

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**SENATE**

Tuesday, April 11, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Oscar Withee of Gardiner.

Journal of yesterday read and approved.

From the House:

Bill "An Act Relating to the Salary of the Recorder of the Northern Cumberland Municipal Court." (H. P. 687) (L. D. 260)

(In the Senate on April 7, that Body voted to insist on its former action, whereby the bill was recommended to the Committee on Salaries and Fees, and asked for Committee of Conference)

Comes from the House that Body having voted to join the Committee of Conference, and the Speaker appointed as members of such a Committee on the part of the House:

Representatives Pike of Bridgton, Gyger of Cumberland, Cowan of Portland.

In the Senate, the President appointed as members of such Committee on the part of the Senate, Senators Spear of Cumberland, Laughlin of Cumberland, and Sanborn of Cumberland.

From the House:

"Resolve Authorizing Charles A. Darrington to Bring Suit at Law Against the State of Maine." (H. P. 1425) (L. D. 559)

(In the Senate on April 7, minority report "Ought Not to Pass" read and accepted in non-concurrence)

Comes from the House, that Body having insisted on its former action whereby the majority report "Ought to Pass" was read and accepted, and asking for a Committee of Conference, and the Speaker appointed as members of such Committee on the part of the House:

Representatives Hinkley of South Portland, Varney of Berwick, Thorne of Madison.

In the Senate:

Mr. GRAVES of Hancock: Mr. President, I move that the Senate adhere.

Mr. HILL of Cumberland: Mr. President, I move that the Senate insist and join with the House in a Committee of Conference.

The motion to insist and join prevailed.

The PRESIDENT: The Chair will appoint the members of such Committee on the part of the Senate, at a later time.

From the House:

The following Petitions favoring (L. D. 933) relating to Licenses for Operation of Retail Stores. (S. P. 648) and (S. P. 652)

(In the Senate on April 7 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. 653 to 657 incl.)

(In the Senate on April 7 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 remonstrances were ordered placed on file in concurrence.

**House Committee Reports**

The Committee on Judiciary on bill "An Act Permitting Signboards Under Certain Conditions." (H. P. 1789) (L. D. 957) reported that the same ought not to pass.

The same Committee on bill "An Act Relating to Jurisdiction on Divorce Libels," (H. P. 1595) (L. D. 910) reported that the same ought not to pass.

The same Committee on "Resolve Creating a Recess Committee on Adjusting Conflicts in the Laws Relating to the Boards of County Commissioners and the State Highway Commission," (H. P. 1347) (L. D. 529) reported that the same ought not to pass.

The Committee on Labor on bill "An Act Extending the Workman's Compensation Act to Cover Occupational Diseases," (H. P. 914) (L. D. 305) reported that the same ought not to pass.

The Committee on Legal Affairs on bill "An Act Establishing the Lincoln Municipal Court," (H. P.

1160) (L. D. 990) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Scraggly Lake," (H. P. 277) reported that the same ought to pass.

The same Committee on "Resolve for Screening Outlet of Bog Lake in the Town of Northfield," (H. P. 239) reported that the same ought to pass.

The same Committee on bill "An Act Relative to Fishing in Fishways," (H. P. 1563) (L. D. 661) reported the same in a new draft (H. P. 2151) (L. D. 1128) under the same title and that it ought to pass.

The same Committee on bill "An Act Relative to Transportation of Deer within State," (H. P. 1558) (L. D. 656) reported the same in a new draft (H. P. 2152) (L. D. 1129) under the same title, and that it ought to pass.

The same Committee on bill "An Act Relative to Closed Time on Deer in Certain Counties," (H. P. 72) (L. D. 29) reported the same in a new draft (H. P. 2154) (L. D. 1131) under a new title bill "An Act Relating to Closed Time on Deer in Islesboro and Rabbits in Vinalhaven," and that it ought to pass.

The Committee on Judiciary on bill "An Act Relating to Absent Voting," (H. P. 912) (L. D. 316) reported that the same ought to pass.

The Committee on Legal Affairs on bill "An Act Relating to the Discharge of Persons Committed to the Insane Hospitals," (H. P. 1643) (L. D. 725) reported the same in a new draft (H. P. 2169) (L. D. 1137) under the same title and that it ought to pass.

The Committee on Motor Vehicles on bill "An Act Amending the Law Relative to Registration of Motor Vehicles," (H. P. 1188) (L. D. 470) reported that the same ought to pass.

The Committee on Public Health on bill "An Act Relating to the Practice of Optometry," (H. P. 1465) (L. D. 600) reported that the same ought to pass.

The same Committee on bill "An Act Permitting Alden Ulmer of Rockland to Practice Embalming," (H. P. 1237) (L. D. 464) reported the same in a new draft (H. P. 2155) (L. D. 1132) under a new title "Resolve Permitting Examination of Al-

den Ulmer and Arthur Andrews by Embalming Board," and that it ought to pass.

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

The Committee on Salaries and Fees on bill "An Act Relating to the Western Hancock Municipal Court," (H. P. 1782) (L. D. 947) reported the same in a new draft (H. P. 2148) (L. D. 1127) under the same title and that it ought to pass.

