

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD  
OF THE  
Ninety-first Legislature  
OF THE  
STATE OF MAINE



1943

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**HOUSE**

Tuesday, March 9, 1943

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

Prayer by the Rev. Mr. Akeley of Gardiner, Junior Chaplain, M. S. G.

Journal of the previous session read and approved.

**Papers From the Senate  
Senate Reports of Committees  
Ought Not to Pass**

From the Senate: Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Resolve relating to Fishing in Androscoggin County (S. P. 407) (L. D. 704)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to Termination of Contracts for Sale of Real Estate" (S. P. 353) (L. D. 679)

Came from the Senate, read and accepted

In the House, read and accepted in concurrence.

**Ought to Pass**

From the Senate: Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve in favor of the Maine Historical Society (S. P. 91) (L. D. 751)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to Disposal of Poll-taxes Paid by Electors in Unorganized Territory" (S. P. 340) (L. D. 514)

Report of same Committee reporting same on Bill "An Act relating to Emergency Municipal Finance Board" (S. P. 341) (L. D. 515)

Report of the Committee on Public Health reporting same on Bill "An Act relating to Annual Registration of Osteopathic Physicians" (S. P. 303) (L. D. 433)

Report of same Committee reporting same on Bill "An Act to Provide General Public Health Service" (S. P. 234) (L. D. 337)

Report of same Committee reporting same on Bill "An Act to Control and Eradicate Venereal Diseases" (S. P. 235) (L. D. 338)

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

In the House, Reports were read

and accepted in concurrence, the Bills read twice, the Resolve read once, and tomorrow assigned.

**Ought to Pass with Committee  
Amendment**

Report of the Committee on Public Health on Bill "An Act relating to Examination and Registration of Osteopathic Physicians" (S. P. 304) (L. D. 432) 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. 304, L. D. 432, Bill "An Act Relating to Examination and Registration of Osteopathic Physicians."

Amend said bill by striking out the underlined words "as a war emergency measure" in the twenty-third and twenty-fourth lines thereof and substituting the following underlined words—"during the present war emergency and six months thereafter."

Thereupon, Committee Amendment "A" was adopted and the bill was assigned for third reading tomorrow morning.

**Non-Concurrent**

From the Senate: Resolve Designating the Baxter State Park Road (H. P. 326) (L. D. 207) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 24th.

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House, on motion by Mr. Ward of Millinocket, the House voted to reconsider its action of February 24th, whereby the Resolve was passed to be engrossed as amended by Committee Amendment "A".

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

Senate Amendment "A" to Resolve Designating the Baxter State Park Road (H. P. 326) (L. D. 207), as amended by Committee Amendment "A" is hereby further amended

by striking out the words "designated and" which appear in the fourth line of said Resolve, and by striking out the word "designated" which appears in the fifth line of said Resolve and substituting in place of said word, the word "described."

Thereupon, on further motion by Mr. Ward, Senate Amendment "A" was adopted, and the Resolve, as amended by Committee Amendment "A" and Senate Amendment "A" was passed to be engrossed in concurrence.

#### Non-Concurrent Matter

From the Senate: Bill "An Act relating to the Dumping of Waste Potatoes" (S. P. 155) (L. D. 175), which was passed to be enacted in the House on March 4th and passed to be engrossed on February 26th.

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

In the House, on motion by Mr. Denny of Damariscotta, the House voted to reconsider its action of March 4th, whereby this Bill was passed to be enacted; and on further motion by the same gentleman, the House voted to reconsider its action of February 26th whereby the Bill was passed to be engrossed.

Senate Amendment "A" was read by the Clerk as follows:

Senate Amendment "A" to S. P. 155, L. D. 175, Bill "An Act Relating to the Dumping of Waste Potatoes."

Amend said Bill by adding before the enacting clause thereof the following:

**Emergency preamble.** Whereas, a state of war exists between the United States and Germany and Japan, and

Whereas, the production of food is vital for the prosecution of the war, and

Whereas, the passage of this act will materially assist the immediate production of food, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend said Bill by adding at the end thereof the following:

**Emergency clause.** In view of

the emergency cited in the preamble, this act shall take effect when approved

On further motion by Mr. Denny, Senate Amendment "A" was adopted and the Bill as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

#### Orders

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Anderson of New Sweden be excused from attendance this week because of business; and also that Mr. Sichel of Lisbon be excused for the week because of business.

On motion by Mrs. Leidy of Ft. Kent, Rule 25 was suspended to permit smoking for the remainder of the morning's session. (Applause)

#### House Reports of Committees Ought to Pass in New Draft

Mr. Haskell from the Committee on Legal Affairs on Bill "An Act to Repeal the Act Creating the Bethel Village Corporation" (H. P. 755) (L. D. 404) reported same in a new draft H. P. 1261) under same title and that it "Ought to pass"

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

#### Ought to Pass

Mr. Anderson from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to Amend the Charter of the city of Auburn" (H. P. 759) (L. D. 424)

Report was read and accepted.

