

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

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SENATE

Wednesday, February 17, 1943

The Senate was called to order by the President.

Prayer by the Reverend Elmer D. Colcord of Gardiner.

Journal of yesterday read and approved.

From the House:

The Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Unauthorized Insurance," (H. P. 152) (L. D. 100) reported the same in a new draft (H. P. 920) (L. D. 468) under the same title, and that it ought to pass.

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

The following bills and resolves were transmitted by the Revisor of Statutes pursuant to joint order (S. P. 310) and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Agriculture

Mr. Woodbury of Waldo presented Bill "An Act Relating to Buyers and Sellers of Milk and Cream." (S. P. 349)

(Printing ordered)

Sent down for concurrence.

Appropriations and Financial Affairs

Mr. Peters of Androscoggin presented "Resolve in Favor of the Central Maine General Hospital of Lewiston." (S. P. 350)

Sent down for concurrence.

Claims

Mr. Varney of York presented "Resolve in Favor of Joseph Cote, of Sanford." (S. P. 351)

Sent down for concurrence.

Inland Fisheries and Game

Mr. Batchelder of York presented Bill "An Act Relating to Disposal of Confiscated Ammunition and Small Arms." (S. P. 352)

(Printing ordered)

Mr. Worthen of Penobscot presented Bill "An Act Relating to Fishing and Hunting licenses." (S. P. 353)

(On motion by Mr. Worthen of

Penobscot, tabled pending reference. Printing ordered)

Sent down for concurrence.

Judiciary

Mr. Harvey of York presented Bill "An Act Relating to the Number of Justices of the Supreme Court." (S. P. 354)

(Printing ordered)

The same Senator presented Bill "An Act Relating to Conscious Suffering Preceding Death." (S. P. 355)

(Printing ordered)

The same Senator presented Bill "An Act Relating to Finger-printing of Pupils in Public Schools." (S. P. 356)

(Printing ordered)

Mr. Bishop of Sagadahoc presented "Resolve Proposing an Amendment to the Constitution Relating to Adoption of Amendments to the Constitution." (S. P. 357)

(Printing ordered)

The same Senator presented "Resolve Proposing an Amendment to the Constitution to Provide for Four Year Term for Governor." (S. P. 358)

(Printing ordered)

Sent down for concurrence.

Legal Affairs

Mr. Farris of Kennebec presented Bill "An Act Permitting Bowling on Sunday." (S. P. 359)

(Printing ordered)

Mr. Buck of Lincoln presented Bill "An Act Relating to the Termination of Organization of Towns or Plantations." (S. P. 360)

(Printing ordered)

Sent down for concurrence.

Motor Vehicles

Mr. Megill of Kennebec presented Bill "An Act Relating to the Weight of Motor Vehicles." (S. P. 361)

(Printing ordered)

Mr. Batchelder of York presented Bill "An Act Permitting Use of Motor Vehicles to Transport Observers to Observation Posts without Registration."

(Printing ordered)

Sent down for concurrence.

Pensions

Mr. Bishop of Sagadahoc presented "Resolve Providing for a State Pension for Frederic C. Chandler, of Bath." (S. P. 363)

The same Senator presented "Resolve Providing for an Increase in State Pension for Elson Harford, of Richmond." (S. P. 364)

Sent down for concurrence.

Pownal State School

The same Senator presented "Resolve Providing for Construction of a Building for Employees at the Pownal State School." (S. P. 365)
(Printing ordered)
Sent down for concurrence.

Public Utilities

Mr. Harvey of York presented, by request, Bill "An Act Relating to Certain Carriers under the Financial Responsibility Act." (S. P. 366)
(Printing ordered)
Sent down for concurrence.

Salaries and Fees

Mr. Megill of Kennebec presented Bill "An Act Relating to Clerk Hire in the Office of the Register of Deeds in Kennebec County." (S. P. 367)

(Printing ordered)

The same Senator presented Bill "An Act Relating to Salary of Register of Deeds of Kennebec County." (S. P. 368)

(Printing ordered)

Mr. Peters of Androscoggin presented Bill "An Act Increasing the Compensation of the County Attorney and Assistant County Attorney for Androscoggin County." (S. P. 369)

(Printing ordered)

Mr. Friend of Somerset presented Bill "An Act Relating to the Salaries of the Members of the State Highway Commission." (S. P. 370)

(Printing ordered)

Mr. Dunbar of Washington presented Bill "An Act Clarifying the Law Relating to Clerk Hire in the Office of Register of Deeds in Washington County." (S. P. 371)

(Printing ordered)

Mr. Bragdon of Aroostook presented, by request, Bill "An Act Relating to the Salary of the Chairman of the Liquor Commission." (S. P. 372)

(Printing ordered)

The same Senator presented by request, Bill "An Act Relating to the Salary of the Commissioner of Insurance." (S. P. 373)

(Printing ordered)

Mr. Hanold of Cumberland presented Bill "An Act Relating to the Salary of the Commissioner of Inland and Fisheries and Game." (S. P. 374)

(Printing ordered)

Mr. Harvey of York presented Bill "An Act Relating to the Compensation

tion of the Justices of the Supreme and Superior Courts." (S. P. 375)
(Printing ordered)

Sent down for concurrence.

