

# 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

**SENATE**

Thursday, February 4, 1943.

The Senate was called to order by the President.

Prayer by the Reverend T. Porter Drum of Augusta.

Journal of yesterday read and approved.

**Order**

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

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, February 9th, 1943, at 11:30 o'clock in the forenoon. (S. P. 206)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

Papers from the House referred in concurrence.

From the House:

"Petition of a Committee for Cape Elizabeth Concerning the Constitutional Rights of said Town to Representation in the Maine House of Representatives." (H. P. 453)

In the House under suspension of the rules, read and placed on file without reference to a committee.

In the Senate, on motion by Mr. Elliot of Knox, referred to the Committee on Judiciary in non-concurrence.

Sent down for concurrence.

From the House:

The Committee on Judiciary on Bill "An Act Relating to Jurisdiction of Trial Justices," (H. P. 22) (L. D. 8) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Writs of Error in Criminal Cases," (H. P. 21) (L. D. 26) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence and under suspension of the rules the bills were given their two several readings and passed to be engrossed in concurrence.

From the House:

The Committee on Judiciary on Bill "An Act Relating to Probation in Criminal Cases," (H. P. 20) (L.

D. 25) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted in concurrence and the bill read once; Committee Amendment A was read and adopted in concurrence, and under suspension of the rules the bill was read a second time and passed to be engrossed, as amended, in concurrence.

From the House:

The Committee on Judiciary on Bill "An Act Relating to Sale of Lands of Deceased and Insolvent Estates," (H. P. 9) (L. D. 2) reported that the same ought to pass as amended by Committee Amendment "A".

On motion by Mr. Harvey of York, tabled pending acceptance of the report in concurrence.

The following bills and resolves were received and on recommendation by the Committee on Reference of Bills were referred to the following committees:

**Appropriations and Financial Affairs**

Mr. Owen of Kennebec presented Bill "An Act Relating to Unexpended Balances of School Fund." (S. P. 206)

(Printing ordered)

Sent down for concurrence.

**Claims**

Mr. Harvey of York presented "Resolve in Favor of Carleton Johnson, of Saco." (S. P. 207)

Mr. Farris of Kennebec presented "Resolve in Favor of Kennebec Journal Print Shop." (S. P. 208)

(Printing ordered)

Sent down for concurrence.

**Education**

The same Senator presented "Resolve in Favor of Coburn Classical Institute." (S. P. 209)

Mr. Hodgkins of Hancock presented Bill "An Act Relating to Towns Having No Free High Schools." (S. P. 210)

(Printing ordered)

Sent down for concurrence.

**Federal Relations**

Mr. Bishop of Sagadahoc presented Bill "An Act to Accept the Benefits of an Act of Congress to Provide for the Promotion of Vocational Education." (S. P. 211)

(On motion by Mr. Bishop of Sag-

adahoc, tabled pending reference and printing ordered)

#### **Inland Fisheries and Game**

Mr. Hanold of Cumberland presented Bill "An Act Relating to Collection and Disposition of Money Received Under the Inland Fish and Game Laws." (S. P. 212)  
(Printing ordered)  
Sent down for concurrence.

#### **Insane Hospitals**

Mr. Sterling of Somerset presented Bill "An Act Relating to Transfer of Insane Persons Having Settlements in this State from out of the State Institutions." (S. P. 213)  
(Printing ordered)  
Sent down for concurrence.

#### **Judiciary**

Mr. Sterling of Somerset presented Bill "An Act Relating to Settlement of Accounts of Guardians and Conservators." (S. P. 214)  
(Printing ordered)

Mr. Good of Aroostook presented Bill "An Act Relating to Unstamped Cigarettes and Forfeiture Proceedings." (S. P. 215)  
(Printing ordered)

Mr. Owen of Kennebec presented Bill "An Act to Authorize the Charging off of Uncollectible Accounts." (S. P. 216)  
(Printing ordered)

The same Senator presented Bill "An Act Enlarging the Powers and Duties of the State Auditor." (S. P. 217)  
(Printing ordered)

Sent down for concurrence.

