee on Taxation on bill "An Act Providing for an Excise Tax on Cigarettes and Tobacco," (H. P. 1728) (L. D. 696)

reported that the same ought not to pass.

(signed)

Senators: Chamberlain of Penobscot, Cony of Kennebec and Representatives: Noyes of Franklin, Dean of Greenville and Dorsey of Fort Fairfield.

Report "B" of the same Committee on the same subject matter, together with Petition (H. P. 2143) and Remonstrances, Senate Papers: 503, 504, 505, 515, 516, 517, 518, 531, 609, 465, 466, 476, 477, 480, 483, 484, 485, 489, 490, 491, 492, 493, 494, 495, and House Papers: 1857, 1858, 1859, 1860, 1861, 1871, 1872, 1882, 1883, 1884, 1885, 1924, 1925, 1940, 1941, 1942, 1943, 1944, 1965, 1966, 1970, 1971, 1972, 1980, 1989, 1990, 1991, 1992, 2000, 2001, 2002, 2003, 2004, 2025, 2026, 2027, 2028, 1029, 2030, 2031, 2032, 2033, 2034, 2046, 2047, 2071 reported the same in a new draft (H. P. 2216) (L. D. 1155) under the same title and that it ought to pass

(signed)

Representatives: Maxim of Portland, Ellis of Fairfield, Worth of Stockton Springs and Richardson of Strong.

Comes from the House, the majority report "Ought not to Pass" read and accepted.

In the Senate, on motion by Mr. Spear of Cumberland, that Body voted to accept the majority report, "Ought not to Pass" in concurrence.

The Majority of the same Committee on bill "An Act Imposing an Income Tax," (H. P. 1727) (L. D. 753) reported that the same ought not to pass.

(signed)

Senators: Tompkins of Aroostook, Cony of Kennebec and Representatives: Noyes of Franklin, Worth of Stockton Springs, Dean of Greenville and Dorsey of Fort Fairfield.

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

(signed)

Senators: Chamberlain of Penobscot and Representatives: Maxim of Portland, Ellis of Fairfield and Richardson of Strong.

Comes from the House, Majority report, "Ought not to Pass" read and accepted.

In the Senate, on motion by Mr. Spear of Cumberland, that Body

voted to accept the majority report, "Ought not to Pass" in concurrence.

The Majority of the Committee on Judiciary on bill "An Act to Enable Party Conventions to Propose Candidates for Governor, U. S. Senator and Members of Congress to be Placed Upon the Ballots at Direct Primary Elections," (H. P. 499) (L. D. 153) reported that the same ought not to pass.

(Signed) Senators: Burns of Aroostook, Laughlin of Cumberland and Representatives: Thorne of Madison, Varney of Berwick, Weatherbee of Lincoln, Hinckley of South Portland, Fellows of Augusta.

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

(Signed) Senator: Hill of Cumberland and Representative: McGlaulin of Portland.

Comes from the House, the Majority Report "Ought not to Pass" read and accepted.

In the Senate, on motion by Miss Laughlin of Cumberland, that Body voted to accept the Majority Report, "Ought not to Pass" in concurrence.

Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
Augusta

Office of Clerk

April 7, 1939.

Hon. Royden V. Brown
Secretary of the Senate

Sir:

As directed by vote of the House of Representatives, I transmit herewith communication of Hon. Frank J. Ryan, secretary of State of the State of Kansas, together with accompanying paper.

Very truly yours,

HARVEY R. PEASE

Clerk of the House.

Which communication with accompanying enclosures, relating to deportation of aliens, was read and ordered placed on file.

Resolution

Mr. Morse of Waldo presented Senate Resolution Honoring Roswell K. Colcord, ex-Governor of Nevada. (S. P. 658)

Which resolution was read and adopted.

First Reading of Printed Bills

"Resolve Appropriating Money for Study and Control of the Fruit or Blueberry Fly in Maine." (S. P. 642) (L. D. 1157)

Bill "An Act in Regard to New Trials on the Ground of Newly Discovered Evidence." (S. P. 650) (L. D. 1158)

Which resolve and bill were read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Burns from the Committee on Judiciary on bill "An Act Relating to Veterans Preference," (S. P. 323) (L. D. 592) reported that leave be granted to withdraw.

Mr. Marden from the Committee on Legal Affairs on bill "An Act Relating to the Duties of the State Police," (S. P. 561) (L. D. 1086) reported that the same ought not to pass.

Mr. Tompkins from the Committee on Taxation on bill "An Act Relating to Licenses for Retail Stores, and to Equalize the Business Opportunities in the State of Maine," (S. P. 43) (L. D. 953) reported that the same ought not to pass as the matter has been taken care of in another bill.