The Committee on Temperance on bill "An Act Relating to Malt Liquors," (H. P. 1743) (L. D. 846) reported the same in a new draft (H. P. 2167) (L. D. 1136) under the same title and that it ought to pass.

The same Committee on bill "An Act Relating to Advertising Liquor, Malt Liquor, Wines and Spirits," (H. P. 945) (L. D. 330) reported the same in a new draft (H. P. 2166) (L. D. 1135) under the same title and that it ought to pass.

The same Committee on bill "An Act Regulating the Sale of Malt," (H. P. 1744) (L. D. 847) reported the same in a new draft (H. P. 2164) (L. D. 1134) under the same title and that it 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 Judiciary on bill "An Act Relating to Children of Women Committed to Reformatory for Women," (H. P. 1603) (L. D. 697) reported that the same ought to pass when amended by Committee Amendment "A" submitted herewith.

The Committee on Legal Affairs on bill "An Act to Incorporate the Lincoln Water District," (H. P. 1182) (L. D. 498) reported that the same ought to pass when amended by Committee Amendment "A" submitted herewith.

Which reports were severally read and accepted in concurrence, the bills read once, Committee Amendment "A" read and adopted in concurrence, and the bills as amended tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs pursuant to Joint Order ask leave to report a bill under title of bill "An Act Amending an Act Relating to Compensation of County Attorneys,"

(H. P. 1968) (L. D. 1037) and that it ought to pass.

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

In the Senate, on motion by Mr. Wentworth of York, the report was read and accepted, and the bill indefinitely postponed in concurrence.

The Committee on Inland Fisheries and Game on the following Resolves:

H. P. 122, Resolve Opening Bog Pond to Ice Fishing.

H. P. 123, Resolve Relating to Fishing in Long Pond.

H. P. 242, Resolve Opening Weymouth Pond to Ice Fishing.

H. P. 276, L. D. 86, Resolve Relative to Fishing in North Pond, East Pond and East Pond Stream.

H. P. 382, Resolve Regulating Fishing in Elbow Lake.

H. P. 383, Resolve Regulating Fishing in Grassy, Lower Grassy and Elbow Ponds.

H. P. 470, L. D. 141, Resolve Regulating Fishing in the Belgrade Chain of Lakes.

H. P. 471, L. D. 142, Resolve Regulating Fishing in Kokadjo River.

H. P. 472, L. D. 143, Resolve Relating to Fishing in Kenduskeag Stream.

H. P. 474, Resolve Relating to Fishing in Lower Spring Pond.

H. P. 476, Resolve Relating to Fishing in Lily Lakes, in Township 30.

H. P. 477, Resolve Relating to Fishing in Pineos Ponds, in Township 17.

H. P. 478, Resolve Closing Pike Brook Trout Pond, in Township 18, N. D. to Fishing.

H. P. 479, Resolve Relating to Fishing in Schoodic Pond, in Township 18.

H. P. 480, Resolve Opening Georges Pond, in Hancock County, to Ice Fishing for Pickerel.

H. P. 547, L. D. 221, Resolve Regulating Fishing in Grand Lake and Pocumpus Lake.

H. P. 549, L. D. 223, Resolve Regulating Fishing in Great Embden Pond in Embden.

H. P. 675, L. D. 250, Resolve Regulating Fishing in Armstrong Brook.

H. P. 677, L. D. 252, Resolve Regulating Fishing in Wilson Lake.

H. P. 678, L. D. 253, Resolve Regulating Fishing in Mountain Brook Pond and Baker Pond in Bowdoin College Grant.

H. P. 884, L. D. 341, Resolve Regu-

lating Fishing in Certain Oxford County Waters.

H. P. 885, L. L. 342, Resolve Regulating Fishing in Hobb's Pond or Little Pennessewassee Lake in Oxford County.

H. P. 886, L. D. 343, Resolve Regulating Fishing in Certain Oxford County Waters.

H. P. 887, L. D. 344, Resolve Regulating Fishing in Perleys Pond.

H. P. 890, L. D. 347, Resolve Regulating Fishing in Certain Franklin County Waters.

H. P. 892, L. D. 349, Resolve Regulating Fishing in Saddleback Lake.

H. P. 893, L. D. 350, Resolve Regulating Fishing in Blakesley Lake in Township 5, Range 6.

H. P. 894, L. D. 351, Resolve Regulating Fishing in Baker Pond in Township 5, Range 6, B. K. P., W. K. R.

H. P. 895, L. D. 352, Resolve Regulating Fishing in Beck Pond in Township 3, Range 5.

H. P. 1107, L. D. 395, Resolve Relating to Fishing in Harriman Pond.

H. P. 1108, L. D. 396, Resolve Regulating Fishing in Rift and King Ponds in the County of Hancock.

H. P. 1109, L. D. 397, Resolve Regulating Fishing in Giles Pond.

H. P. 1110, L. D. 398, Resolve Establishing Opening Dates for Fishing in Piscataquis County Waters.

H. P. 1112, L. D. 400, Resolve Regulating Fishing in The South and West Branch Tributaries of the Penobscot River in Somerset County.

