

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

KENNEBEC JOURNAL COMPANY
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Conference Report

From the Senate:

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to the Registration and Operation of Motor Vehicles by Non-residents" (S. P. 669) (L. D. 1175) reporting that the Committee is unable to agree.
(Signed)

Messrs. Osgood of Oxford
Beckett of Washington
Elliot of Knox
—Committee on part of Senate.
Farwell of Unity
Otto of Dexter
Farrington of Augusta
—Committee on part of House.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate:

Report A of the Committee on Judiciary on Bill "An Act relating to Exceptions of Persons Entitled to Parole" (S. P. 30) (L. D. 10) reporting same in a new draft (S. P. 677) (L. D. 1206) under same title and that it "Ought to pass"

Report was signed by the following members:

Miss Laughlin of Cumberland
Messrs. Hill of Cumberland
—of the Senate.
Hinckley of So. Portland
Fellows of Augusta
Thorne of Madison
—of the House.

Report B of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. Burns of Aroostook
—of the Senate.
McGlauffin of Portland
Weatherbee of Lincoln
Varney of Berwick
Bird of Rockland
—of the House.

Comes from the Senate with report "A" read and accepted and the bill passed to be engrossed.

In the House:

Mr. COWAN of Portland: Mr. Speaker, I would ask the indulgence of the House to permit this to be laid on the table until the first thing this afternoon in order to prepare an amendment, because it

might make a difference in our attitude toward the bill. I move it be laid on the table until the first of the afternoon.

The SPEAKER: The gentleman from Portland, Mr. Cowan, moves that the two reports of the Committee on Judiciary on Bill "An Act relating to Exceptions of Persons Entitled to Parole" new draft (S. P. 677) (L. D. 1206) be laid on the table pending acceptance of either report and be specially assigned as the second item this afternoon. Is this the pleasure of the House?

The motion prevailed, and the reports, together with the bill, were so tabled.

Paper from the Senate disposed of in concurrence.

Final Report

From the Senate:

Final report of the Committee on State Lands and Forest Preservation.

Comes from the Senate, read and accepted.

In the House, read and accepted in concurrence.

On motion by Mr. Varney of Berwick,
Recessed until 3 P. M.

After Recess—3:10 P. M.

The House was called to order by the Speaker.

Passed To Be Engrossed

(Out of order and under suspension of the rules)

Bill "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)

Was reported by the Committee on Bills in the Third Reading.

The SPEAKER: Is it the pleasure of the House that Senate Amendment "A" be adopted in concurrence.

Thereupon, Senate Amendment "A" was adopted and the bill, as amended by Senate Amendment "A" was passed to be engrossed in concurrence.

Paper From The Senate

(Out of order and under suspension of the rules)

From the Senate: Bill "An Act to Provide a Police Commission for the city of Biddeford" (H. P. 1163)

(L. D. 482) on which the House accepted the report of the Committee on Legal Affairs reporting "Ought not to pass" on April 5th.

Comes from the Senate, with the bill substituted for the report and passed to be engrossed in non-concurrence.

In the House:

Mr. FORD of Saco: Mr. Speaker, I move that we now recede from our former action of April 5th and concur with the Senate in the substitution of the bill for the report, and that this bill be given its first reading at this time.

The SPEAKER: The gentleman from Saco, Mr. Ford, moves that the House recede from its former action whereby it accepted the "Ought not to pass" report of the Committee on Legal Affairs and concur with the Senate in the substitution of the bill for the report.

Mr. DONAHUE of Biddeford: Mr. Speaker and members of the Eighty-ninth Legislature: This bill, which was reported out unanimously "Ought not to pass" by the Legal Affairs Committee, would provide for the appointment of a Board of Police Commissioners by the Governor and take away from the citizens of the City of Biddeford part of their right of home rule.

