

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Friday, February 26, 1943.

The House met according to adjournment, and was called to order by the Speaker.

Prayer by the Rev. Edna Knowlton of Augusta.

Journal of the previous session read and approved.

Papers from the Senate

From the Senate: Bill "An Act relating to Refunding of Washington County Bonds" (S. P. 415) (L. D. 725)

Came from the Senate, referred to the Committee on Banks and Banking.

In the House, referred to the Committee on Banks and Banking in concurrence.

From the Senate: Resolve Creating an Interim Committee to study the Tribal Rights and Needs of the Indians (S. P. 416) (L. D. 724)

Came from the Senate, referred to the Committee on Indian Affairs.

In the House, referred to the Committee on Indian Affairs in concurrence.

From the Senate: Bill "An Act relating to Legal Notices" (S. P. 417) (L. D. 723)

Came from the Senate, referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

Bills Tabled

Bill "An Act Permitting Excise Tax Collectors to Issue Motor Vehicle Licenses" (S. P. 418) (L. D. 722)

Came from the Senate, referred to the Committee on Judiciary.

(In the House, on motion by Mr. MacLeod of Bar Harbor, tabled pending reference in concurrence)

Bill "An Act Permitting Excise Tax Collectors to Issue Motor Vehicle Operators' Licenses" (S. P. 419) (L. D. 721)

Came from the Senate, referred to the Committee on Judiciary.

(In the House, on motion by Mr. MacLeod of Bar Harbor, tabled pending reference in concurrence)

Bill "An Act relating to the

Farmington Municipal Court" (S. P. 421) (L. D. 719)

Resolve Proposing an Amendment to the Constitution relating to the Number of Voters Necessary to Initiate Referendums (S. P. 420) (L. D. 720)

Came from the Senate, referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate: Bill "An Act Forbidding the Use of Revolving Doors" (S. P. 422) (L. D. 718)

Came from the Senate, referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate: Resolve providing for a State Pension for Alga Towle of Augusta (S. P. 425)

Came from the Senate, referred to the Committee on Pensions.

In the House, referred to the Committee on Pensions in concurrence.

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Legal Affairs on Bill "An Act to Authorize Walter M. Holman to Practice Veterinary Surgery, Medicine and Dentistry" (S. P. 295) (L. D. 442) reporting leave to withdraw.

Came from the Senate, read and accepted.

In the House, was read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Settlement of Accounts of Guardians and Conservators" (S. P. 214) (L. D. 326)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to the Adoption of Ordinances" (S. P. 240) (L. D. 360)

Report of the Committee on Sea and Shore Fisheries reporting same on Resolve relating to Digging Clams on Certain Islands in Hancock County (S. P. 59)

Came from the Senate, read and accepted.

In the House, were read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to Fees of Expert Witnesses in Homicide Cases" (S. P. 175) (L. D. 232) reporting same in a new draft (S. P. 406) (L. D. 670) under same title and that it "ought to pass"

Came from the Senate, Report read and accepted and the Bill passed to be engrossed.

In the House, Report was read and accepted in concurrence, the Bill was read twice, and assigned for third reading the next legislative day.

Ought to Pass

Report of the Committee on Agriculture reporting "Ought to pass" on Bill "An Act relating to the Dumping of Waste Potatoes" (S. P. 155) (L. D. 175)

Report of the Committee on Inland Fisheries and Game reporting same on Resolve Authorizing Removal of Screen at Outlet of Tunk Pond (S. P. 318) (L. D. 671)

Came from the Senate, the Reports read and accepted and the Bill and Resolve passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Bill was read twice, and assigned for third reading the next legislative day, the Resolve was read once and assigned for second reading the next legislative day.

Ought to Pass with Committee Amendment

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Swan Island Game Preserve, Game Farm, and Game Management Area" (S. P. 160) (L. D. 176) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A"

In the House, the Report read and accepted in concurrence, and the Bill had its two several readings.

Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to S. P. 160. L. D. 176, Bill "An Act Relating to Swan Island Game Preserve, Game Farm, and Game Management Area."