H. P. 1113, L. D. 401, Resolve Regulating Fishing in Fry Pan Pond in Square Town, Somerset County.

H. P. 1114, L. D. 402, Resolve Regulating Fishing in Horseshoe Pond in East Moxie, Somerset County.

H. P. 1115, L. D. 403, Resolve Regulating Fishing in Round Pond, in Square Town, Somerset County.

H. P. 1318, L. D. 504, Resolve Regulating Fishing in Moosehead Lake.

H. P. 1319, L. D. 505, Resolve Regulating Fishing in Little Pond.

H. P. 1457, L. D. 556, Resolve Regulating Fishing in South Pond.

H. P. 1458, L. D. 557, Resolve Regulating Fishing in Mt. Blue Pond in Avon.

H. P. 1571, L. D. 634, Resolve Relating to Ice Fishing in Arrostook County.

H. P. 1576, L. D. 639, Resolve

Regulating Fishing in Fourth Buttermilk Pond.

H. P. 1577, L. D. 640, Resolve Regulating Fishing in Pierce Pond.

H. P. 1578, L. D. 641, Resolve Regulating Fishing in Certain Somerset County Waters.

S. P. 65, Resolve Regulating Pickerel Fishing in Pattee's Pond in Winslow.

S. P. 66, Resolve Regulating Pickerel Fishing in Lovejoy Pond in Albion.

S. P. 109, Resolve Closing Androscoggin Lake in the Towns of Leeds and Wayne, to Ice Fishing.

S. P. 255, Resolve Regulating Bass Season in Kezar Lake.

S. P. 256, Resolve Regulating Fishing in Virginia Lake.

S. P. 257, Resolve Regulating Fishing in Hobbs and Hanna Brooks.

S. P. 316, Resolve Regulating Fishing in Howard Lake in the Town of Hanover, Oxford County. reported a Consolidated Resolve under title of "Resolve Regulating Fishing in the Various Waters of the State" (H. P. 2163) and that it "Ought to pass"

Which report was read and accepted and the consolidated resolve was given its first reading and tomorrow assigned for second reading.

The Committee on Pensions on bill "An Act Relating to Requisites for Old Age Assistance," (H. P. 286) (L. D. 91) reported that the same ought to pass.

Comes from the House, report read and accepted; House Amendment A offered and indefinitely postponed; House Amendment B offered and indefinitely postponed; House Amendment C offered and indefinitely postponed, and the bill passed to be engrossed.

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 on motion by Mr. Friend of Somerset, was indefinitely postponed in concurrence. House Amendment B was read, and on further motion by the same Senator, was indefinitely postponed in concurrence. House Amendment C was read and on further motion by the same Senator, was indefinitely postponed in concurrence.

Thereupon, the bill was tomorrow assigned for second reading.

The Majority of the Committee on Salaries and Fees on bill "An Act Reducing the Compensation of State Officials and Employees," (H. P. 1716) (L. D. 892) reported that the same ought not to pass.

(Signed) Senators Spear of Cumberland, Lewis of Lincoln, Harkins of Androscoggin and Representatives Fernald of Levant, McGillicuddy of Houlton, Ford of Saco, Churchill of Brewer.

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

(Signed) Representatives Downs of Rome, Douglass of Gorham.

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

In the Senate:

Mr. SPEAR of Cumberland: Mr. President, I move that we accept the majority report "Ought Not to Pass" in concurrence.

Thereupon, on motion by Mr. Cony of Kennebec, the bill was laid upon the table pending motion to accept the majority report in concurrence.

The Majority of the Committee on Salaries and Fees on bill "An Act Relating to Clerks in the Office of Register of Probate and Clerk of Courts in Hancock County," (H. P. 405) (L. D. 110)

Bill "An Act Relating to Clerk Hire in the Office of the Register of Deeds in Lincoln County," (H. P. 579) (L. D. 204)

Bill "An Act Relating to Clerk Hire in Somerset County," (H. P. 580) (L. D. 205)

Bill "An Act Relating to Salaries in Lincoln County," (H. P. 1339) (L. D. 510)

Bill "An Act Relating to Clerk Hire in Washington County," (S. P. 398) (L. D. 815) (all recommittees) and bill "An Act Relating to Clerk Hire in the Office of Register of Deeds in the County of York," (H. P. 940) (L. D. 368) reported the same in a Consolidated Bill (H. P. 2072) (L. D. 1099) under the title of bill "An Act Relating to Clerk Hire in Certain Counties," and that it ought to pass.

(Signed) Senators Lewis of Lincoln, Spear of Cumberland, Harkins of Androscoggin and Representatives Ford of Saco, McGillicuddy of Houlton, Fernald of Levant, Churchill of Brewer, Dow of Eliot.

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

(Signed) Representatives Downs of Rome, Douglass of Gorham.

Comes from the House, majority report read and accepted, and passed to be engrossed as amended by House Amendment C.

In the Senate:

Mr. SPEAR of Cumberland: Mr. President, I move that we concur with the House in accepting the majority report including House Amendment C. In defending the action of the majority of the Committee on Salaries and Fees, each one of these bills had a hearing and it was brought out at the hearing and at the executive session on these various matters individually that every one of them had the unanimous approval of the delegations from these counties and the unanimous approval of the county commissioners. For that reason we of the majority, those who signed the majority report, reported as they have.

