

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

Monday, March 29, 1943.

The Senate was called to order by the President.

Prayer by the Reverend Gordon Washburn of Hallowell.

Journal of Friday, March 26th, 1943, read and approved.

From the House

"Resolve Proposing a Constitutional Amendment Changing the Times of Meetings of the Legislature." (H. P. 1243) (L. D. 743)

(In the Senate on March 25th, the bill was indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was substituted for the report, and referred to the 92nd Legislature, and now asks for a Committee of Conference.

In the Senate, on motion by Mr. Farris of Kennebec, the Resolve was tabled pending consideration.

House Committee Reports

The Committee on Taxation on Bill "An Act Providing for Funds for Homestead Taxation Relief, and Imposing a Gross Sales Tax Therefor," (H. P. 1167) (L. D. 622) reported that the same ought not to pass.

On motion by Mr. Brown of Aroostook, tabled pending acceptance of the report in concurrence and especially assigned for tomorrow.

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Fees of Trust and Banking Companies," (H. P. 1073) (L. D. 562) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Allocations and Unappropriated Surplus Account," (H. P. 928) (L. D. 546) reported that the same ought to pass.

The Committee on Indian Affairs on Bill "An Act Relating to the Method of Computation of the Expense of the Education of the Penobscot and Passamaquoddy Indian Children," (H. P. 240) (L. D. 159) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Representation of

Indian Tribes at the Legislature," (H. P. 539) (L. D. 309) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Payments to Franklin County Law Library," (H. P. 1177) (L. D. 655) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Compensation of Employees Who Have Received Prior Injuries," (H. P. 90) (L. D. 77) reported the same in a new draft, (H. P. 1305) (L. D. 833) under the same title, and that it ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to Compensation for Members of the Parole Board," (H. P. 968) (L. D. 532) reported that the same ought to pass.

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

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Recorder of Rockland Municipal Court," (H. P. 575) (L. D. 342) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted in concurrence and the bill was given its first reading. Committee Amendment A was read and adopted in concurrence.

On motion by Mr. Varney of York, the bill as amended by Committee Amendment A was laid upon the table pending assignment for second reading.

The Committee on Judiciary on Bill "An Act Relating to the Pennell Institute in the Town of Gray," (H. P. 1132) (L. D. 553) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act Authorizing the Creation of Housing Authorities in the Several Cities and Towns," (H. P. 1134) (L. D. 598) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Increasing the Compensation of the Judge of Probate of Knox County," (H. P. 599) (L. D. 355) reported that the same ought to pass

as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Fees of Sheriffs and Their Deputies," (H. P. 1187) (L. D. 664) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and under suspension of the rules, the bills as amended were read a second time and passed to be engrossed in concurrence

Report "A" from the Committee on Ways and Bridges on 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) (L. D. 745) reported that the same ought not to pass.

(signed) Senators:

HALL of Franklin
DORR of Oxford

Representatives:

LACKEE of Addison
MACLEOD of Bar Harbor
DEAN of South Portland

Report "B" from the same Committee on the same subject matter, reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

(signed) Senator:

BROWN of Aroostook

Representatives:

CROSS of Augusta
AYER of Cornish
McINTIRE of Phippsburg
OSGOOD of Bradford

Comes from the House, recommended to the Committee on Ways and Bridges.

In the Senate, recommended to the Committee on Ways and Bridges in concurrence.

The Majority of the Committee on Legal Affairs on Bill "An Act to Create a Board of Fire Commissioners for the Town of Sanford," (H. P. 458) (L. D. 246) reported the same in a new draft (H. P. 1302) (L. D. 831) under the same title, and that it ought to pass.

(Signed)

Senators:

Dunbar of Washington
Peters of Androscoggin
Representatives:
Donahue of Biddeford
Ward of Millinocket
Bartlett of Portland
Sichol of Lisbon Falls

The minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Senator Sanborn of Cumberland

Representatives:

Anderson of New Sweden
Haskell of Portland
Payson of Portland

Comes from the House, the Majority Report read and accepted, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Batchelder of York, the bill and accompanying reports were laid upon the table pending acceptance of either report.

The Majority of the Committee on Public Health on Bill "An Act Relating to Pre-Medical Examination," (H. P. 632) (L. D. 357) reported that the same ought to pass as amended by Committee Amendment "A".