Sea and Shore Fisheries

Mr. Washburn of Washington presented Bill "An Act Relating to the Penalty for Interfering with any Contrivance used in the Lobster Industry." (S. P. 376)

(Printing ordered)

Sent down for concurrence.

State Lands and Forest Preservation

Mr. Sterling of Somerset presented "Resolve Relating to Fire Protection for Baxter State Park." (S. P. 377)

(Printing ordered)

Sent down for concurrence.

Taxation

Mr. Boucher of Androscoggin presented Bill "An Act Relating to Increase of the State Valuation." (S. P. 378)

(Printing ordered)

Sent down for concurrence.

Ways and Bridges

Mr. Dunbar of Washington presented "Resolve in Favor of the Town of Alexander." (S. P. 379)

Mr. Brown of Aroostook presented "Resolve in Favor of Allagash Plantation." (S. P. 380)

Mr. Bragdon of Aroostook presented "Resolve in Favor of the Town of New Limerick." (S. P. 381)

The same Senator presented "Resolve in Favor of Allagash Plantation." (S. P. 382)

The same Senator presented "Resolve in Favor of the Town of Bancroft." (S. P. 383)

Mr. Dorr of Oxford presented "Resolve in Favor of the Town of Mexico." (S. P. 384)

Mr. Good of Aroostook presented "Resolve in Favor of the Town of Monticello." (S. P. 385)

Sent down for concurrence.

Passed to be Engrossed

Bill "An Act to Exempt Members of the Armed Forces from Poll Taxes." (H. P. 39) (L. D. 28)

"Resolve Regulating Fishing in Cambridge Pond." (H. P. 88) (L. D. 375)

Bill "An Act to Amend the Charter of the Town of Fort Fairfield." (H. P. 100) (L. D. 60)

Bill "An Act Relating to Taxation of Express Companies." (H. P. 156) (L. D. 115)

Bill "An Act Relating to Assessment of Taxes on Lands in Places

not Incorporated." (H. P. 157) (L. D. 116)

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

Bill "An Act Relating to the Appropriation for and Assistance to the Maine Maritime Academy" (H. P. 188) (L. D. 128). Which bill was given its second reading.

Mr. Varney of York presented Senate Amendment A and moved its adoption:

"Senate Amendment A to H. P. 188, L. D. 128, bill 'An Act Relating to the Appropriation for an Assistance to the Maine Maritime Academy'.

Amend said bill by striking out all that part designated 'Sec. 4' of section 1 thereof, and substituting in place thereof the following:

'Sec. 4. State aid. In addition to the income provided by the provisions of section 3 from such sums as shall be appropriated biennially for the operation of the school, the treasurer of state or his successor shall, upon request of the trustees, make grants for such operation to the treasurer of the school, who shall give bond in an amount to be set by the Governor and Council, but not less than \$15,000 with sureties approved by the Governor and Council for its proper disbursement.'

Senate Amendment A was adopted and the bill as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill "An Act to Incorporate the Vinalhaven Port District." (H. P. 254) (L. D. 190)

Bill "An Act Relating to the Election of Town Officers." (H. P. 256) (L. D. 188)

Bill "An Act Authorizing the Conveyance of 'Baring Cemetery' to the 'Baring Cemetery Corporation'." (H. P. 325) (L. D. 208)

"Resolve Relating to Taking of White Perch in Chesuncook Lake." (H. P. 838) (L. D. 376)

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

Bill "An Act Relating to Trapping Season for Muskrats." (S. P. 68) (L. D. 4)

"Resolve Authorizing the Purchase of Property for the State." (S. P. 78) (L. D. 34)

(On motion by Mr. Varney of York, tabled pending passage to be engrossed)

Bill "An Act Relating to Registration of Trucks." (S. P. 134) (L. D. 96)

Bill "An Act Defining the Word 'Teacher' under Teachers' Pensions." (S. P. 144) (L. D. 146)

Bill "An Act Relating to White Mountain National Forest." (S. P. 167) (L. D. 181)

"Resolve Authorizing the Forest Commissioner to Grant Permits for Setting and Maintaining Poles and Wires on the Public Lot in Caratunk Plantation." (S. P. 168) (L. D. 182)

Bill "An Act to Provide for Post War Planning." (S. P. 178) (L. D. 242)

Bill "An Act Relating to the Report of the State Auditor." (S. P. 184) (L. D. 270)

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

Sent down for concurrence.