Mr. CONY of Kennebec: Mr. President, I do not want to take issue with what the Senator from Cumberland said but I do feel that it is a matter that I want to take up later and I move that this matter lay upon the table.

Thereupon, the bill was laid upon the table pending motion to accept the majority report "Ought to Pass" in concurrence.

The Majority of the Committee on Salaries and Fees on bill "An Act Relating to the County Treasurer of Hancock County," (H. P. 404) (L. D. 109)

Bill "An Act Relative to an Increase in the Salary of the Judge and of the Recorder of the Presque Isle Municipal Court," (H. P. 1201) (L. D. 415)

Bill "An Act Relating to the Lincoln Municipal Court," (S. P. 272) (L. D. 441)

Bill "An Act Relating to the Salary of the County Treasurer of Aroostook County and the Clerk Hire in the Office of said Treasurer," (S. P. 399) (L. D. 814) (all recommended); and

Bill "An Act Relating to the Salary of the Judge of Probate of Lincoln County," (H. P. 1715) (L. D. 891) reported the same in a

Consolidated Bill (H. P. 2073) (L. D. 1100) under the title of bill "An Act Relating to Salaries in Certain Counties," and that it ought to pass.

(Signed) Senators Spear of Cumberland, Harkins of Androscoggin, Lewis of Lincoln and Representatives Fernald of Levant, Ford of Saco, Churchill of Brewer, Dow of Eliot, McGillicuddy of Houlton.

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

(Signed) Representatives Downs of Rome, Douglass of Gorham

Comes from the House, majority report accepted and bill passed to be engrossed.

In the Senate:

Mr. SPEAR of Cumberland: Mr. President, I move that the majority report be accepted and the bill be passed to be engrossed. I have the same statements to make in defense of the committee on this matter that I made on the previous blanket bill.

I now yield to the Senator from Aroostook, Senator Tompkins.

Mr. TOMPKINS of Aroostook: Mr. President and members of the Senate, it is with some reluctance that I would use a few minutes of the Senate's time in discussing this relatively unimportant bill but the bill so far as Aroostook is concerned has somewhat touched us as representatives of Aroostook County as to certain implications have been cast upon that county.

The county commissioners of Aroostook County favored this increase of a few hundred dollars in the salaries for these officials. The Aroostook delegation, with only one exception, have favored this increase. But it has been said about the corridors of this capitol that Aroostook County is unable to attend to its own welfare and its own economic affairs. For some reason it has been reported that the people of Aroostook County have been suffering for want of nourishment and that there have developed those diseases that follow such want of nourishment.

Long before that report came out, inspired, I believe, by a political bud, I received from the chairman of the Emergency Aid Committee in Aroostook County under date of January 4, 1939, a list of all those people in the river towns so-called

showing the number of people receiving assistance from the federal government, from the state and from the towns. And in that report he stated the reason why each individual was receiving assistance. The principal cause for the receipt of this assistance was unemployment. Other causes enumerated were many and various.

I see in that list of causes several cases where men were suffering from the effects of the last war and were unable to support themselves, but nowhere, nowhere in the eleven thousand names contained in that report do I find one single intimation that any of the people in that section of the state are suffering for lack of food. There are the documents. Anyone may examine them who will.

Now they say we are not able to handle our own affairs because we have received so much aid from the state of Maine that we ought not to have anything to say about how we shall conduct our own affairs. It has been said that we received from the state more than we paid into the state. I ask you, gentleman, what county in the state of Maine does not receive more state funds than it pays to the state? Not more than one or two.

Now, there are certain economic reasons why the County of Aroostook finds itself in this condition. There have been changes in the business in which we are engaged, particularly the lumber business and if you will notice, Aroostook County is enclosed on the east, bounded on the east, by the St. John River and bounded on the west by the great forests of this state. And it was in those forests that the people in the towns found their living. They were educated to the use of the saw and the axe, but due to economic changes those great industries have disappeared. Those economic changes—some of them have been actual, others have been artificial, due to legislation and executive orders.

Do we contribute, does the county of Aroostook contribute, to the welfare of the state of Maine and to its economic system? Aroostook County alone exports annually fifty thousand cars of potatoes and for that privilege they pay a freight to the railroads of the state of Maine, and that is no slight tribute. The freight bill for Aroostook County upon their one product, from cen-

tral points in the county, figured on the rate to Boston, would be eight million dollars annually, which is forty-five percent of the entire freight paid by the county of Aroostook. Now that money pays the bond holders of these roads. That money pays the stockholders their dividends. That money keeps the wheels of industry throughout the whole length of the state of Maine rolling.

We have suffered, it is true, low prices. One year, the year 1934 our potato crop brought our farmers five millions of dollars, and we paid the railroad eight millions of dollars to haul the crop away.

This county comprises one-fifth of the territory of the state of Maine, one-tenth of the population and one-twentieth of the wealth. It is a vast empire, and it was due to the energy and the foresight of those old settlers a hundred years ago that this county saved to the state and to the nation territory from the encroachment of a foreign power. For a hundred years the people of Aroostook County, along with the other citizens of this state, have marched in step behind the flag of liberty, of progress and of Americanism. They have been found upon every battlefield upon which our forces have been engaged from Chapultepec to Chateau Thierry. They stood with Taylor at Buena Vista. They stood with our own Chamberlain at Little Round Top. They stood with Roosevelt at Santiago and with John Pershing at the Argonne. And they will stand there again if it is necessary—and it looks as though it might be necessary.