#### Report Tabled

Mr. Anderson from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act Relating to City Ordinances on Licenses for Cinematograph, Moving Pictures and Operators" (H. P. 1136) (L. D. 600)

(On motion by Mr. Donahue of Biddeford, the Report, together with the Bill, was tabled pending acceptance of the Committee Report.)

Mr. Small from the Committee on Motor Vehicles reported "Ought to pass" on Bill "An Act relating to Limitation of Use of Vehicles under Dealers' Registration" (H. P. 960) (L. D. 497)

Report was read and accepted.

### Ought to Pass with Committee Amendment

Mr. Hutchins from the Committee on Motor Vehicles on Bill "An Act Permitting Members of the Armed Forces to Retain Motor Vehicle Operators' Licenses Without Additional Fee" (H. P. 109) (L. D. 69) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Reports were read and accepted.

### First Reading of Printed Bills and Resolve

Bill "An Act relating to the furnishing of Lists of Wild Lands for Taxation Purposes" (H. P. 102) (L. D. 85)

Bill "An Act relating to Town Reports" (H. P. 809) (L. D. 465)

Bill "An Act relating to Hunting Rabbits in Oxford County" (H. P. 1099) (L. D. 569)

Bill "An Act relating to Trial Terms of the Superior Court in Aroostook County" (H. P. 1107) (L. D. 573)

Bill "An Act relating to Enforcing Orders for Payment of Alimony, Support Money and Counsel Fees in Divorce Actions" (H. P. 1108) (L. D. 574)

Bill "An Act relating to Marriage Certificates" (H. P. 1120) (L. D. 585)

Bill "An Act Authorizing the Issuance of Free Fishing Licenses for Soldiers and Sailors" (H. P. 1256) (L. D. 758)

Bill "An Act relating to Search for Lost Persons" (H. P. 1257) (L. D. 759)

Bill "An Act relating to Temporary Insurance Agency Licenses" (H. P. 1258) (L. D. 760)

Bill "An Act relating to Charges for Examinations of Foreign Insurance Companies" (H. P. 1259) (L. D. 761)

Resolve relating to Ice Fishing in Dyer's Long Pond, in Jefferson (H. P. 784) (L. D. 762)

Bills were read twice, Resolve read once, and tomorrow assigned.

### First Reading of Printed Bills with Committee Amendment

Bill "An Act relating to Aroostook County Law Library" (H. P. 786) (L. D. 415)

Bill had its two several readings. Committee Amendment "A" read by the Clerk as follows:

Committee Amendment "A" to H. P. 786, L. D. 415, Bill "An Act Re-

lating to Aroostook County Law Library."

Amend said bill by striking out in the first line of the underlined portion the figure "\$1600" and inserting in place thereof the figure "\$1900"; and by striking out in the second line of the underlined portion the figure "\$800" and inserting in place thereof the figure "\$1100."

Committee Amendment "A" was adopted and tomorrow assigned for the third reading of the Bill.

Bill "An Act to Authorize the Charging Off of Uncollectable Accounts Due Counties" (H. P. 1106) (L. D. 572)

Bill had its two several readings. Committee Amendment "A" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 1106, L. D. 572, Bill "An Act to Authorize the Charging off of Uncollectable Accounts Due Counties."

Amend said bill by inserting in the 3rd line after the word "receivable" the words "including taxes".

Further amend said bill by striking out all of the last sentence.

Thereupon, Committee Amendment "A" was adopted, and the Bill was assigned for third reading tomorrow morning.

### Passed to be Engrossed

Bill "An Act relating to Expenses of County Commissioners" (S. P. 182) (L. D. 241)

Bill "An Act relating to Trapping for Beaver" (S. P. 258) (L. D. 455)

Bill "An Act relating to Relief of Veterans of all Wars, and their Dependents" (S. P. 430) (L. D. 747)

Bill "An Act relating to Vehicle Parking on Ways" (S. P. 432) (L. D. 749)

Bill "An Act to Authorize and Provide for the Temporary Admission to Practice in this State of Physicians and Camp Physicians to Protect the Health of the Civilian Population during the War Emergency Period" (H. P. 328) (L. D. 205)

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

### Amended Bills

Bill "An Act relating to Towns having no Free High Schools" (S. P. 210) (L. D. 322)

Bill "An Act relating to the Madison Water District" (H. P. 140) (L. D. 109)

Bill "An Act to Confer Additional Rights and Powers upon East Branch Improvement Company" (H. P. 560) (L. D. 286)

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

### Orders of the Day

On motion by Mr. Murchie of Calais, the House voted to take from the table the twenty-fourth tabled and unassigned matter, Bill "An Act relating to Apportionment to Towns for Teaching Positions" (H. P. 238) (L. D. 186), tabled by that gentleman on March 4th pending second reading.