#### **Legal Affairs**

Mr. Emery of Hancock presented Bill "An Act to Unite two Academies in the Town of Blue Hill." (S. P. 218)

(Printing ordered)

Mr. Woodbury of Waldo presented, by request, Bill "An Act to Amend the Northport Village Corporation." (S. P. 219)

(Printing ordered)

Mr. Dow of Oxford presented Bill "An Act to Make Valid the Acts and Doings of Norway Pine Grove Cemetery Corporation, and to Define its Membership and Restrict Use of its Funds." (S. P. 220)

Mr. Sanborn of Cumberland presented Bill "An Act Amending the Charter of the Associated Hospital Service of Maine." (S. P. 221)  
(Printing ordered)

Mr. Harvey of York presented Bill

"An Act to Amend the Charter of the Town of Old Orchard Beach." (S. P. 222)

(Printing ordered)

Sent down for concurrence.

#### **Public Utilities**

Mr. Dow of Oxford presented Bill "An Act to Incorporate the Norway Water District." (S. P. 223)

(Printing ordered)

Sent down for concurrence.

#### **State Lands and Forest Preservation**

Mr. Worthen of Penobscot presented "Resolve Authorizing the Forest Commissioner to Convey Certain Land to the Great Northern Paper Company." (S. P. 224)  
(Printing ordered)

Sent down for concurrence.

#### **Towns**

Mr. Hall of Franklin presented Bill "An Act to Provide for the Surrender by Town of Madrid of its Organization." (S. P. 225)

(Printing ordered)

Sent down for concurrence.

#### **Ways and Bridges**

Mr. Emery of Hancock presented "Resolve in Favor of the Town of Swan's Island." (S. P. 226)

The same Senator presented "Resolve in Favor of the Town of Orland." (S. P. 227)

The same Senator presented "Resolve in Favor of the Town of Bucksport." (S. P. 228)

The same Senator presented "Resolve in Favor of the Town of Bluehill." (S. P. 229)

The same Senator presented "Resolve in Favor of the Town of Bar Harbor." (S. P. 230)

Mr. Hodgkins of Hancock presented "Resolve in Favor of the Town of Bar Harbor." (S. P. 231)

The same Senator presented "Resolve in Favor of the Town of Trenton." (S. P. 232)

Mr. Friend of Somerset presented "Resolve Proposing an Amendment to the Constitution to Limit to Highway Purposes the Use of Revenues Derived from the Taxation of Vehicles Used on the Public Highways, and Fuels Used for Propulsion of such Vehicles." (S. P. 233)

(On motion by Mr. Elliot of Knox, tabled pending reference, and printing ordered.)

Sent down for concurrence.

#### **Public Health**

Mr. Townsend of Penobscot presented Bill "An Act to Provide Gen-

eral Public Health Service." (S. P. 234)

(Printing ordered)

The same Senator presented Bill "An Act to Control and Eradicate Venereal Diseases." (S. P. 235)

(Printing ordered)

Sent down for concurrence.

### First Reading of a Printed Bill

Bill "An Act Relating to Payments to County Law Libraries." (S. P. 80) (L. D. 230)

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

Sent down for concurrence.

### Committee Reports

Mr. Woodbury from the Committee on Counties, on Bill "An Act Increasing the Limit of the Temporary Loan Authorized for Washington County," (S. P. 70) (L. D. 5) reported that the same ought to pass.

Which report was read and accepted, the bill read once, and under suspension of the rules, read a second time, and passed to be engrossed.

Sent down for concurrence.

Mr. Sanborn from the Committee on Legal Affairs on Bill, "An Act Relating to the Term of Certain Subordinate Officers of the City of Bath," (S. P. 53) (L. D. 53) reported that the same ought to pass, as amended by Committee Amendment A.

Which report was read and accepted and the bill was given its first reading.

The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 53, L. D. 53, entitled: 'An Act Relating to the Term of Office of Certain Subordinate Officers of the City of Bath.'

"Amend said bill by striking out the 'Emergency Clause' and adding the following in place thereof:

**"Sec. 4. Effective date of act; referendum.** In view of the emergency cited in the preamble, this act shall take effect when approved only for the purpose of permitting its submission to the legal voters of the city of Bath at the next regular election held therein. The city clerk shall prepare the required ballots for the use of the voters upon which he shall reduce the subject matter of this act to

the following question: "Shall 'An Act Relating to the Term of Office of Certain Subordinate Officers of the City of Bath' be accepted?" and the voters shall indicate by a cross placed over the words "Yes" or "No" their opinion of the same.

"This Act shall take effect for all the purposes of this Act immediately after the acceptance of this Act by the majority of the legal voters voting at said election.

"The result of the vote in said city shall be declared by the municipal officers thereof and a certificate thereof shall be filed by the clerk of the said city with the Secretary of State."