(Signed)

Senators:

Townsend of Penobscot
Farris of Kennebec
Brown of Aroostook

Representatives:

Longstaff of Crystal
McFadden of Pembroke
Deering of Bath
Sayward of Kennebunk
Stephenson of Union
Downs of Rome

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Representative Clough of Bangor

Comes from the House, the Majority Report read and accepted, and the bill passed to be engrossed as amended.

In the Senate, on motion by Mr. Townsend of Penobscot, the Majority Report "Ought to Pass as Amended by Committee Amend-

ment A" was read and accepted in concurrence and the bill was given its first reading. Committee Amendment A was read and adopted in concurrence, and under suspension of the rules, the bill was given its second reading and passed to be engrossed as so amended in concurrence.

STATE OF MAINE

Senate Chamber
Augusta

March 26, 1943

To the Senate
91st Legislature
Augusta, Maine.

Dear Sirs:

Pursuant to the Joint rules, I herewith submit a list of bills and resolutions. These were presented by me to the President of the Senate for his signature at 12:35 P. M. March 26, 1943. These bills and resolutions were signed by the President at 1:45 P. M., March 26, 1943. These bills and resolutions were presented by me to the Governor at 1:53 P. M., March 26, 1943.

Respectfully yours,

ROYDEN V. BROWN,
Secretary of the Senate.

(Item 1) Bill "An Act Relating to the Amount to be Paid for Clerk Hire in the Office of the Recorder of the Municipal Court of the City of Portland." (S. P. 58) (L. D. 51)

(Item 2) Bill "An Act Regulating the Transportation of Deer." (S. P. 188) (L. D. 274)

(Item 3) Bill "An Act Relating to the Salary of the County Treasurer and Clerk Hire for the County of Kennebec." (S. P. 269) (L. D. 457)

(Item 4) Bill "An Act Relating to Salary of Register of Deeds of Kennebec County." (S. P. 368) (L. D. 636)

(Item 5) Bill "An Act Relating to the Governor's Expense Account." (S. P. 443) (L. D. 784)

(Item 6) Bill "An Act Relating to Regulation of Loans by Trust Companies." (H. P. 55) (L. D. 55)

(Item 7) Bill "An Act Relating to the Salary of the Recorder of the Portland Municipal Court." (H. P. 119) (L. D. 73)

(Item 8) Bill "An Act Relating to Investments of Permanent Trust Funds." (H. P. 1276) (L. D. 789)

(Item 9) Bill "An Act Relating to the Teachers' Retirement Annuity Fund for Appropriation of Money Therefor." (H. P. 1277) (L. D. 790)

(Item 10) Bill "An Act Amending the Law Relating to Deposits of State Funds." (H. P. 1278) (L. D. 791)

(Item 11) Bill "An Act Relating to Terms of the Northern Aroostook Municipal Court at Fort Kent for the Trial of Actions of Forcible Entry and Detainer." (H. P. 1279) (L. D. 792)

(Item 12) Bill "An Act to Provide for the Surrender by Milton Plantation of its Organization." (H. P. 1281) (L. D. 794)

(Item 13) "Resolve, Relating to the Completion of the Eighth Revision of the General and Public Laws." (S. P. 444) (L. D. 785) (H. P. 1262) (L. D. 770)—"An Act relating to Superintendent of Public Building."

Which communication and accompanying list were read and ordered placed on file.

First Reading of Printed Bills

Bill "An Act Relating to Refunding of Washington County Bonds." (S. P. 469) (L. D. 850)

Bill "An Act Relating to the Salaries of the Members of the State Highway Commission." (S. P. 470) (L. D. 849)

Bill "An Act Relating to Expenses of Maintaining County Roads." (S. P. 471) (L. D. 851)

Bill "An Act Relating to Notices of Changes of Locations of Certain Highways." (S. P. 472) (L. D. 853)

Bill "An Act Relating to Conscientious Suffering Preceding Death." (S. P. 473) (L. D. 854)

Bill "An Act Relating to the Retirement System for State Police."

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

Sent down for concurrence.

Senate Committee Reports

Mr. McGLAUFILIN from the Committee on Judiciary on Bill "An Act Relating to the Jointly Contributory Retirement System," (S. P. 428) (L. D. 766) reported that the same ought not to pass.