Mr. Chamberlain from the same Committee on bill "An Act Relating to Licenses for Retail Stores, and to Equalize the Business Opportunities in the State of Maine," (S. P. 42) (L. D. 952) reported that the same ought not to pass as the matter has been taken care of in another bill.

The same Senator from the same Committee on bill "An Act Providing for Taxation of Incomes of Individuals and Partnerships and Franchises of Corporations," (S. P. 41) (L. D. 951) reported that the same ought not to pass as the matter has been taken care of in another bill.

Mr. Dow from the Committee on State Sanatoriums submitted its Final Report.

Mr. Kennedy from the Committee on Indian Affairs submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Hill from the Committee on Labor on bill "An Act Amending the Law Relating to the Installa-

tion of Pick Clocks in Textile Factories," (S. P. 151) (L. D. 124) reported that the same ought to pass.

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

Mr. Burns from the Committee on Judiciary on bill "An Act to Amend the Workmen's Compensation Act," (S. P. 381) (L. D. 830) reported the same in a new draft (S. P. 660) 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.

Passed to be Engrossed

Bill "An Act Relative to the Use of Buckshot in Hunting Deer." (H. P. 2153) (L. D. 1130)

Which was read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill "An Act Relative to Non-Resident Fishing Licenses" (H. P. 1569) (L. D. 632)

Bill "An Act Relating to Town Reports," (H. P. 2057) (L. D. 1093)

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

Orders of the Day

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table, Senate Order Relative to Small Loan Companies Charging 36 per cent interest per year on Loans, tabled by that Senator on March 8th pending passage.

Mr. SPEAR: Mr. President, the purpose of this order has been partially attained. The Bank Commissioner, under the banking law, has worked diligently on this subject matter and I understand he is ready, at the proper time, to make a recommendation to the Committee on Banks and Banking. Therefore, I ask leave to withdraw the order.

Thereupon, leave was granted to withdraw the order.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, An Act Relating to Guaranty of Titles of Motor Vehicles and to the Facilitation of the Recovery of Stolen Motor Ve-

hicles (H. P. 2135) (L. D. 1123), tabled by that Senator on April 7th pending second reading; and on further motion by the same Senator, the bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Littlefield of York, the Senate voted to take from the table, House Report from the Committee on Temperance, Majority Report "Ought to Pass in New Draft", Minority Report, "Ought Not to Pass" on Resolve Relating to Reimbursement of Liquor Licenses (H. P. 1748) (L. D. 851), tabled by that Senator on April 3rd pending acceptance of either report.

Mr. LITTLEFIELD: Mr. President, I move the acceptance of the majority report, "ought to pass in new draft" in non-concurrence.

Mr. HILL of Cumberland: Mr. President, I have had little opportunity to go into this matter, but if I am correctly informed, I understand the bill would involve a substantial expense to the State of Maine, and I wonder whether the Senator from York, Senator Littlefield, or anyone else would give the Senate a full explanation of this measure before we act on the Senator's motion.

The PRESIDENT: The Senator from Cumberland, Senator Hill, has asked for information through the Chair.

Mr. MARDEN of Kennebec: Mr. President, I will gladly try to review for the Senate the consideration which the committee gave to this measure. I will say in that connection as well, I think the committee does not feel very keenly about the matter, but made the report as it here appears based upon the consideration which I will gladly outline. As we now recall it, the Public Laws of 1935 provided for the first time that the local option question should go on the ballot at the following biennial election to determine whether or not the given town or city would allow a liquor store or beer saloon within the town or city for consumption on the premises or the so-called "take out" license. At that time the license year under the original malt beverage act ran from July 1 to July 1. By virtue of that particular section of the 1935 law setting up the local option provision, at the election in September 1936 quite a number of malt

beverage licenses became ineffective. By terms of the same act, on the first of January of the following year, that is to say, on the first of July, 1936, many licensees procured licenses to run 12 months. By virtue of the election in September, 1936, many towns went dry. By the terms of the same act those first holding licenses could operate until the first of January, 1937, leaving licensees in those places going dry under the local option vote with licenses having six months unexpired. At the time, the committee was convinced that the chairman of the liquor commission gave some of these licensees in writing, perhaps not the promise, but at least a statement to the effect in the event that the local option resulted in their particular towns going dry and that there would be a refund on the unexpired term of the license.

Acting upon that and those facts as they came to us, the majority of the committee reported as here appears. We believe that the money involved under this measure would approximate \$13,000. We appreciate the attitude of the legislature at this time on expenditures of that sort, and as far, I believe, as the committee is concerned with this explanation I am glad to leave the matter in the hands of this body, subject to Senator Littlefield's comment if I have incorrectly stated the position of the committee.

Mr. HILL of Cumberland: Mr. President, I thank the Senator from Kennebec, Senator Marden for his explanation to the Senate. It seems to me that the measure involves an unnecessary expense and personally I shall vote in opposition to the motion.