Emergency Measures

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

Bill "An Act Relating to Ordinances for Certain Employees of the City of Bath." (S. P. 50) (L. D. 52)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

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

Bill "An Act Relating to the Term of Office of Certain Subordinate Officers of the City of Bath." (S. P. 53) (L. D. 53)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

Orders of the Day Order

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

ORDERED that the members of the Men's Club of the Penney Memorial Church be granted the use of the Senate Chamber on the eve-

ning of February 25, 1943 for the purpose of listening to an address by the Hon. Clifford E. McGlaulin of Portland.

On motion by Mr. Batchelder of York, the Senate voted to take from the table bill "An Act Relating to the Building and Maintenance of Highway Crossings of Railroads," (S. P. 148) (L. D. 148) tabled by that senator on February 12 pending acceptance of the report; and on further motion by the same senator, the report was accepted and the bill was given its first reading and tomorrow assigned for second reading.

On motion by Mr. McGlaulin of Cumberland, the Senate voted to take from the table "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) tabled by that senator on February 4 pending motion to refer to the Committee on Ways and Bridges.

Mr. McGLAULIN of Cumberland: Mr. President, as I stated to the Senate yesterday, this is a measure that should be referred to a legal committee because it relates to a fundamental law of the state. The Committee on Reference must be well aware of that fact, and the only explanation for it going to Ways and Bridges that I can conceive, is that some influential member of the legislature has requested such reference. I have no quarrel with the members of the Ways and Bridges Committee. It is made up of good men and they are all friends of mine so far as that is concerned, but I would venture to say that not half of the members of the legislature even know the requirements of the constitution itself for making an amendment to that constitution. You would not select a farmer to make out your income tax, and you would not select a carpenter to make out your will. This is a matter that requires careful and impartial consideration.

The object of having this go to a Ways and Bridges committee is obviously with the hope that a committee which knows nothing about constitutional law is more likely to act favorably on the bill than one

that is acting impartially for the welfare of the whole state. And the reason would apparently be that because it indirectly relates to roads, perhaps this committee would be more favorable. Now this matter stands at the present moment this way: There is a motion before this Senate to refer this to the Ways and Bridges committee. When that motion is put by the President, if the Senate votes No, then I would make a motion to have this Resolve referred to the Committee on Legal Affairs.

Mr. FRIEND of Somerset: Mr. President, I regret very much that I find it necessary to oppose the Senator from Cumberland, Senator McGlaulin in this matter, but I really think that the recommendation of the Committee on Reference of Bills should be sustained. I really think that this is very definitely a highways and bridges matter. It deals with all the highways and bridges money, all of the money raised by the gas tax and registrations, amounting ordinarily to some ten millions of dollars a year, and so far as I know in past legislatures such bills as this have always been referred to the Committee on Ways and Bridges.

I very much hope that the Senate will see fit to so refer this Resolve and I hope that the motion of the Senator from Knox, Senator Elliot, to refer this Resolve to the Committee on Ways and Bridges will prevail.

Mr. McGLAULIN: Mr. President, when the vote is taken, I ask for a division of the Senate.

Mr. BISHOP of Sagadahoc: Mr. President, just to clarify the record with reference to the remarks made by the Senator from Cumberland, Senator McGlaulin, I would like to state that I am a farmer and that the people in my community have come to me to get help in making out their income tax rates.

Mr. BROWN of Aroostook: Mr. President, I had not intended to take part in this controversy, being a member of the Committee on Ways and Bridges, and it is immaterial to me which committee it comes before. If it comes before the Committee on Legal Affairs, there will be one less headache for the members of the Committee on Ways and Bridges.

However, I resent the implication of the Senator from Cumberland (Senator McGlaulin) that the members of the Committee on Ways

and Bridges are not qualified to properly act on this measure.

Some of the members of the Committee on Ways and Bridges have served on that committee for several years and we as members of that committee have the recommendation of the allotting of ten or twelve million dollars a year. Some of us have made quite a study of the set-up of ways and bridges and how the money is spent. It is true that we may not know all the ramifications necessary to amend the Constitution but most of us understand that it first has to be passed by the legislature by a majority vote and then it goes to the people to enact. I think we understand that part of it.

As far as not going to farmers to make out income taxes I would like to say, gentlemen, that all farmers do not have to go to lawyers to make out their income taxes because I have made out my own ever since they were required and

I have never had my returns questioned.

I think the proper reference for this resolve is to the Committee on Ways and Bridges the same as any other matter dealing strictly with ways and bridges.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Elliot, that this Resolve, Senate Paper 233, be referred to the Committee on Ways and Bridges. Is the Senate ready for the question? The Senator from Cumberland, Senator McGlauffin has asked for a division.

A division of the Senate was had.

Twenty-four having voted in the affirmative and three opposed, the motion to refer the Resolve to the Committee on Ways and Bridges prevailed.

Sent down for concurrence.

On motion by Mr. Elliot of Knox

Adjourned until tomorrow morning at ten o'clock.