(On motion by Mr. Elliot of Knox, tabled pending acceptance of the report.)

Mr. Townsend from the Committee on Temperance on Bill "An Act Relative to Ordering of Malt Liquors by Wholesalers," (S. P. 331) (L. D. 504) reported that legislation is inexpedient as the matter is covered otherwise.

The same Senator from the same Committee on Bill "An Act to Improve the Efficiency of the Administration of the Liquor Laws and to Safeguard State Revenue During the Present Emergency," (S. P. 61) (L. D. 155) reported that legislation is inexpedient, as the matter is covered otherwise.

The same Senator from the same Committee on Bill "An Act Relating to the Regulation of the Sale of Malt Liquors to Minors," (S. P. 62) (L. D. 156) reported that legislation thereon is inexpedient as the matter is covered otherwise.

Mr. Boucher from the same Committee on Bill "An Act Relating to Sale of Liquor to Minors," (S. P. 204) (L. D. 285) reported that legislation thereon is inexpedient, as the matter is covered otherwise.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. McGlauffin from the Committee on Judiciary on Bill "An Act Relating to Attached Mortgaged Property," (S. P. 289) (L. D. 448) reported the same in a new draft, (S. P. 479) under the same title, and that it ought to pass.

Mr. Farris from the same Committee on Bill "An Act Relating to Compensation for Personal Injury to Employees," (S. P. 390) (L. D. 682) reported the same in a new draft (S. P. 480) under the same title, and that it ought to pass.

Mr. Bragdon from the Committee on Salaries and Fees on Bill "An Act Granting Increase in Salary to Judge of Probate of Waldo County," (S. P. 267) (L. D. 459) reported the same in a new draft (S. P. 481) under a new title, Bill "An Act Granting Increase in Salary to Judge of Probate of Piscataquis County," and that it ought to pass.

Which reports were severally read and accepted, and the bills

laid upon the table for printing under the joint rules.

Mr. Boucher from the Committee on Indian Affairs on "Resolve creating an Interim Committee to Study the Tribal Rights and Needs of the Indians," (S. P. 416) (L. D. 724) 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. 416, L. D. 724, 'Resolve, Creating an Interim Committee to Study the Tribal Rights and Needs of the Indians'.

Amend said resolve by striking all of the 1st paragraph thereof after the word 'of' in the 3rd line and inserting in place thereof the following: the present members of the Joint Committee on Indian Affairs.'"

Committee Amendment A was adopted and the bill as so amended was tomorrow assigned for second reading.

Mr. Bishop from the same Committee on Bill "An Act Relating to Loss of Membership in Indian Tribes by Marriage," (S. P. 89) (L. D. 16) reported that the same ought to pass as amended by Committee Amendment A submitted herewith.

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. 89, L. D. 16. Bill, An Act Relating to Loss of Membership in Indian Tribes by Marriage.

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

Provided, however, that this paragraph shall not apply to any Indian member of either tribe who serves in the armed forces of the United States or any of its allies in the present war."

Committee Amendment A was adopted, and the bill as so amended was tomorrow assigned for second reading.

Mr. Buck from the Committee on Salaries and Fees on Bill "An Act Relating to the Salaries of Clerks in the Offices of the Register of Probate and Clerk of Courts in Piscataquis County," (S. P. 305) (L. D. 473) reported that the same ought to pass as amended by Committee Amendment A submitted herewith.

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. 305, L. D. 473, Bill An Act Relating to the Salaries of Clerks in the Offices of the Register of Probate, and Clerk of Courts in Piscataquis County.

Amend said Bill by striking out the title thereof and substituting in place thereof the following: 'An Act Relating to the Salaries of Clerks in the Offices of Register of Deeds, Register of Probate and Clerk of Courts in Piscataquis County.'

Further amend said Bill by adding 'Sec. 1.' before the headnote of the 1st paragraph thereof.

Further amend said Bill by striking out the underlined figures '\$1,196' in the 2nd and 5th lines of the 2nd paragraph thereof, and inserting in place thereof the underlines figures '\$1,000'.

