

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Second Legislature

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Thursday, March 1, 1945

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

Prayer by the Rev. Mr. Washburn of Hallowell.

Journal of the previous session read and approved.

**Papers from the Senate
Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Judiciary on Bill "An Act relating to Guardians for Minors" (S. P. 199) (L. D. 485)

Came from the Senate the Report read and accepted.

In the House, Report was read and accepted in concurrence.

Refer to Legal Affairs Committee

Report of the Committee on Judiciary on Bill "An Act relating to Appointment of Police Commission for city of Lewiston" (S. P. 141) (L. D. 346) reporting that same be referred to the Committee on Legal Affairs.

Came from the Senate the Report read and accepted and the Bill referred to the Committee on Legal Affairs.

In the House, Report was read and accepted and the Bill referred to the Committee on Legal Affairs in concurrence.

The SPEAKER: At this time the Chair recognizes the gentleman from Millinocket, Mr. Ward, and appoints him Speaker pro tempore, and asks the Sergeant-at-Arms to escort him to the rostrum.

Thereupon, the Sergeant-at-Arms conducted Mr. Ward to the rostrum, where he assumed the Chair amid the applause of the House, the members rising, and Speaker Barnes retired.

The following Bill and Resolve transmitted by the Revisor of Statutes pursuant to Joint Order S. P. 124, were received, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Claims

Resolve in favor of Harold Kromer of LaGrange (H. P. 1321) (Presented by Mr. Cousins of Old Town)

Sent up for concurrence.

Légál Affairs

Bill "An Act relating to Licensing Automobile Dealers" (H. P. 1322) (Presented by same gentleman) (Ordered printed) Sent up for concurrence.

Orders

On motion by Mr. Morneault of Fort Kent, it was

ORDERED, that the Clerk of the House convey to Representative Vetál Daigle of Madawaska, who is now recovering from a serious illness at the Mercy Hospital in Portland, the deep regrets of the members of the House of Representatives at his illness and their hopes that he may have a speedy recovery.

AND BE IT FURTHER ORDERED, that the Clerk of the House send to Representative Daigle at the hospital a bouquet of flowers together with a certified copy of this Order.

On motion by Mr. Lacharite of Brunswick, it was

ORDERED, that Mr. Ela of North Anson be excused from attendance during the remainder of the week because of death in the family.

**House Reports of Committees
Leave to Withdraw**

Mr. Peirce from the Committee on Judiciary on Bill "An Act relating to Parties in Interest in the Trial of Causes" (H. P. 1187) (L. D. 748) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Williams from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Authority of Towns to Raise Money for Pensions for Town Employees" (H. P. 1191) (L. D. 750)

Report was read and accepted and sent up for concurrence.

Tabled

Mr. House from the Committee on Towns reported "Ought not to pass" on Bill "An Act to Incorporate a Part of the town of Frenchville in Aroostook County into the town of Madawaska" (H. P. 686) (L. D. 278)

(On motion by Mr. Morneault of Fort Kent, tabled pending acceptance of Committee Report)

Ought to Pass in New Draft

Mr. Haskell from the Committee on Judiciary on Bill "An Act relating to the Solemnizing of Marriages" (H. P. 821) (L. D. 425) reported same in a new draft (H. P. 1320) 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 Printed Bills

Mr. Welch from the Committee on Counties reported "Ought to pass" on Bill "An Act relating to Interest Payments by Counties on Lost Heir Funds, So Called" (H. P. 1063) (L. D. 660)

Mr. Haskell from the Committee on Judiciary reported same on Bill "An Act relating to Proxies" (H. P. 1185) (L. D. 746)

Mr. Wight from the Committee on Motor Vehicles reported same on Bill "An Act relating to Special License for Motor Service Stations" (H. P. 1209) (L. D. 710)

Mr. Stillings from same Committee reported same on Bill "An Act relating to Inspection of Motor Vehicles" (H. P. 1207) (L. D. 708)

Mr. Smart from same Committee reported same on Bill "An Act relating to Speed Limit on Bridges" (H. P. 1205) (L. D. 706)

Reports were read and accepted, and the Bills, having already been printed, were read twice under suspension of the rules and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Hamilton from the Committee on Education on Bill "An Act to Increase State Aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers" (H. P. 1268) (L. D. 901) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of the Committee was accepted, and this being a printed Bill, the rules were suspended and the Bill was read twice.