Amend said Bill by striking out

all of that part designated "Sec. 89-J" of section 2 thereof, and inserting in place thereof the following:

"Sec. 89-J. Swan Island Game Preserve, Game Farm, and Game Management Area. It shall be unlawful to hunt, chase, trap, kill, or pursue any wild animals or birds above high water mark within the following described tract or territory situated in the county of Sagadahoc, to wit: The islands in the Kennebec river, near Richmond, known as Swan Island and Little Swan Island (formerly known as Alexander Islands). It shall also be unlawful to hunt, chase, trap, kill, or pursue any wild animals or birds within any areas indicated by red boundary markers located on tidal flats, beginning at a red marker at Theobald Point, so-called, on the southwest shore of Swan Island running southerly and easterly around the south end of the island and northerly on the east side of said island to a red marker on the north point of Wade's boat-house cove, no markers to be more than 50 yards from high water mark except that they may be placed to low water mark in Maxwell's Cove, so-called. It shall also be unlawful to have in possession any firearms, traps, or other devices for the taking of wild animals or birds on the above islands, except that the department of inland fisheries and game may at any time take any wild animals or birds from this area for propagation within the state or for scientific purposes."

Committee Amendment "A" was then adopted in concurrence, and the Bill was assigned for third reading the next legislative day.

Non-Concurrent Matter

From the Senate: Resolve Appropriating Funds for Payment of Claims for Damages Done by Protected Wild Animals (H. P. 931) (L. D. 483), on which the House insisted on its former action on February 24th whereby the Resolve was referred to the Committees on Appropriations and Financial Affairs and Inland Fisheries and Game Jointly.

Came from the Senate, that body voting to insist on its former action whereby the Resolve was referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The SPEAKER: The Chair rec-

ognizes the gentleman from Buxton, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I move that the House recede and concur with the Senate.

The SPEAKER: The gentleman from Buxton, Mr. Davis, moves that the House recede and concur with the Senate.

The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, I do not want to frighten the gentleman from Buxton, Mr. Davis, because I am going to agree with him. I just want to explain to this House that the reason that I am going along with this is not because I am afraid of a fight. It apparently turns out that some individual in that group—the group we are supposed to speak of in hushed voices—is bound that we should do it this way, and my reason for going along with it and not making a fight is because of a positive assurance by the Senate Chairman of the Committee on Inland Fisheries and Game that he can come to us and confer with this Committee at any time; so I second the motion.

Thereupon, the motion prevailed, and the House receded from its former action whereby it voted to insist and further receded from its former action whereby L. D. 483 was referred to the Committee on Appropriations and Financial Affairs and Inland Fisheries and Game jointly. The House then concurred with the Senate in the reference of this Resolve to the Committee on Appropriations and Financial Affairs.

Additional Paper from the Senate, out of order and under suspension of the rules:

From the Senate, the following order:

ORDERED, the House concurring, that when the Senate and House adjourn at the close of this week's session, they adjourn to meet on Tuesday morning, March 2nd, 1943, at 11.30 A. M. (S. P. 433)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

Bills and Resolves Requiring Reference

The following Bills and Resolves, which were transmitted by the Re-

visor of Statutes pursuant to Joint Order S. P. 310, were received, and upon recommendation of the Committee on Reference of Bills were referred to the following Committees:

Agriculture

Bill "An Act Permitting the Department of Agriculture to Encourage and Promote Farming During the Present Emergency and Provide for the Rehabilitation of Farm Families after the War" (H. P. 1241) (Presented by Mr. Bartlett of Portland)

(Ordered printed)

Sent up for concurrence.

Judiciary

Resolve Proposing an Amendment to the Constitution relating to the Election of the Governor's Council by the People (H. P. 1242) (Presented by Mr. Rollins of Greenville)

(Ordered printed)

Resolve Proposing a Constitutional Amendment Changing the Times of Meetings of the Legislature (H. P. 1243) (Presented by same gentleman)

(Ordered printed)

Sent up for concurrence.

Mercantile Affairs and Insurance

Bill "An Act Creating a State Fire Marshal" (H. P. 1244) (Presented by Mr. Pierce of Bucksport)

(Ordered printed)

Sent up for concurrence.

Military Affairs

Bill "An Act Revising the Military Law" (H. P. 1245) (Presented by Mr. Southard of Bangor)

(Ordered printed)

Sent up for concurrence.

Ways and Bridges

Bill "An Act relating to Third Class Highways, Designated for Improvement, being Reclassified as State Aid Highways and providing for their Construction and Maintenance" (H. P. 1246) (Presented by Mr. Cross of Augusta)

(Ordered printed)

Sent up for concurrence.

The SPEAKER: The Clerk informs the Chair that the Revisor of Statutes has filed with him a statement indicating that all the bills which have been presented to

him by title and with the necessary material have all been completed in accordance with the Joint Order.