Committee Amendment A was adopted and under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by Committee Amendment A.

Sent down for concurrence.

Mr. Sanborn from the Committee on Legal Affairs on Bill, "An Act Relating to Ordinances for Certain Employees of the City of Bath," (S. P. 50) (L. D. 52) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill was given its first reading.

The Secretary read Committee Amendment A:

Committee Amendment A to S. P. 50, L. D. 52, entitled: 'An Act Relating to Ordinances for Certain Employees of the City of Bath.'

"Amend said bill by striking out the 'Emergency Clause' and adding the following in place thereof:

**"Sec. 7. Effective date of act; referendum.** In view of the emergency cited in the preamble, this act shall take effect when approved only for the purpose of permitting its submission to the legal voters of the city of Bath at the next regular election held therein. The city clerk shall prepare the required ballots for the use of the voters upon which he shall reduce the subject matter of this act to the following question. "Shall 'An Act Relating to Ordinances for Certain Employees of the City of Bath' be accepted?" and the voters shall indicate by a cross placed over the words "Yes" or "No" their opinion of the same.

"This act shall take effect for all purposes of this act immediately af-

ter the acceptance of this act by the majority of the legal voters voting at said election.

"The result of the vote in said city shall be declared by the municipal officers thereof and a certificate thereof shall be filed by the clerk of the said city with the Secretary of State."

Committee Amendment A was adopted, and under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended by Committee Amendment A.

Sent down for concurrence.

Mr. McGlauffin from the Committee on Judiciary on Bill "An Act to Repeal the So-called Hitch Hiking Law," (S. P. 115) (L. D. 42) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Harvey from the same Committee on Bill "An Act Relating to Compromise of Claims by Emergency Municipal Finance Boards," (S. P. 95) (L. D. 35) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Budgets," (S. P. 116) (L. D. 41) reported that the same ought to pass.

Which reports were severally read and accepted, the bills read once, under suspension of the rules, read a second time and passed to be engrossed.

Sent down for concurrence.

Mr. McGlauffin from the same Committee on Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Refunding Bonds," (S. P. 98) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted, and the bill was given its first reading.

The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 98, Bill 'An Act to Authorize the County Commissioners of Cumberland County to Issue Refunding Bonds.'

"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.' "

Committee Amendment A was adopted and the bill as amended by Committee Amendment A was laid upon the table for printing under the joint rules pending second reading.

### Finally Passed

Resolve, Approving the Reconveyance of Certain Land to the City of Saco. (H. P. 10) (L. D. 13).

Additional papers from the House, out of order and under suspension of the rules, referred in concurrence.

On motion by Mr. Elliot of Knox Recessed until 12 o'clock.

### After Recess

The Senate was called to order by the President.

### Orders of the Day

Mr. WASHBURN of Washington: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may state his point of personal privilege.

Mr. WASHBURN: Mr. President, the Committee on Indian Affairs has just heard with deep regret of the death of Flagg Cummings of Eastport, the faithful, courteous and trusted employee of this state in charge of our Indian tribes. The committee has arranged to be represented at the funeral and at the proper time will present a resolution.

The PRESIDENT: The Senate hears with regret the unfortunate report and thanks the Senator from Washington, Senator Washburn.

On motion by Mr. Harvey of York, the Senate voted to take from the table bill "An Act Relating to Sale of Lands of Deceased and in Insolvent Estates" (H. P. 9) (L. D. 2) tabled by that Senator earlier in today's session pending acceptance of the committee 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.

Committee Amendment A was read and adopted in concurrence.

Thereupon, the same Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment A to H. P. 9, L. D. 2, An Act Relating to Sale of

Lands of Deceased and Insolvent Estates. Amend said bill by striking out the title thereof and inserting in place thereof the title: 'An Act Relating to Sale of Lands of Deceased Persons'".

Senate Amendment A was adopted and under suspension of the rules the bill as amended by Committee Amendment A and Senate Amendment A was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Bishop of Saga-

dahoc, the Senate voted to take from the table bill "An Act to Accept the Benefits of an Act of Congress to Provide for the Promotion of Vocational Education" (S. P. 211), tabled by that Senator earlier in today's session pending reference; and on further motion by the same Senator the bill was referred to the Committee on Federal Relations.

Sent down for concurrence.

On motion by Mr. Elliot of Knox  
Adjourned until next Tuesday  
morning at 11:30 o'clock.