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

Committee Amendment "A" to H. P. 1268, L. D. 901, Bill "An Act to Increase State Aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers."

Amend said Bill by restoring the deleted words "issue to the governor and council a recommendation relative thereto, and the governor and council may" in the 18th and 19th lines of that part designated "II." of section 2 of said Bill; and by striking out the underlined words "request the state controller to" in the 19th and 20th lines thereof.

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

Mr. Peirce from the Committee on Judiciary on Resolve relating to Sale and Distribution of Index to Private and Special Laws (H. P. 962) (L. D. 581) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of the Committee was accepted, and this being a printed Resolve, the rules were suspended and the Resolve was read once.

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

Committee Amendment "A" to H. P. 962, L. D. 581, Resolve Relating to Sale and Distribution of Index to Private and Special Laws.

Amend said resolve by striking out everything after the word "fixed" in the 4th line from the end thereof; and by adding in place thereof the following: "All proceeds from such sales shall be deposited to the credit of the general fund of the state."

Committee Amendment "A" was adopted and the Resolve was assigned for second reading tomorrow morning.

Mr. Perkins from the Committee on Judiciary on Bill "An Act relating to Adoption of Children" (H. P. 820) (L. D. 424) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of the Committee was accepted, and this being a printed Bill, the rules were suspended and the Bill was read twice.

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

Committee Amendment "A" to H. P. 820, L. D. 424, Bill "An Act Relating to Adoption of Children."

Amend said bill by striking out from the 8th, 9th, 10th and 11th lines thereof the underlined words "after personal notice to the other parent if within the jurisdiction of the court, or if beyond the juris-

diction of the court or the residence is unknown, then notice to such other parent as the judge deems proper and practical"; and inserting in place thereof the following underlined words 'personal notice of such petition to be given to the other parent if within the jurisdiction of the court, or if beyond the jurisdiction of the court or the residence is unknown, such notice as the judge deems proper'.

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

Mr. Williams from the Committee on Judiciary on Bill "An Act relating to Witnesses summoned to Appear Before the State Liquor Commission" (H. P. 1071) (L. D. 804) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of the Committee was accepted, and this being a printed Bill, the rules were suspended and the Bill was read twice.

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

Committee Amendment "A" to H. P. 1071, L. D. 804, Bill "An Act Relating to Witnesses Summoned to Appear Before the State Liquor Commission."

Amend said bill by striking out in the 7th line thereof the words "before any municipal court or trial justice,"; and inserting in place thereof the words 'or indictment'.

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

Passed to be Engrossed

Bill "An Act to Provide for the Surrender by the town of Connor of its Organization" (S. P. 83) (L. D. 77)

Bill "An Act to Provide for the Surrender by Town of Trescott of its Organization" (S. P. 154) (L. D. 372)

Bill "An Act relating to the Fire and Police Commission for the town of Skowhegan" (S. P. 251) (L. D. 633)

Bill "An Act relating to Duties of Clerks of Courts and Registers of Deeds in Judgment in Real Actions" (H. P. 812) (L. D. 420)

Bill "An Act relating to a Pension Plan for Employees of the City of Lewiston" (H. P. 1309) (L. D. 956)

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

On motion by Miss Longstaff of Crystal, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

At this point Speaker Barnes assumed the Chair, and Mr. Ward was conducted to his seat by the Sergeant-at-Arms, amid the applause of the House.

Passed To Be Enacted

An Act to Amend the Charter of Lincoln Academy (S. P. 143) (L. D. 349)

An Act Amending the Charter of the Preachers' Aid Society of the Maine Conference of the Methodist Church (S. P. 177) (L. D. 385)

An Act relating to the Organization of Plantations (S. P. 179) (L. D. 383)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Tabled

An Act Increasing the Salaries of the Members of the Industrial Accident Commission (H. P. 20) (L. D. 9)

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, this is the first bill that comes up for raise of salaries for heads of departments and commissions, and I know there are many of our constituents who are very perturbed about all these salary raises that are coming in, and, until we get a clearer picture of it, I move that Item 4, "An Act Increasing the Salaries of the Members of the Industrial Accident Commission" (H. P. 20) (L. D. 9) be laid on the table.