I hope the motion for the adoption of the majority report prevails.

Mr. MARDEN of Kennebec: Mr. President, the way this measure is presented to us it unfortunately involves not only the county of which my brother speaks, and with no intention at all of challenging the statements which the Senator from Aroostook, (Senator Tompkins) has made, I would move that this matter be laid upon the table.

Thereupon, the bill was laid upon the table pending acceptance of the majority report in concurrence.

The Majority of the Committee on Taxation on bill "An Act Relating to Licenses for Operation of Retail Stores," (H. P. 1758) (L. D. 933) together with the following petitions:



Senate Papers: 534, 607, 610, 611, 680, 627

House Papers: 1828, 1829, 1830, 1831, 1842, 1869, 1870, 1886, 1887, 1888, 1889, 1890, 1962, 1963, 1993, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1943, 1961, 1964, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2016, 2017, 2022, 2041, 2042, 2048, 2052, 2066, 2085, 2095, 2096, 2097, 2110, 2116, 2121, 2122, 2123, 2125, 2145, 2146, 2156, 2157, 2158, 2159, 2160 and the following remonstrances:

Senate Papers: 511, 519, 521, 522, 523, 525, 526, 527, 528, 529, 530, 536, 540, 544, 546, 547, 548, 545, 566, 567, 568, 569, 570, 571, 572, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 598, 599, 600, 601, 602, 603, 604, 605, 612, 613, 614, 615, 616, 617

House Papers: 2013, 2015, 2014, 2023, 2024, 2049, 2050, 2051, 2067, 2068, 2069, 2070, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2101, 2102, 2103, 2126, 2147

Reported the same in a new draft (H. P. 2217) (L. D. 1156) under the same title and that it ought to pass.

(Signed) Senators Chamberlain of Penobscot, Tompkins of Aroostook, Cony of Kennebec and Representatives Worth of Stockton Springs, Noyes of Franklin, Dean of Greenville, Richardson of Strong, Ellis of Fairfield, Dorsey of Fort Fairfield.

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

(Signed) Representative Maxim of Portland.

Comes from the House, the majority report read and accepted, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Tompkins of Aroostook, tabled pending acceptance of either report.

### Remonstrances

Mr. Findlen of Aroostook presented Remonstrance of 2,386 consumers of the State of Maine against the Chain Store Tax. (S. P. 661)

The same Senator presented Remonstrance of 15,400 consumers of the State of Maine against the Chain Store Tax. (S. P. 682)

Which were severally read and ordered placed on file.

Sent down for concurrence.

### Orders

Mr. THATCHER of Penobscot: Mr. President, I present an order and move its adoption. In explanation to the Senate I would say that this is in reference to a bill which I am asking to have recalled in order to correct a technical error:

"Ordered, the House concurring, that 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) be recalled from the Governor."

Which was read and passed.

On motion by Mr. Thatcher of Penobscot, it was

Ordered, the House concurring, that Legislative Document 1075, bill, An Act to Promote the Topographic Mapping of Maine in Cooperation with the United States Geological Survey, be recalled from the Governor.

### Passed to be Engrossed

Bill "An Act Relating to Operators' Licenses." (H. P. 1691) (L. D. 746)

Which bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

Bill "An Act Relating to Children." (H. P. 1933) (L. D. 1032)

Which bill was read a second time and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

Bill "An Act to Establish an Unpaid Commission to Facilitate the Cooperation of this State with Other States." (S. P. 110) (L. D. 78)

Which bill was read a second time and passed to be engrossed as amended by Senate Amendment "A".

Sent down for concurrence.

Bill "An Act Amending the Law Relating to the Installation of Pick Clocks in Textile Factories." (S. P. 151) (L. D. 124)

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

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

Sent down for concurrence.

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

(On motion by Mr. Tompkins of Aroostook, tabled pending second reading.)

#### Passed to be Enacted

An Act Relating to Exemption of Homes from Claims in re Old Age Assistance. (S. P. 124) (L. D. 114)

An Act Relating to the Taking of Land by the State Highway Commission, and the Taking or Discontinuing of a Public Highway. (S. P. 298) (L. D. 584)

An Act to Provide for Civil Service Rules for the Police Department in the City of Bath. (S. P. 510) (L. D. 1049)

An Act Relating to Procedure in re Support of Neglected Wives and Children. (S. P. 524) (L. D. 1064)

An Act Relative to Trapping Muskrats. (S. P. 619) (L. D. 1117)

An Act Relating to Reserved Number Plates for Motor Vehicles. (H. P. 566) (L. D. 199)

An Act to Require Annual Registration of Osteopathic Physicians. (H. P. 708) (L. D. 261)

An Act Relating to Surface Treatment of Third-Class Highways. (H. P. 728) (L. D. 310)

An Act to Grant a New Charter to the City of Bath. (H. P. 1164) (L. D. 483)