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

Mr. MURCHIE: Mr. Speaker, I hope that at least the members of this Legislature do not feel that I was so struck on myself that I felt I could kill or lick this Teachers' Bill. Neither did I feel that I was quite capable of nicking it \$175,000, if I wanted to. My thought is that no drastic tax legislation will probably be enacted during this session of the Legislature. If it should, it will change the whole picture, to be sure. My feeling is that in this effort I have made progress in calling your attention to situations other than just making increases. In other words, if you want to receive attention tackle a popular measure. My hope is that if and when I may later offer an amendment to the State Tax Bill that you will be inclined to go along with me, if and provided I can find the money; and I now move, Sir, that this Legislative Document 186 be given its second reading.

Thereupon, the Bill had its second reading

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

Committee Amendment "A" to H. P. 238, L. D. 186, Bill "An Act Relating to Apportionment to Towns for Teaching Positions."

Amend said bill by adding at the end of the underlined words in the 9th line of that part designated "Sec. 207" thereof, the following underlined words: **The distribution of state school funds to towns on account of teaching positions in December 1943 shall be based upon the minimum program as established by**

**chapter 284 of the public laws of 1941.**

Further amend said bill by drawing a line through the figure "12" in the 15th line from the end of said bill and by inserting after said stricken out figure the underlined figure "13"

Further amend said bill by changing the underlined word "shall" in the 7th line from the end of said bill, to the underlined word "may".

Committee Amendment "A" was adopted and the Bill was assigned for third reading tomorrow morning.

On motion by Mr. Grua of Livermore Falls, the House voted to take from the table the sixth tabled and unassigned matter, Bill "An Act Relating to White Mountain National Forest" (S. P. 167) (L. D. 181) tabled by that gentleman on February 19th, pending third reading.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker and Members of the House: As this measure was passing through, I had occasion to look it over, and if you will turn to it, you will see that it evidently attempts to legislate for nationally owned lands and not for the State of Maine. The purpose of the bill is wholesome and desirable but it is legislating a law that has to do with the policing of property owned by the United States over which the State of Maine has no police powers, and in which the State of Maine has no rights whatever, as far as I can see.

It would be very similar to legislating laws for the City of Berlin, New Hampshire, or for Boston, Massachusetts, or some province in Canada. It seems to me it is utterly and entirely illegal.

I have taken the matter up with the sponsors of the bill and the members of that Committee, and I have taken the matter up with our Forestry Commissioner, Mr. Rendall, and they are agreed with me that the matter is not a proper matter for our consideration. You can readily see that it would be very dangerous to pass such a law, because the wardens might attempt to arrest somebody up there for this violation. They might take him to a Judge, and then send him to jail.

Not only is this law illegal, but it

has not even the color of legality, so that such officers and such a Judge would not be protected in any manner by the law. It seems to me that they could be sued for very large damages. I think it is very doubtful that we should put on our books any law that we clearly feel is illegal and unconstitutional; and however much we might like to assist in the purpose of this act, I feel that we ought to go very slowly. The only real purpose is to enable the fire wardens up there to bring culprits before the courts of the State of Maine rather than taking them before the Federal court in Portland, because of the inconvenience of taking them that longer distance. I feel that it would be very unwise for us to pass such legislation, and I therefore move, Mr. Speaker, that we indefinitely postpone Legislative Document 181, Bill "An Act Relating to the White Mountain National Forest."

The SPEAKER: The gentleman from Livermore Falls, Mr. Grua, moves that Bill "An Act Relating to the White Mountain National Forest" (S. P. 167) (L. D. 181) be indefinitely postponed. Is this the pleasure of the House?

The Chair recognizes the gentleman from Clifton, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, as a member of the Committee on State Lands and Forest Preservation, I would like to ask that this bill lie on the table pending the motion of the gentleman from Liv-

ermore Falls (Mr. Grua) that the bill be indefinitely postponed.

The SPEAKER: The gentleman from Clifton, Mr. Williams, moves that Legislative Document 181 be tabled, pending the motion of the gentleman from Livermore Falls, Mr. Grua, that the bill be indefinitely postponed. Is this the pleasure of the House?

Thereupon, the motion prevailed and the Bill was so tabled.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion by Mr. Braley of Augusta, the House voted to take from the table the twenty-first tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Relating to Election Clerks" (H. P. 799) (L. D. 381), tabled by that gentleman on March 4th, pending acceptance; and on further motion by the same gentleman the "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: If there are no other matters to come before the House at this time, the Clerk will read the notices.

On motion by Mr. Knight of Jay, Adjourned until ten o'clock tomorrow morning.