House Reports of Committees

Ought to Pass in New Draft

Mr. Ela from the Committee on Inland Fisheries and Game on Bill "An Act relating to Hunting of and Bounty for Foxes" (H. P. 315) (L. D. 212) reported same in a new draft (H. P. 1240) under title of "An Act relating to the Hunting and Trapping of Foxes" and that it "Ought to pass"

Mr. Jones from the Committee on Public Utilities on Bill "An Act to Confirm and Amend the Charter of the South Berwick Water Company, Inc." (H. P. 574) (L. D. 305) reported same in a new draft (H. P. 1239) under same title and that it "Ought to pass"

Mr. Libby from same Committee on Bill "An Act Creating the Caribou Utilities District" (H. P. 760) (L. D. 425) reporting same in a new draft (H. P. 1238) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

Ought to Pass

Mr. Hutchins from the Committee on Banks and Banking reported "Ought to pass" on Bill "An Act relating to Insurance held by Loan and Building Associations" (H. P. 771) (L. D. 414)

Miss Deering from the Committee on Education reported same on Bill "An Act relating to the Age of Children Attending School" (H. P. 535) (L. D. 307)

Mr. Dow from same Committee reported same on Bill "An Act relating to Flags for Schools" (H. P. 159) (L. D. 101)

Mr. Hamilton from same Committee reported same on Bill "An Act relating to Schooling for Children of Parents who have a Temporary Residence" (H. P. 449) (L. D. 257)

Mr. Marsans from same Committee reported same on Bill "An Act relating to the Operation of the Normal Schools during the War" (H. P. 1095) (L. D. 567)

Mr. Anderson from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Hunting of Bear" (H. P. 311) (L. D. 229)

Same gentleman from same Committee reported same on Bill "An Act relating to Open Season for Beaver" (H. P. 314) (L. D. 227)

Mr. Ela from same Committee reported same on Bill "An Act relating to Old Mill Pond Game Preserve" (H. P. 935) (L. D. 487)

Miss Bangs from the Committee on Judiciary reported same on Bill "An Act relating to Foreign Corporations" (H. P. 794) (L. D. 423)

Mr. Grua from same Committee reported same on Bill "An Act relating to Disorderly Conduct on Public Conveyances" (H. P. 793) (L. D. 422)

Mr. Perkins from same Committee reported same on Bill "An Act Granting the Court the Right to Issue Injunctions in Contests for Certain Offices" (H. P. 788) (L. D. 417)

Mr. Williams from same Committee reported same on Bill "An Act relating to Payment to County Law Library of Knox County" (H. P. 789) (L. D. 418)

Mr. Savage from the Committee on Military Affairs reported same on Resolve Authorizing the Treasurer of State to Reconvey to the town of Houlton Certain Unused Armory Sites (H. P. 1141) (L. D. 606)

Mr. Brown from the Committee on Public Utilities reported same on Bill "An Act relating to Safety Switches and Switch Lights at Railroad Sidings" (H. P. 1155) (L. D. 610)

Mr. Goldsmith from the Committee on Salaries and Fees reported same on Bill "An Act relating to the Salary of the Recorder of the Houlton Municipal Court" (H. P. 329) (L. D. 200)

Mr. Smith from same Committee reported same on Bill "An Act to Increase the Salary of the County Attorney of Sagadahoc County" (H. P. 117) (L. D. 71)

Mr. Morrison from the Committee on Taxation reported same on Bill "An Act relating to Refund of 3/4 of Engine Fuel Tax" (H. P. 835) (L. D. 401)

Mr. Tozier from same Committee reported same on Bill "An Act relating to the Report of the State Tax Assessor" (H. P. 155) (L. D. 114)

Reports were read and accepted.

On motion by Miss Bangs of Brunswick, House Rule 25 was suspended for the remainder of today's

session in order to permit smoking.

Ought to Pass with Committee Amendment

Mr. Ela from the Committee on Inland Fisheries and Game on Resolve relating to Ice Fishing in Mud Pond in the town of Peru (H. P. 1101) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve ordered printed under the Joint Rules.

Mr. Snow from the Committee on Motor Vehicles on Bill "An Act relating to Fee Required for Examination to Operate Motor Vehicles" (H. P. 812) (L. D. 391) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Mr. Jones from the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Register of Probate of Sagadahoc County" (H. P. 118) (L. D. 72) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Mr. Smith from same Committee on Bill "An Act Increasing the Amount Paid for Clerk Hire in the Offices of Register of Deeds, Register of Probate and Clerk of Courts in Knox County" (H. P. 579) (L. D. 346) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Same gentleman from same Committee on Bill "An Act relating to the Compensation of the Register of Probate for Knox County" (H. P. 578) (L. D. 345) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Reports were read and accepted.

