

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 17, 1939.

The Senate was called to order by the President.

Prayer by the Reverend Wm. R. Wood of Augusta.

Journal of Friday, April 14, 1939, read and approved.

From the House:

Bill "An Act to Amend the Workmen's Compensation Act." (S. P. 660) (L. D. 1160)

(In the Senate, April 13, passed to be engrossed.)

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

In the Senate, on motion by Mr. Spear of Cumberland, under suspension of the rules, that Body voted to reconsider its former action whereby the bill was passed to be engrossed. 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.

From the House:

Bill "An Act Relating to Licenses for Operation of Retail Stores." (H. P. 2217) (L. D. 1156)

(In the Senate, April 13, Minority Report "Ought not to Pass" read and accepted in non-concurrence.)

Comes from the House, engrossing reconsidered, House Amendment "A" read and adopted, and the bill as amended passed to be engrossed in non-concurrence.)

In the House, on motion by Mr. Tompkins of Aroostook, tabled pending consideration.

House Committee Reports

The Committee on Pensions on "Resolve Providing for a State Pension for Grace E. Dunn, of Portland," (H. P. 1095) reported that the same ought to pass.

Which report was read and accepted in concurrence, the resolve read once, and tomorrow assigned for second reading.

The Majority of the Committee on Public Health on bill "An Act to Regulate the Distribution of Public Funds to Hospitals," (H. P. 1706)

(L. D. 873) reported that the same ought not to pass.

(signed) Senators: Owen of Kennebec, Elliot of Knox, Friend of Somerset, and Representatives: Townsend of Bangor, Palmetter of Charlotte, Bowers of Sherman, Colby of South Paris.

The Minority of the same Committee on the same subject matter reported the same in a new draft (H. P. 2238) (L. D. 1189) under the same title, and that it ought to pass.

(signed) Representatives: Everett of Norridgewock, Downs of Rome, Ramsdell of Dayton.

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

In the Senate:

Mr. OWEN of Kennebec: Mr. President, I move that the Senate accept the majority report "Ought not to Pass" in concurrence.

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

First Reading of Printed Bills

Bill "An Act Concerning Certain Trunk Line Highways." (S. P. 673) (L. D. 1185)

Bill "An Act Relating to Lighting the Mount Desert Bridge." (S. P. 674) (L. D. 1166)

Bill "An Act Relating to Fines Paid to Municipal Courts." (S. P. 676) (L. D. 1184)

Bill "An Act Relating to Erection and Equipment of a State Police Barrack in Thomaston." (S. P. 681) (L. D. 1192)

Which bills were severally read once and tomorrow assigned for second reading.

Senate Committee Reports

Miss Laughlin from the Committee on Judiciary on bill "An Act Relating to Evidence in Criminal Cases," (S. P. 414) (L. D. 882) reported that the same ought not to pass as covered by other legislation.

Mr. Chamberlain from the Committee on Library on "Resolve for the Purchase of 'Vital Statistics of Georgetown,'" (S. P. 286) (L. D. 436) reported that the same ought not to pass.

Mr. Beckett from the Committee on Maine Publicity in behalf of that

committee submitted its Final Report.

Mr. Marden from the Committee on Legal Affairs on behalf of that committee submitted its Final Report.

Mr. Chamberlain from the Committee on Library in behalf of that committee submitted its Final Report.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Chamberlain from the Committee on Library on bill "An Act Relating to the Return of Vital Statistics," (S. P. 327) (L. D. 589) reported that the same ought to pass.

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

Mr. Thatcher from the Committee on Banks and Banking on bill "An Act Relating to Interest on Small Loans," (S. P. 164) (L. D. 187) reported the same in a new draft (S. P. 685) under the same title and that it ought to pass.

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

Passed to be Engrossed

Bill "An Act to Provide Moral Instruction for Children in Connection with the Public Schools." (H. P. 1312) (L. D. 535)

Bill "An Act Relating to Giving False Alarm of Fire." (H. P. 1328) (L. D. 528)

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

Bill "An Act Relating to Holidays." (H. P. 1430) (L. D. 631)

Mr. CHAMBERLAIN of Penobscot: Mr. President, as this bill relating to Holidays needs amendment, I move that it be laid upon the table until tomorrow morning.

The motion prevailed and the bill was laid upon the table pending second reading, and tomorrow assigned.

Bill "An Act Relating to the Retirement of the 1936-1937 Deficit." (H. P. 1535) (L. D. 682)

Bill "An Act Relating to the Interstate Bridge Authority for the Portsmouth-Kittery Bridge and Ap-

proaches Thereto." (H. P. 1394) (L. D. 693)

Bill "An Act Relating to Voters in Civilian Conservation Corps Camps." (H. P. 1623) (L. D. 716)

Bill "An Act Relating to Salaries in Certain Counties." (H. P. 2073) (L. D. 1100)

Bill "An Act Relating to Clerk Hire in Certain Counties." (H. P. 2072) (L. D. 1099)

Bill "An Act to Create a State Boxing Commission." (H. P. 2163) (L. D. 1145)