The SPEAKER: The gentleman from Augusta, Mr. Carpenter, moves that Item 4, "An Act Increasing the Salaries of the Members of the Industrial Accident Commission" (H. P. 20) (L. D. 9) lie on the table pending enactment.

Mr. PAYSON: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. PAYSON: To request if the

gentleman will add an amendment for a special assignment.

The SPEAKER: The motion is out of order.

Mr. PAYSON: Mr. Speaker, I then move that the motion to table be amended by including a special assignment for tomorrow morning.

The SPEAKER: Does the gentleman from Augusta (Mr. Carpenter) wish to assign a time for this matter to be taken from the table?

Mr. CARPENTER: Mr. Speaker, I would prefer that it be left open until we get more bills in and until we get a clearer picture of the whole thing.

The SPEAKER: The gentleman from Augusta, Mr. Carpenter, refuses to amend his motion.

Is it the pleasure of the House that this bill lie on the table pending enactment?

The motion prevailed and the bill was tabled pending passage to be enacted.

Passed to be Enacted (Continued)

An Act relating to the Assessment and Collection of the Potato Tax (H. P. 447) (L. D. 197)

An Act relating to the Assessment and Collection of the Gasoline Tax and the Use Fuel Tax (H. P. 448) (L. D. 172)

An Act relating to Adoption of Persons Twenty-one Years of Age or Over (H. P. 1283) (L. D. 910)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Tabled

An Act Amending the Charter of the Kennebec Water District (H. P. 1284) (L. D. 911)

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker, in the absence of the gentleman from Waterville (Mr. Jones) I would like to lay Item 8, An Act to Amend the Charter of the Kennebec Water District, (H. P. 1284) (L. D. 911) on the table.

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, moves that Item 8 lie on the table pending enactment. Is this the pleasure of the House?

The motion prevailed, and the matter was tabled pending passage to be enacted.

An Act relating to the Salary of the Judge of Probate in Washington County (S. P. 81) (L. D. 75)

An Act relating to the Salary for Clerks in the Office of Register of Probate in Washington County (S. P. 82) (L. D. 76)

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 (S. P. 158) (L. D. 362)

An Act relating to the Salary of the Register of Probate of Piscataquis County (S. P. 165) (L. D. 368)

An Act relating to the Salary of the Recorder of the Piscataquis Municipal Court (S. P. 166) (L. D. 369)

An Act relating to the Salary of the County Treasurer of Washington County (H. P. 215) (L. D. 79)

An Act relating to the Salary for Clerk Hire in the Office of Register of Deeds in Washington County (H. P. 352) (L. D. 101)

An Act relating to the Salary for Clerks in the Office of Clerk of Courts in Washington County (H. P. 354) (L. D. 103)

An Act Increasing the Salary of the County Attorney of Piscataquis County (H. P. 440) (L. D. 194)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

On motion by Miss Deering of Bath, the House voted to take from the table the twenty-third tabled and unassigned matter, Resolve, Authorizing Kennebec Towing Company to Bring Suit at Law Against the State of Maine (H. P. 331) (L. D. 146) tabled on February 28th by that gentleman, pending final passage; and on further motion by Miss Deering, under suspension of the rules, the House voted to reconsider its former action whereby the resolve was passed to be engrossed.

Miss Deering then offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to Resolve Authorizing Kennebec Towing Company to Bring Suit at Law against the State of Maine (H. P. 331) (L. D. 146)

Amend said Resolve by striking out in the third line from the end

thereof the words "any money not otherwise appropriated" and inserting in place thereof the words "the general highway fund".

House Amendment "A" was adopted and the resolve was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

On motion by Mr. Rollins, of Greenville, the House voted to take from the table the fourteenth tabled and unassigned matter, Resolve, Permitting Fox & Ginn, Inc., to Sue the State of Maine (H. P. 1398) (L. D. 959), which in the House on February 22nd was referred to the Committee on Judiciary, and on February 23rd reference reconsidered and tabled pending reference; and on further motion by the same gentleman, the resolve was referred to the Committee on Judiciary and sent up for concurrence.