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

The PRESIDENT: For the information of the Senate, the Secretary will read the signers of the majority and minority report.

The Secretary read the report of the committee.

The PRESIDENT: The question is on the motion for the acceptance of the majority report "ought to pass in new draft" and the Senator from Cumberland, Senator Spear, has asked for a division.

A division of the Senate was had.

Nineteen having voted in the affirmative and seven opposed, the

majority report of the committee, "ought to pass in new draft" was accepted, in non-concurrence.

Thereupon, the bill was laid upon the table for printing under the joint rules.

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table House Report from the Committee on Temperance on An Act Relating to Children (H. P. 1746) (L. D. 849), which report being "Ought to Pass in new draft" (H. P. 1933) (L. D. 1032), tabled by that Senator on March 22nd pending acceptance of the report; and on further motion by the same Senator, the majority report was accepted and the bill in new draft was given its first reading.

Thereupon, Miss Laughlin of Cumberland presented Senate Amendment A and moved its adoption:—

"Senate Amendment A to Legislative Document 1032, An Act Relating to Children. Amend said bill by striking out the word 'illegally' in the fourth line thereof and adding at the end thereof the following: 'Provided, however, that a child or children under the age of 16 years may enter places where intoxicating liquor is sold when accompanied by a parent, guardian or other adult person in charge of such child or children with the consent of the parent or guardian of such child or children.'"

Miss LAUGHLIN: Mr. President, as the law is now, children of any age may frequent any beer saloon in this state at will. This bill forbids them to enter any such place where liquor is sold illegally, thus permitting them to enter beer saloons where liquor is sold legally, and we have seen what that means. A little girl fifteen years old was picked up drunk on the streets of Portland because she had been in one of these places. Of course it was against the law but that had nothing to do with it. She was drunk.

If this bill is passed as written it will permit children of any age to frequent any of these places where liquor is sold legally and of course, we are up against a difficulty there because in many places where liquor is sold, meals are also served and the question to my mind was, what about these children? This amendment permits them to enter these places only if they are accompanied

by a parent or guardian or any adult person with the consent of the parent or guardian, which protects them. But unless this bill is amended they can frequent such places at will without being accompanied by any adult person.

I think I am correct in saying that this amendment was not objected to by the people who favor this bill. I cannot state that definitely but the point is that the children can go only if accompanied by an adult and it does not open the doors wide to children at any age to frequent beer places.

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

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

On motion by Mr. Beckett of Washington, the Senate voted to take from the table House Report from the Committee on Motor Vehicles "Ought to Pass When Amended by Committee Amendment A Submitted Herewith" on bill An Act Relating to Operator's Licenses (H. P. 1691) (L. D. 746), tabled by that Senator on April 5th pending acceptance of the report; and on further motion by the same Senator the report was accepted and the bill was given its first reading.

Committee Amendment A was read and adopted in non-concurrence.

The same Senator then presented Senate Amendment A and moved its adoption:

"Senate Amendment A to Legislative Document 746, bill An Act Relating to Operator's Licenses. Amend said bill by eliminating from the next to the last sentence of the section designated 'Section 33', the underlined words as follows: 'Provided however, that it shall be unlawful for any person under the age of twenty-one to operate within this state, a school bus, bus, taxi-cab or other public or livery conveyance designed for the conveyance of passengers for hire or otherwise.'"

Senate Amendment A was adopted and the bill as amended by Committee Amendment A and Senate Amendment A was tomorrow assigned for second reading.

On motion by Mr. Burns of Aroostook, the Senate voted to take from the table, Senate Report from the Committee on Judiciary; Majority Report "Ought not to pass;" Minority Report "Ought to pass" on bill, An Act to Establish an Unpaid Commission to Facilitate the Cooperation of this State with Other States (S. P. 110) (L. D. 78), tabled by that Senator on April 7th pending acceptance of either report.

Mr. BURNS: Mr. President, for the purpose of offering Senate Amendment "A" I move the acceptance of the minority report "ought to pass" on this bill.

The report was accepted and the bill was given its first reading.

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

"Senate Amendment A. Amend said bill by striking out Sub-section A in paragraph 3 of section 4 thereof; said sub-section consisting of the words 'the adoption of compacts'."

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

On motion by Mr. Boothby of York, the Senate voted to take from the table, House Report from the Committee on Mercantile Affairs and Insurance "Ought Not to Pass" on An Act Relating to Standard Form of Insurance Policy (H. P. 1672) (L. D. 758), tabled by that Senator on April 1st pending acceptance of the report in concurrence; and on further motion by the same Senator, the report of the committee was accepted in concurrence.

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

On motion by Mr. Findlen of Aroostook

Adjourned until tomorrow morning at ten o'clock.