Under the present system in Biddeford, we have twelve patrolmen. The Department at the present time costs \$22,000 a year to run. Under this proposed legislation, this Commission could appoint 18 patrolmen and it would increase the expenditures in that department by approximately 33 1-3 per cent, and would result in an increase in the tax rate of one mill. I therefore rise in opposition to the motion of my friend, the gentleman from Saco, Mr. Ford.

A short time after the hearing an editorial was published in the Portland Evening Express, and, with your indulgence, I would like to read it to you:

"Biddeford Police"

We know very little about the honesty or efficiency of the Biddeford police force. Until there developed the movement to take the appointment of the officers from the hands of the local government and turn the power over to a State selected commission, we had heard nothing against it up this way. That isn't conclusive that the force is all right but it is an indication

that it is. At any rate it would have to be shown that it is pretty bad before in our opinion the Legislature would be warranted in depriving the people of the city of this much of their local self-government.

"The people of Biddeford are intelligent, and even though they have acquired the habit of voting the Democratic ticket, which is against them, they have had pretty good government out there. At any rate no scandals have developed and governmental matters have gone along very smoothly.

"In the course of the hearing on the police commission bill it was brought out that big gambling games have been going on there, participated in by Portland players without interference by the police. That might be, for gambling games are going on in Portland and we suppose in Bangor, which the police are unable to stop, although we must say for them here that they try hard. But if the police of Biddeford can't handle the situation, there is a good sheriff's department which should be able to check proceedings if matters get too raw.

"The only precedent for a State-run police force in Maine exists in Lewiston, but there matters got so raw that something had to be done. And even at that some very high class citizens of the place are by no means sure that the idea is right."

Within twelve hours from the time the hearing terminated, the gentleman who charged that gambling games were going on in the city of Biddeford, and who occupies the office of Recorder in the Municipal Court in the city of Biddeford, and whose duty it is to see that warrants are issued in any case he knows of where there is any violation of the law, was served with written demand by the Police Commissioner of Biddeford to produce before them such information as he had or to issue such warrants as he desired, and that the department would immediately execute them. And from that day to this the Police Commission of the city of Biddeford has received no reply from that gentleman.

I believe that this Legislature is fair, I believe that this Legislature is not going to impose upon the taxpayers of the City of Biddeford a police force which will add to their tax burden when the present force has cooperated so efficiently with

the State police, and cooperated with the Secretary of State's Department and performed their duty in a creditable manner and are doing so at the present time, under an appropriation of \$23,000. This bill would mean an increase of 33-1/3 per cent. I therefore hope the motion of the gentleman from Saco, Mr. Ford, does not prevail. (Applause)

Mr. BELANGER of Biddeford: Mr. Speaker, I represent the city of Biddeford and we are perfectly satisfied with the way things are now. We elect our police commission by the people and for the people. I think the people of Biddeford should have a voice in this matter. I do not want to tell you how to vote on this matter, but I would ask you to vote the same as you would if this imposition was to be put on your own town or city. I thank you.

Mr. FORD of Saco: Mr. Speaker, before moving the indefinite postponement of this referendum, perhaps it would be wise for me to make a few remarks, and they are this: I do not want you folks to think that we are in any way sugar-coating this measure. This measure is pure and simple a party measure. If I were to tell you that it means one thousand votes to the County of York, Republican votes, it might mean the election of the Governor, it undoubtedly would mean not electing our county ticket, and undoubtedly would mean that for perhaps years to come we will not send Republican Senators to this body, and that is what it does mean to me. I am across the river and in no way implicated in the political fight they may have in Biddeford. We do not want them to come over to us and we do not want to go over to them. But I, as a good Republican, am interested in electing a Republican ticket in York County. Therefore I move the indefinite postponement of this referendum.

Mr. MacNICHOL of Eastport: Mr. Speaker, I bow to the steamroller. I thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Saco, Mr. Ford, that the House recede from its former action whereby it accepted the "Ought not to pass" report of the Committee on Legal Affairs on Bill "An Act to Provide a Police Commission for the city of Biddeford" and concur with the Senate in the

substitution of the bill for the report. All those in favor of the motion of the gentleman from Saco, Mr. Ford, that the House recede and concur in substituting the bill for the "Ought not to pass report" will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Seventy-four having voted in the affirmative and 28 in the negative, the motion prevailed, the bill was substituted for the "Ought not to pass" report, and under suspension of the rules was given its two several readings.