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

'Sec. 2. Limitation of act. This act shall remain in force for a period of 2 years. It is the intent of the legislature to change the present statute for a period of 2 years only, after which period the present statute shall return to full force and effect.'

Committee Amendment A was adopted, and the bill as so amended was tomorrow assigned for second reading.

Mr. Bragdon from the same Committee on Bill "An Act Relating to the Salary of the Commissioner of Agriculture," (S. P. 397) (L. D. 675) reported that the same ought to pass as amended by Committee Amendment A submitted herewith.

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

The Secretary read Committee Amendment A:

"Committee Amendment A to bill 'An Act Relating to the Salary of the Commissioner of Agriculture,' S. P. 397) (L. D. 675)

Amend said bill by deleting from the second paragraph thereof after the underlined figures '\$4500' the following: 'provided, however, that the Governor and Council may increase said salary to amount not in excess of \$5500.'

Committee Amendment A was adopted and the bill as so amended was tomorrow assigned for second reading.

Passed to Be Engrossed

Bill "An Act Relating to the Maine Development Commission and the State Geologist." (H. P. 1266) (L. D. 775)

Which bill was read a second time and passed to be engrossed in concurrence.

"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) (L. D. 339)

Which resolve was read a second time and passed to be engrossed.

Sent down for concurrence.

Passed to Be Enacted

An Act Permitting the Pembroke Trotting Association to Conduct Amateur Races on Sunday. (S. P. 241) (L. D. 361)

(On motion by Mr. Brown of Aroostook, tabled pending passage to be enacted.)

An Act to Provide a Town Manager Form of Government for the Town of Brunswick. (H. P. 187) (L. D. 129)

An Act Relating to Municipal Planning and Zoning. (H. P. 190) (L. D. 127)

An Act Relating to Hunting Foxes with Hounds in the County of Franklin. (H. P. 241) (L. D. 160)

An Act Relating to Members of Teachers' Retirement System in Military Service. (H. P. 549) (L. D. 311)

An Act to Clarify the Laws Relating to Paroles and Good Time Allowances to Convicts in State Prison. (H. P. 796) (L. D. 379)

An Act Relating to Investment of Teachers' Retirement Fund. (H. P. 1275) (L. D. 795)

An Act Relating to the Protection of Bees. (H. P. 1282) (L. D. 797)

An Act Relating to the Bank Commissioner's Office. (H. P. 1284) (L. D. 799)

Finally Passed

"Resolve Relating to Old Legislative Publications." (S. P. 322) (L. D. 787)

Orders of the Day

On motion by Mr. Peters of Androscoggin, the Senate voted to take from the table, House Report from the Committee on Salaries and Fees "Ought Not to Pass" on Bill, "An Act Increasing the Compensation of the County Attorney and Assistant County Attorney of Androscoggin County" (S. P. 369) (L. D. 635) tabled by that Senator on March 26th pending acceptance of the report.

Mr. PETERS of Androscoggin: Mr. President, I move this bill be recommitted to the Committee on Salaries and Fees. I might add that I have the permission of the committee to make this motion.

The motion prevailed and the bill was recommitted to the Committee on Salaries and Fees.

Sent down for concurrence.

On motion by Mr. Batchelder of York, the Senate voted to take from the table, bill "An Act Relating to Employees in Military Service" (H. P. 1269) (L. D. 780) tabled by that Senator on March 25th pending enactment; and on further motion by the same Senator, under suspension of the rules the Senate voted to reconsider its action, taken on March 19th where-by the bill was passed to be engrossed.

Mr. BATCHELDER of York: Mr. President, I move the rules be suspended for the purpose of offering Senate Amendment "A". I might say in explanation thereof that this was a bill before our committee, "An Act Relating to Employees in Military Service" who had been in the employ of the state for a period of six months, and also any employee of any county, municipality, township or school district within the state, who had enlisted or had been inducted into the Service. It provided that they should not be considered to be resigned from their employment, but simply absent without pay. I might say in the latter part of the bill where it speaks of the State, no mention is made of other governmental agen-

cies, and this amendment is for the purpose of clarifying that part of the bill. I therefore offer Senate Amendment "A" and move its adoption.

The Secretary read Senate Amendment A:

"Senate Amendment 'A'. Amend said bill by adding after the word 'considered' in the 11th and 12th lines from the end of that part designated 'Sec. 54-A of section 1 thereof, the underlined words 'during the period of his federal service'.