An Act Amending the Old Age Assistance Law Relating to Disqualification for Transferring Property. (H. P. 1447) (L. D. 624)

An Act Amending the Old Age Assistance Law Relating to Payment to Guardians. (H. P. 1448) (L. D. 625)

An Act Amending the Old Age Assistance Law Relating to Funeral Expenses. (H. P. 1449) (L. D. 626)

An Act Amending the Law Relating to Embalmers and Funeral Directors. (H. P. 1666) (L. D. 856)

An Act Relating to Registration of Motor Vehicles. (H. P. 1686) (L. D. 742)

An Act Relating to the Sale of Cigarettes. (H. P. 1703) (L. D. 870)

An Act Relative to Insurance Agents. (H. P. 2119) (L. D. 1111)

An Act Relating to Apothecaries

and the Sale of Poisons. (H. P. 2128) (L. D. 1113)

An Act Relating to the Statute Defining Real Estate for Taxation Purposes. (H. P. 2129) (L. D. 1114)

An Act Enlarging the Duties of the Forest Commissioner. (H. P. 2134) (L. D. 1119)

An Act Relating to Speed and Operation of Motor Vehicles. (H. P. 2136) (L. D. 1120)

#### Finally Passed

Resolve Providing for the Payment of Certain Damages Caused by Protected Wild Animals. (H. P. 2130) (L. D. 1115)

Resolve Concerning the Practice of Podiatry. (H. P. 2132) (L. D. 1121)

Resolve Authorizing the Forest Commissioner to Convey Certain Land in Aroostook County to Lucie Ouellette. (H. P. 2133) (L. D. 1122)

#### Orders of the Day

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table, An Act Relating to Jurisdiction Over Lands Ceded to the United States (S. P. 659) (L. D. 1159) tabled by that Senator on April 7th pending second reading; and on further motion by the same Senator, the rules were suspended and the bill was given its second reading and passed to be engrossed without reference to a committee.

Sent down for concurrence.

On motion by Mr. Kennedy of Hancock, the Senate voted to take from the table, An Act Relating to Selling or Giving Liquor to Indians (H. P. 1150) (L. D. 467) tabled by that Senator on March 29th pending first reading.

Mr. KENNEDY: Mr. President, I move the bill be given its first reading at this time.

Mr. CHAMBERLAIN of Penobscot: Mr. President, I have had no reason to change my mind in regard to the necessity of passing this bill and enabling the Indians to obtain liquor legally, and therefore, I move the bill be indefinitely postponed.

Mr. KENNEDY: Mr. President, I ask for a division.

The PRESIDENT: The question is on the indefinite postponement of the bill and the Senator from Hancock, Senator Kennedy, has asked for a division.

A division of the Senate was had. Eight having voted in the affirmative and eighteen opposed, the mo-

tion to indefinitely postpone did not prevail.

Thereupon, the bill was given its first reading, and under suspension of the rules was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Beckett of Washington, the Senate voted to take from the table, An Act Relating to Automobile Travel by State Employees (S. P. 596) (L. D. 1108), tabled by that Senator on April 7th pending motion to indefinitely postpone.

Mr. BECKETT: Mr. President, as I stated the other day, I have an amendment prepared to this bill, lowering the allowance or rather cutting out the lower bracket allowance, and I therefore hope the motion for indefinite postponement does not prevail.

Mr. HILL of Cumberland: Mr. President, just a further word in opposition to the motion for indefinite postponement of this bill. The matter was rather fully discussed a few days ago and it would seem unnecessary to go into any detail on the measure at this time, but I should like simply to call again to the attention of the Senate the fact that this bill does embrace an opportunity for the Senate of Maine to render to the taxpayers a very real and substantial saving. The measure has the support of the two committees that voted favorably on it, consisting of ten members on each committee. An opportunity is presented to this Senate to save a substantial amount of money without any hardship, that we could see, upon anyone. I certainly hope the motion for indefinite postponement will not prevail.

Mr. BURNS of Aroostook: Mr. President, last week I made the motion to indefinitely postpone this bill and gave certain reasons as to why I thought Section 1 of the bill was objectionable. At that time I brought out the fact that the state employees at the present time receive five cents per mile for mileage. Under the proposed bill, if they drive their car 7,000 miles—and I am talking about employees who own their own cars and are driving them in the business of the state—when they arrive at that point, 7,000 miles, they will be allowed only three cents a mile. I objected to the bill as it was drafted. Since then, Sena-

tor Beckett has prepared an amendment and he has informed me of the contents of that amendment. The amendment he offers meets with my approval and does away with the objections I find in Section 1 of the bill, and I therefore hope my own motion, made last week, to indefinitely postpone the bill, does not prevail.

Mr. CONY of Kennebec: Mr. President, I have listened as of course we all have, in these halls and in the corridors and from our constituents about economy legislation. This body earlier in the session very wisely, in my judgment, tried to set up some legislative machinery particularly in the economy committee in connection with other committees, whereby an attempt was to be sincerely made, as I understood it, to reduce the cost of running this state if possible, and to avoid, if possible, additional taxation. This committee, as far as I have observed, has worked hard and diligently and is a most capable committee. They seem to have arrived at some decisions, and in my judgment, wise decisions.