(On motion by Mr. Marden of Kennebec, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act Amending the Unemployment Compensation Law Relative to Railway Employment." (H. P. 3221) (L. D. 1163)

Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Department of Health and Welfare." (H. P. 2222) (L. D. 1164)

Bill "An Act Relating to the Use of the State Seal." (H. P. 2223) (L. D. 1165)

Bill "An Act Relating to Penalty for Operating Motor Vehicle While under the Influence of Intoxicating Liquor or Drug." (H. P. 2224) (L. D. 1166)

"Resolve Providing for a State Pension for Artell Cookson, of New-castle." (H. P. 2225) (L. D. 1167)

Bill "An Act Relating to the Compensation of the National Guard." (H. P. 2227) (L. D. 1169)

Bill "An Act Relating to Prenatal Examination." (H. P. 2230) (L. D. 1170)

Bill "An Act Relating to the Expenditure of Highway Funds." (H. P. 2234) (L. D. 1179)

"Resolve in Favor of the Towns of Machiasport and East Machias." (H. P. 2235) (L. D. 1178)

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

Bill "An Act Relating to the Port of Northeast Harbor Authority." (S. P. 261) (L. D. 443)

"Resolve Authorizing the Appointment of a Committee to Study the Advisability of a Contributory Retirement System for Maine." (S. P. 672)

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

Sent down for concurrence.

"Resolve Creating a Recess Committee on Wage and Hour Legislation." (S. P. 684)

Miss LAUGHLIN of Cumberland: Mr. President, may I inquire if that resolve has been printed?

The PRESIDENT: The resolve was received by unanimous consent, under suspension of the rules, read once and the next degislative day assigned for second reading without reference to a committee.

Miss LAUGHLIN: Mr. President, may I ask to have it read again. I would like to know what it provides.

The Secretary read the resolve.

Thereupon, on motion by Miss Laughlin of Cumberland, the resolve was laid upon the table pending second reading.

Passed to be Enacted

An Act Relating to Beauty Culture. (S. P. 144) (L. D. 129)

An Act Relative to Court Proceedings in Relation to the Enforcement of the Inland Fish and Game Laws. (S. P. 215) (L. D. 287)

Resolve Appropriating Money for Drilling Artesian Wells in the Town of Perry. (S. P. 426) (L. D. 970)

An Act Relating to Absent Cotting. (H. P. 912) (L. D. 316)

An Act to Incorporate the Lincoln Water District. (H. P. 1182) (L. D. 498)

An Act Amending the Law Relative to Registration of Motor Vehicles. (H. P. 1188) (L. D. 470)

An Act Relating to Children of Women Committed to Reformatory for Women. (H. P. 1603) (L. D. 697)

An Act to Permit Sunday Moving Pictures. (H. P. 1665) (L. D. 736)

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

An Act Relating to the Western Hancock Municipal Court. (H. P. 2148) (L. D. 1127)

An Act Relating to Closed Time on Deer in Islesboro and Rabbits in Vinalhaven. (H. P. 2154) (L. D. 1131)

An Act Relating to Malt Liquors. (H. P. 2167) (L. D. 1136)

Finally Passed

Resolve for Screening Outlet of Bog Lake in the Town of Northfield. (H. P. 239) (L. D. 1140)

Resolve Regulating Fishing in Scraggly Lake. (H. P. 277) (L. D. 1141)

Resolve Regulating Fishing in the Various Waters of the State. (H. P. 2163) (L. D. 1133)

Order

(Out of Order)

On motion by Mr. Spear of Cumberland, out of order and under suspension of the rules, it was

ORDERED, that a message be sent to the House of Representatives proposing a convention of both branches of the Legislature to be held forthwith in the Hall of the House for the purpose of extending to his Excellency the Governor, an invitation to attend the Convention and make such communication as pleases him.

The Secretary delivered the message and subsequently reported that he had performed the duty assigned to him.

Subsequently a message was received from the House by Mr. Pease, its Clerk, concurring in the proposition for a joint convention for the purpose of extending an invitation to his Excellency the Governor to attend the Convention and make such communication as he may be pleased to make.

The Senate retired to the Hall of the House of Representatives where a joint convention was formed.

(For proceedings of Joint Convention, see House Report.)

In the Senate

Upon the return of the Senators to the Senate Chamber, the Senate was called to order by the President.

Order

(Out of Order)

On motion by Mr. Spear of Cumberland, out of order and under suspension of the rules, it was

ORDERED, that two thousand copies of the Governor's message be printed.

Orders of the Day

Mr. CHASE of Washington: Mr. President, I have just discovered that there has been an error in the printing of Legislative Document 1099, An Act Relating to Clerk Hire in Certain Counties. I therefore move we reconsider our action whereby this bill was passed to be engrossed.

The motion prevailed and the Senate reconsidered its action taken earlier in today's session whereby An Act Relating to Clerk Hire in Certain Counties (H. P. 2072) (L. D. 1099) was passed to be engrossed.

Thereupon, on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed, and especially assigned for tomorrow.