"Further amend said bill by drawing a line through the words 'state during the period of his national service' in the 12th line from the end of that part designated 'Sec. 54-A of section 1 thereof, and inserting the underlined words 'governmental agency by which he was employed at the time of his entry into such federal service'."

Thereupon, Senate Amendment "A" was adopted in non-concurrence.

Mr. FARRIS of Kennebec presented Senate Amendment "B" and moved its adoption:

"Senate Amendment 'B'. Amend said bill by adding after Section 2 thereof the following section to read as follows: 'Sec. 3. R. S. Chapter 2, Sec. 54. Section 54 of Chapter 2 of the Revised Statutes as amended by Chapter 161 of the Public Laws of 1937 is hereby further amended by adding at the end thereof the following: 'provided, however, that for the duration of the war with Germany and Japan, aliens may be employed by the State if it is deemed expedient by the proper department head.'"

Mr. FARRIS: Mr. President, in explanation of this amendment, I will say the heads of institutions are having trouble employing help and this will aid them during the war because they can employ Canadians in the state institutions. That is the purpose of offering the amendment so that heads of departments during the emergency will be able to employ Canadians.

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

Sent down for concurrence.

On motion by Mr. Varney of York, the Senate voted to take from

the table bill "An Act Permitting Towns to Raise Money for Hospitals," (H. P. 1202) (L. D. 687) tabled by that Senator on March 24 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table, House Report from the Committee on Public Health "Ought to Pass" on 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) tabled by that Senator on March 10 pending acceptance of the report in concurrence; and on further motion by the same Senator, the "Ought to Pass" report of the Committee was accepted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence.

On motion by Mr. Varney of York, the Senate voted to take from the table, bill "An Act Authorizing the Creation of Housing Authorities in the Several Cities and Towns (H. P. 1134) (L. D. 598) tabled by that Senator earlier in today's session pending assignment for second reading.

Mr. VARNEY of York: Mr. President, I tabled this temporarily because I had not previously noticed the bill although I did know there was something of that sort in the mill. I have a distinct recollection that a similar bill, or at least I suppose a similar bill, has been turned down by previous legislatures and I just now hastily ran through the bill although I have not checked the amendment to see what it does to it but I wonder whether or not we, here in the Senate, know what this is doing. I am certain that at the present time I am not quite sure. However, as I read it hastily it seems to give a majority of the citizens in any town the right to set up a corporation, a public corporation, and at the same time give that public corporation the right to take over any private dwellings or houses or other real estate in that town and operate it not for profit, but, shall I say go into the busi-

ness of owning and operating real estate.

I think, as I read it hastily, that the corporation can borrow from the town. The corporation can also issue bonds. I do not know whether they are limited to issuing bonds only on that property or whether those bonds might become an obligation of the town. The bill does say they shall not operate the houses for profit, but I wonder what would happen if they took over, for instance, the 600 houses that have recently been built in the town of Kittery, borrow money temporarily from the town to operate those houses and issued some bonds which would supposedly be a claim on that property and then it turned out to be a losing proposition, who would pay the debt? I can understand how the housing authority might go to considerable expense. I suppose there is some provision in there for them to employ attorneys to take care of their affairs, etc., but I wonder whether we really want the bill or not.

I noticed, incidentally, on page 12 of the document — this happened to catch my eye — apparently before they can issue bonds they have got to advertise them in a newspaper published in the city of New York. I cannot understand why we should want to advertise our bonds in a New York paper.

I am not prepared to say that the bill should not pass or that it should pass, but with these brief remarks I hope some member of the Senate may study the bill more carefully than I have in the past. I now move it be assigned for second reading tomorrow.

Thereupon, the bill was tomorrow assigned for second reading.

The PRESIDENT: Before adjournment, the Chair would like to urge all committee chairmen with bills unreported to hold their sessions this afternoon or evening, if possible, and get all bills reported out by tomorrow. For that purpose it was decided, with the approval of the Senate and House, that no session was advisable this afternoon. I hope the chairmen of the committees will take advantage of this opportunity.

On motion by Mr. Elliot of Knox Adjourned until tomorrow morning at ten o'clock.