I can hardly understand how this Senate, unless it thinks that the committee is inefficient, can very properly take a position to interfere with its work, and after all the talk we made, the first time the shoe begins to pinch a little bit at this step or that step, interfere and perhaps defeat the efforts of the committee.

For myself, I want to go on record here and now to sustain the efforts of that committee and sustain all proper steps to cut down the expense of running this commonwealth. I hope the motion will not prevail.

Mr. SPEAR of Cumberland: Mr. President, I ask for a division.

The PRESIDENT: The question is on the indefinite postponement of the bill, and the Senator from Cumberland, Senator Spear, has asked for a division.

A division of the Senate was had.

None having voted in the affirmative and twenty-seven opposed, the motion to indefinitely postpone did not prevail.

Mr. BECKETT of Washington: Mr. President, I offer Senate Amendment "A" and move its adoption. In connection with it and in speaking in behalf of this amendment which states that the price

allowed by the state for compensation for driving a personally owned car is four cents a mile, I wish to say I have taken up the matter with the controller's office and obtained a little data in connection thereto. It seems the policy of the state at the present time is for the state to own their own vehicles which are traveled in excess of 50 or 60 miles per day, and the controller, as I interpret it, believes wherein the individual working for the state covers only 20 to 40 miles per day, it is cheaper for the state to have the car owned by the individual and he be allowed five cents a mile for the travel allowance.

I also found that the amount of money which the state is paying for merchandise does give the state a decided advantage as far as the operation of cars is concerned. At the present time the state has contracted for gasoline so that it pays \$.104 in Augusta and \$.1061 a gallon on gasoline outside of Augusta, and pays no tax. That means the state car has to pay a little in excess of ten cents a gallon for gasoline where you or I as individuals pay 16 2-3 or 17 cents, an advantage for the state in excess of six cents a gallon on gas. I find that the state is paying for oil 36 cents a gallon or nine cents a quart on the best grade of oil where you and I as individuals pay 25 or 30 cents a quart. I find the state receives a discount of 45% on tires and a discount of 35% or 40% on other equipment such as heaters, etc. It carries only liability insurance on cars at an average cost of \$12.50 where we as individuals pay about \$25.00. It carries no fire or collision insurance, whereas you and I as individuals would feel insecure without it. The state pays no registration fee or excise tax.

In summing this up briefly, on a basis of 25,000 miles a year it seems to me it has an advantage over the private car of some \$150 and if we take into consideration that it buys at an average saving, I will say, of \$100 over the individual, it seems like an unfair proposition to force the compensation down from five cents to three cents as a rebate for the use of cars on a mileage basis.

I really feel this four cent figure which is included in this amendment is a fair figure both for the state and for one who owns his own vehicle, and I certainly hope the amendment will be adopted.

Mr. BURNS: Mr. President, in support of the amendment which the Senator from Washington, Senator Beckett, has offered here, I wish to say that from a study which I have made in this matter, I find in the vast majority of cases where employees are employed by private industry they receive more than is allowed in this proposed cut as set forth in Section 1 of this bill.

The Metropolitan Insurance Company made a survey for their policy holders who were engaged in large industries and reported this survey to their policy holders. A copy of this survey has been made available to me and I find that in 1934 and 1935 when this survey was made, in dealing with 32 industrial organizations they found that 26 of them allowed their employees so much per mile, mileage. I found in 1934 the average of these 26 industrial concerns allowed their employees, driving privately owned automobiles, a mileage of \$.049 per mile. In 1935 this average figured to over five cents a mile.

Now, I ask the members of the Senate, is it fair for a state employee to pass along the highway a man engaged in similar work to his own, that is, calling upon the public, and this employee because he is engaged in private industry is receiving an average of five cents a mile, why should he be obliged to accept three cents a mile when to do so operates at a disadvantage and a loss to him?

In my remarks made last week, I cited the case of an employee whom I have confidence in. He is employed in the office of the State Tax Assessor and he drives his car on an average of 17,000 miles a year. He told me that if he was obliged to drive his car 17,000 miles this ensuing year at that rate it would cost him \$200. I ask if it is fair to reduce a man's salary indirectly, in this fashion?

Now all of us, when we can, desire to uphold a committee report, but on examination, if we find that committee report will work an injustice and will not be to the advantage and fairness of the people involved, I say it is our duty to undertake to remedy this situation, and that is what we are undertaking to do when we offer this amendment.

I will say further that the United States government allows employees, when they operate privately owned

automobiles, the sum of five cents a mile. Another case which has been brought to my attention is a national firm having about 500 employees and using privately owned cars and six of them travel in Maine, and they allow their employees four cents a mile. I find other privately owned cars engaged in business of their employers which operate in Maine, such as a newspaper concern, moving picture concern, and the Dupont Company allow their employees five cents a mile.

I have figures here which show the cost per mile of state owned cars which are operated by employees for 1937 was \$.038 and in 1938 the cost per mile was \$.0328 per mile. It was brought out by the Senator from Washington, Senator Beckett, that an unequal situation exists between the privately owned car and the state owned car. In the first instance, the state can purchase its cars at a discount. It was further brought out that the state can purchase gasoline without the five cent tax or four cent state tax which is on our gasoline bill. They buy their tires cheaper. They buy their parts cheaper. It was further brought out so far as the state owned car is concerned, it has free garage service and free greasing service and they do not have to buy registration plates. They are not obliged,—at least the individual is not obliged—to carry collision or liability insurance.