On motion by Mr. Findlen of Aroostook, the Senate voted to reconsider its action taken earlier in today's session whereby An Act Relating to Salaries in Certain Counties (H. P. 2073) (L. D. 1100) was passed to be engrossed; and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Burns of Aroostook, the Senate voted to take from the table, House Report from the Committee on Judiciary; Majority Report "Ought to Pass in New Draft, same title"; Minority Report "Ought Not to Pass" on An Act Relating to the Publication of Legal Notices, Legal Advertising and Other Matter Required by Law to be Published in a Newspaper (H. P. 2226) (L. D. 1168) tabled by that Senator on April 13th pending acceptance of the minority "Ought Not to Pass" report in concurrence.

Mr. BURNS: Mr. President, for the purpose of offering an amendment, copy of which has been placed on the desks of the members of the Senate, I move the acceptance of the majority report "ought to pass" at this time, and will move to table it later.

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

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

Senate Amendment A to H. P. 2226, L. D. 1168, Bill "An Act Relating to the Publication of Legal Notices, Legal Advertising and Other Matter Required by Law to be Published in a Newspaper."

Amend said bill by striking out all of said bill after the enacting clause and substituting in place thereof the following:

'Publication of legal notices; regulated. To be qualified as a medium for the publication of legal notices, legal advertising and other matter required by law to be published in a newspaper, a newspaper, unless otherwise ordered by the court in the proceedings, must be published and printed in whole or in part in this state, or, where the law so requires, in whole or in part in the

county where the notice is required to be published; must be printed in the English language; and must be entered as second class postal matter in the United States mail at the post office in the place of such printing and publication; providing that nothing herein contained shall be construed to alter or in any way affect the existing law governing the foreclosure of real estate mortgages, chattel mortgages, or any conditional sales contract, by publication.'

Thereupon, on motion by Mr. Burns, the bill and amendment were laid upon the table pending adoption of Senate Amendment "A" in non-concurrence.

On motion by Mr. Graves of Hancock, the Senate voted to take from the table, An Act Relative to Closed Time on Deer (H. P. 2099) (L. D. 1102), tabled by that Senator on April 13th pending assignment for second reading.

Mr. GRAVES: Mr. President, I now move the bill have its second reading at this time.

Thereupon on motion by Mr. Burns of Aroostook, the bill was laid upon the table pending assignment for second reading.

On motion by Mr. Chamberlain of Penobscot, 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 Vehicles (H. P. 2135) (L. D. 1123), tabled by that Senator on April 14th pending passage to be enacted; and upon further motion by the same Senator, the bill was passed to be enacted.

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 in new draft under the same title" (H. P. 2059) (L. D. 1095) on bill An Act Relating to School Busses, tabled by that Senator on April 5th pending acceptance of the report in concurrence.

Mr. BECKETT: Mr. President, I move acceptance of the committee report for the purpose of offering an amendment and in explanation of the same, I might say that this bill has been indefinitely postponed in the House but there are one or two safety features in the bill which the committee would like to retain

at the request of the safety department of the Highway. This bill in the first instance started in to define school busses as equipment, met with objection in the House and those features it is wished to retain are simply the safety measures of the bill.

Thereupon, the report of the committee "Ought to Pass in new draft under the same title" was accepted in concurrence and the bill was given its first reading.

Mr. Beckett presented Senate Amendment A and moved its adoption:

"Senate Amendment A. Amend said bill by striking out all of Sections numbered 1, 2, 3 and 7 thereof. Further amendment said bill by renumbering those sections designated Section 4, 5 and Section 6, to be designated Section 1, Section 2 and Section 3 respectively.

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

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table bill, An Act Relating to the Registration and Operation of Motor Vehicles by Non-residents (S. P. 669) (L. D. 1175) tabled by that Senator on April 14th, pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: The Secretary has received a House Paper in the form of an Order. Is it the pleasure of the Senate to take up at this time the House Order? The Chair hears no objection. The Secretary will read the Order:

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

ORDERED, the Senate concurring, that the Committee on Ways and Bridges be authorized and empowered to originate and report bills and resolves which in the judgment of that committee may be necessary or advisable to carry out the recommendations of the budget messages that effect a re-

duction in state expenditures. This order shall not be interpreted to hinder or impede the authority previously given to the Committee on Appropriations and Financial Affairs by similar order.

Comes from the House, read and passed.

In the Senate, read and passed in concurrence.

On motion by Mr. Wentworth of York, the Senate voted to take from the table, Senate Report from the Committee on Appropriations and Financial Affairs, "Ought to Pass in New Draft" (S. P. 679) on bill, An Act to Appropriate Moneys for the Expenditures of State Government and for other Purposes for the Fiscal Years Ending June 30, 1940 and June 30, 1941 (S. P. 122), tabled by that Senator on April 14th pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, House Report from the Committee on Judiciary, "Ought to Pass in New Draft" (H. P. 2170) under title "An Act Relating to Commitment of Juvenile Delinquents on bill, An Act Relating to Commitment of Female Juvenile Delinquents" (H. P. 1604) (L. D. 668), tabled by that Senator on April 13th 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.

House Amendment "A" was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

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

On motion by Mr. Dow of Franklin.

Adjourned until tomorrow morning at ten o'clock.