Mr. Donahue of Biddeford, then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1163 L. D. 482, Bill "An Act to Provide a Police Commission for the City of Biddeford."

Amend said Bill by adding at the end thereof the following:

Referendum. This act shall be submitted for approval or rejection to the qualified voters of the city of Biddeford at a special election held for the purpose, or at any regular election, held before January 1, 1940, and warrants shall be issued for such election in manner now provided by law for holding municipal elections, notifying and warning the qualified voters of said city to meet in the several ward rooms of said city, there to cast their ballots concerning the acceptance of this act. The vote shall be taken by ballot at said election in answer to the question: "Shall an act passed by the legislature in the year 1939, entitled 'An Act to Provide a Police Commission for the City of Biddeford' be accepted?" which question shall be printed on the official ballots and at said election the voters of said city in favor of accepting the act shall vote "Yes" and those opposed shall vote "No". Otherwise said ballots shall be in the form provided by law when a constitutional amendment is submitted to the vote of the people. The provisions of the law relating to the preparation of voting lists for municipal elections shall apply to such election and said election shall in all other respects be conducted according to law, and the results thereof shall be determined in the manner now provided by law for the determination of the election of mayor. If a majority of the valid votes cast as aforesaid shall be in

favor of accepting the same, then this act shall forthwith take effect as herein provided. So much of this act as authorizes the submission of this act to the voters of Biddeford shall take effect as provided in the constitution, but it shall not take further effect unless adopted by said voters as hereinbefore provided.

Mr. FORD: Mr. Speaker, I rise to move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Saco, Mr. Ford, moves that House Amendment "A" be indefinitely postponed.

Mr. FORD: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Saco, Mr. Ford, asks for a division. All those in favor of the indefinite postponement of House Amendment "A" will rise and stand in their places until counted, and the Monitors will make and return the count.

A division of the House was had. Seventy-two having voted in the affirmative, and 28 in the negative, the motion prevailed, and House Amendment "A" was indefinitely postponed.

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

Passed to Be Enacted (Emergency Measure)

(Out of order and under suspension of the rules)

An Act relating to Registration of Veterans' Graves (S. P. 686) (L. D. 1203)

The SPEAKER: This is an emergency measure and requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had. One hundred and three having voted in the affirmative and none in the negative, 103 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

Passed to be Enacted

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

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

An Act relating to Interest on Small Loans (S. P. 685) (L. D. 1194)

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

An Act relating to Jury Commissioners (H. P. 2201) (L. D. 1146)

An Act relating to Prenatal Examination (H. P. 2230) (L. D. 1170)

The following papers from the Senate were taken up out of order and under suspension of the rules:

From the Senate: Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Provide for the Issuance of State of Maine Improvement Bonds and the Allocation of the Proceeds from Sale" (S. P. 380) (L. D. 804)

Comes from the Senate with the bill substituted for the report and leave to withdraw granted.

In the House, that body voted to concur with the Senate in the substitution of the bill for the report and to also concur with the Senate in granting leave to withdraw.

From the Senate: Report of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue, the Proceeds of Which to be Disbursed for the Construction, Improvement and Equipment of State Buildings (S. P. 397) (L. D. 805)

Comes from the Senate with the bill substituted for the report and leave to withdraw granted.

In the House, it was voted to concur with the Senate in the substitution of the bill for the report and to also concur with the Senate in granting leave to withdraw.

House Report of a Committee

(Out of order and under suspension of the rules).

Mr. Hinman from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act for the Assessment of a State Tax for the Year 1939 and the Year 1940" (H. P. 465) (L. D. 136)

Report was read and accepted, and the bill, having already been printed, was given its three several readings under suspension of the rules and passed to be engrossed.