On motion by Mr. Lackee of Addison, the House voted to take from the table the sixth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve, Appropriating Money for Control of the Fruit or Blueberry Fly in Maine (H. P. 621) (L. D. 284), tabled on February 21st by that gentleman pending acceptance of report; and on further motion by the same gentleman, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

On motion by Mr. Ward of Millinocket, the House voted to take from the table the seventeenth tabled and unassigned matter, Joint Order (H. P. 1316) recalling from Legislative Files, Bill "An Act relating to Real Estate Brokers" (H. P. 969) (L. D. 585) tabled on February 23th by that gentleman pending passage; and the same gentleman moved that the order receive passage.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, as the members of this House will recall, this was an order to re-refer Bill "An Act relating to Real Estate Brokers" to the Legal Affairs Committee, which has reported it "Ought not to pass." I do not think this order should be passed, but I

will read the bill, which is a very short one, to the House, and rest my case on that.

"Every real estate broker shall have and maintain a definite place of business within this state, and shall conspicuously post on the outside of the building in which said office or place of abode is conducted a sign of sufficient size to be readable from the sidewalk, indicating the name and the business of the applicant as a licensed real estate broker, unless said office shall be located in an office, apartment or hotel building, in which event the name and the words "Licensed Real Estate Broker" shall be posted in the space provided for posting of names of occupants of the building, other than the mail box.
* * * * *

The SPEAKER: All those in favor of the passage of the order will say aye; those opposed no.

A viva voce vote being taken, the motion did not prevail.

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

Mr. WILLIAMS: Mr. Speaker, I rise on a motion for reconsideration. Having voted yesterday in the affirmative on a minority "Ought not to pass" report of the Committee on Legal Affairs on Bill "An Act Creating a Division of Community Recreation Under the State Park Commission" (S. P. 50) (L. D. 19), I am now going to ask for reconsideration. I am making that motion because of the fact that in counting in the third section I noticed there were several members who were very confused as to which way they were voting. You will recall, Mr. Speaker and Members of the House, that this was the first time we had an opportunity in this session to vote on a minority report of a committee in that manner, so it is not surprising there should be some confusion.

Although I do not favor this bill as it is now written, I am sure that if there was any confusion that it is only fair that we straighten it out at this time, so that later on there will be no argument over this matter. If the motion to reconsider is carried, I will then ask to lay this matter on the table, and the proponents of the bill have assured me they wish to offer amendments to cover many

of the objections which were voiced yesterday to this bill. So, Mr. Speaker, at this time I move for reconsideration.

The SPEAKER: The Chair wishes to make perfectly sure that the members of the House understand what they are voting on.

The gentleman from Clifton, Mr. Williams, now moves that the House reconsider its action of yesterday whereby it accepted the minority "Ought not to pass" report of the committee. All those in favor of the motion to reconsider will say aye; those opposed no.

A viva voce vote was then taken.

The SPEAKER: The noes have it.

The Chair recognizes the gentleman from Casco, Mr. Cole.

Mr. COLE: Mr. Speaker, I doubt the vote.

The SPEAKER: The gentleman from Casco, Mr. Cole, doubts the announcement of the vote as made by the Chair.

Mr. COLE: Mr. Speaker, it is my judgment that the opposition shout-

ed a little louder, but there were not any more voices.

The SPEAKER: That can be determined. All those in favor of the motion to reconsider the action taken by the House yesterday whereby it accepted the minority report of the committee "Ought not to pass" will rise and stand in their places until counted and the monitors have made and returned their count.

Mr. COLE: Mr. Speaker, will you please state—

The SPEAKER: The gentleman is out of order.

A division of the House was had. Thirty-nine having voted in the affirmative and seventy-two in the negative, the motion for reconsideration did not prevail.

The SPEAKER: If there is no further business, the Clerk will read the notices.

On motion by Mr. DeSanctis, of Madison,

Adjourned until ten o'clock tomorrow morning.