First Reading of Printed Bills and Resolves

Bill "An Act relating to Expenses of Quarantine" (H. P. 255) (L. D. 189)

Bill "An Act to Enable Towns to Obtain State Aid in Securing Public Health Nursing Service" (H. P. 341) (L. D. 203)

Bill "An Act to Amend the Charter of the city of Bangor" (H. P. 563) (L. D. 313)

Bill "An Act concerning Listing of Dogs by Assessors" (H. P. 801) (L. D. 383)

Bill "An Act relating to Deposits

of County Funds" (H. P. 803) (L. D. 386)

Bill "An Act to Regulate the Sale and Packing of Sardines during the Present Emergency" (H. P. 834) (L. D. 400)

Bill "An Act relating to Mortgage Loans of Savings Banks" (H. P. 932) (L. D. 485)

Bill "An Act relating to the Capital Stock of Telephone Workers Credit Union of Maine" (H. P. 1235) (L. D. 729)

Bill "An Act relating to the Voting Districts in the town of Harpswell" (H. P. 1236) (L. D. 728)

Bill "An Act relating to Insurance Agents and Brokers" (H. P. 1237) (L. D. 727)

Resolve relating to Fishing for Smelts in Waters of Androscoggin Watershed (H. P. 180) (L. D. 726)

Resolve relating to Close Time on Lobsters in Certain Waters (H. P. 602) (L. D. 354)

Bills were read twice, Resolves read once, and assigned for third reading the next legislative day.

Passed to be Engrossed

Bill "An Act Amending the Old Age Assistance Law" (S. P. 71) (L. D. 6)

Bill "An Act relating to Compensation of Collectors" (S. P. 102) (L. D. 38)

Bill "An Act relating to Penalties of Motor Vehicle Violations" (S. P. 300) (L. D. 436)

Bill "An Act relating to Mirrors on Motor Vehicles" (S. P. 301) (L. D. 434)

Bill "An Act relating to Shippers of Potatoes" (H. P. 163) (L. D. 118)

Bill "An Act to Amend the Charter of the Kennebec Water District" (H. P. 468) (L. D. 250)

Bill "An Act relating to the Stipend for Agricultural Societies during the War Emergency" (H. P. 522) (L. D. 316)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Orders of the Day

On motion by Mr. Cross of Augusta, the House voted to take from the table the ninth tabled and unassigned matter, Bill "An Act Relating to the Sale of Oils" (H. P. 181) (L. D. 126), tabled by that gentleman on February 25th, pending third reading.

The Bill was given its third reading.

MR. CROSS: Mr. Speaker, I now present House Amendment "A" and move its adoption. I would like to say in connection with it that this is merely a technical change in the section number and does not affect the tenor of the bill.

THE SPEAKER: The gentleman from Augusta, Mr. Cross, offers House Amendment "A" to L. D. 126 and moves its adoption.

The Clerk will read House Amendment "A".

House Amendment "A" to H. P. 181, L. D. 126, Bill "An Act relating to the Sale of Oils".

Amend said Bill by striking out in the sixth line of said Bill the number "35-A" and inserting in place thereof "29-A".

Further amend said Bill by re-numbering the section "35-A" to "29-A".

House Amendment "A" was adopted and the Bill was passed to be engrossed and sent up for concurrence.

THE SPEAKER: The House is proceeding under Orders of the Day. The Chair recognizes the gentleman from Damariscotta, Mr. Denny.

MR. DENNY: Mr. Speaker, I would like unanimous consent to address the House.

THE SPEAKER: The gentleman from Damariscotta, Mr. Denny, asks

unanimous consent to address the House. Is there objection? The Chair hears none, and the gentleman may proceed.

MR. DENNY: Mr. Speaker, out of order and under suspension of the rules—and I trust I am carrying this out correctly—I would like to present an order and move its passage.

THE SPEAKER: The gentleman from Damariscotta, Mr. Denny, presents an Order out of order and moves its passage. Is there objection? The Chair hears none. The Clerk will read the order.

ORDERED, the Senate concurring, that H. P. 1221, L. D. 708, Bill, "An Act relating to Slaughterhouses" be recalled to the House from the Committee on Legal Affairs. (H. P. 1247)

Thereupon the Order received passage and was sent up for concurrence.

THE SPEAKER: If there is nothing further to come before the House at this time under Orders of the Day, the Clerk will read the notices.

On motion of Mr. Emerson of North Haven,

Adjourned until Tuesday, March 2nd, at 11.30 o'clock in the forenoon.