It was also brought out here that a study has been made of this proposition by the Agricultural Department of the State of Maine, and that in Aroostook County where these employees inspect potatoes and certify potatoes, they are allowed five cents a mile.

It doesn't strike me as fair that one department should receive five cents a mile and other departments receive three cents when they go above 7,000 miles each year.

Mr. CONY of Kennebec: Mr. President, I would like to make an inquiry if I may and if it is proper, of the Senator from Cumberland, Senator Hill, as to whether the adoption of this amendment would have any affect, in his judgment, on the efficiency of what his committee has in mind.

The PRESIDENT: The Senator from Kennebec, Senator Cony, wishes to ask a question through the Chair of the Senator from Cumberland, Senator Hill. He may

do so and that Senator may answer if he desires.

Mr. HILL of Cumberland: Mr. President, in answer to the question of the Senator from Kennebec (Senator Cony) it seems to me that this is one of those instances that not infrequently arise wherein the real issue in this bill is coming on the motion to amend rather than on the motion to indefinitely postpone.

In order that there may be no confusion or misunderstanding I hope the Senate will bear in mind that under the provisions of the bill as drafted the set-up is not such that the employee receives only three cents per mile. He receives five cents a mile at first and then four cents and then three cents, so that in the case of the average number of miles travelled by an individual employee the total compensation that he would receive, by average, would be not far from four cents a mile.

However, one of the primary thoughts that was in the mind of the committee, I believe, was that there should be afforded to the employees some incentive for decreasing the number of miles that they travel, and if by travelling an excessive number of miles they are to receive a slightly reduced compensation it seemed to us that that would work to the advantage of the state in that it would tend to restrict and eliminate unnecessary travel.

In further answer to the Senator from Kennebec (Senator Cony) I do feel that the adoption of this amendment would be an unfortunate thing, that it would impair the passage of this measure and seriously handicap what might be accomplished under it—what would be accomplished under it.

The Senator from Aroostook, Senator Burns, has referred to the mileage paid by the United States. I think we all know and recognize the fact that the United States, particularly under the New Deal administration, has been pretty lavish in the expenditure of its funds and it seems to me that we ought not always to look to expenditures by the United States as a proper example of illustration of economy.

We believe that there is no injustice to the employees under this bill. It is my hope that the members, in passing on this question, will be guided by what they believe will serve to the advantage of the

greatest number of our people rather than by some statement that may be made here or there by some individual employee. Here is an opportunity for real saving, for real economy, in the state of Maine and I hope this Senate will lose no opportunity to go on record as supporting that policy.

Thereupon, on motion by Mr. Beckett of Washington, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

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

"Senate Amendment A to Legislative Document 1108, bill, An Act Relating to Automobile Travel by State Employees. Amend said bill by striking out all of the first section thereof and substituting in place thereof the following: 'The state shall hereafter pay not more than four cents per mile for the use of privately owned automobiles for travel by employees of the state in the business of the state.'"

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

Mr. HILL: Mr. President, I ask for a division.

A division of the Senate was had.

Nine having voted in the affirmative and eighteen opposed, Senate Amendment A was not adopted.

Thereupon, the bill was passed to be engrossed.

The PRESIDENT: Is it now the pleasure of the Senate that the bill be passed to be enacted?

Thereupon, the bill was passed to be enacted.

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 bill, "An Act Providing State Services to the Blind (S. P. 248) (L. D. 450) tabled by that Senator on April 3rd pending consideration; and on further motion by the same Senator the Senate voted to recede and concur with the House in the acceptance of the "Ought not to Pass" report.

On motion by Mr. Hill of Cumberland, the Senate voted to take from the table, bill, An Act Relating to the Administration of the Old Age Assistance Law (S. P. 644) tabled by that Senator on April 6th, pending assignment for second reading.

Mr. HILL: Mr. President, it will be recalled by the Senate that this measure was admitted a few days ago by unanimous consent, and with the support, I believe of the Committee on Pensions, and the statement was made at that time, I think by the Senator from Penobscot, Senator Chamberlain, that this was a bill desired by the authorities at Washington, that it would be necessary for the 89th Legislature to enact this measure if the state of Maine were to continue in the receipt of federal funds for old age assistance. It also may be recalled that I took that occasion to express briefly some opposition to the policy of legislating here in the capitol of Maine under the direction and control of federal authorities.

I feel very strongly and sincerely convinced in my opposition to this policy of federal interference in state affairs. This particular measure, however, since it was laid on the table, I have had an opportunity to examine and while I have some doubt as to the authority of any individual who may have come here from Washington and said that we should no longer receive federal funds unless this bill were enacted, while I have some doubt whether that is the case and should not advocate the passage of a measure simply because of that statement by a federal agent, having looked the measure over I can see no objection to this particular bill and I move that the bill be given its second reading.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

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

On motion by Mr. Marden of Kennebec

Adjourned until tomorrow morning at ten o'clock.