

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

Tuesday, March 6, 1945.

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

Prayer by the Rev. Mr. Hughes of Augusta.

Journal of the previous session read and approved.

Papers from the Senate Remonstrance

Remonstrance of Clarence E. Alley and 21 others of Beals against any change in the Fishing Law or License Fee (S. P. 376)

Came from the Senate referred to the Committee on Sea and Shore Fisheries.

In the House, referred to the Committee on Sea and Shore Fisheries in concurrence.

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Legal Affairs on Bill "An Act Permitting Religious, Charitable, Fraternal or Benevolent Societies or Associations to Operate Lotteries" (S. P. 372) (L. D. 952) reporting leave to withdraw.

Report of same Committee reporting same on Bill "An Act relating to Operation and Use of Slot Machines" (S. P. 371) (L. D. 953)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing a Constitutional Amendment to Increase the Tenure of Sheriffs to Four Years (S. P. 319) (L. D. 832)

Report of same Committee reporting same on Resolve Proposing an Amendment to the Constitution to Provide for Lowering the Voting Age (S. P. 137) (L. D. 342)

Report of same Committee reporting same on Bill "An Act relative to Assignment of Accounts Receivable and other Choses in Action" (S. P. 91) (L. D. 134) as it is covered by other legislation.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act to Extend Opportunities for Secondary Education to Island Children" (S. P. 239) (L. D. 645)

Report of same Committee reporting same on Bill "An Act to Extend Opportunities for Secondary Education to Children Residing on the Islands Classified as Unorganized Territory" (S. P. 238) (L. D. 646)

Report of Committee on Judiciary reporting same on Bill "An Act relating to Settlement of Suits" (S. P. 244) (L. D. 640)

Report of same Committee reporting same on Bill "An Act relating to Reference or Compromise" (S. P. 245) (L. D. 639)

Report of same Committee reporting same on Bill "An Act relating to the Determination of Mentally Defective Children" (S. P. 318) (L. D. 833)

Report of the Committee on Motor Vehicles reporting same on Bill "An Act relating to the Transportation of Poles" (S. P. 205) (L. D. 479)

Came from the Senate the Reports read and accepted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence and the Bills read twice and tomorrow assigned.

Recommended

Report of the Committee on Legal Affairs on Bill "An Act relating to Auctioneers" (S. P. 322) (L. D. 829) reporting "Ought not to be received as introduced in the Senate obviously as a bill to raise revenue."

Came from the Senate recommended to the Committee on Legal Affairs.

In the House, recommended to the Committee on Legal Affairs in concurrence.

Non-concurrent Matter

Bill "An Act Creating a Division of Community Recreation Under the State Park Commission" (S. P. 50) (L. D. 13) on which the House accepted the Minority Report of the Committee on Legal Affairs reporting "Ought not to pass" in non-concurrence, on February 28th.

Came from the Senate that body voting to adhere to its former action whereby the Majority Report of the Committee reporting "Ought to pass" as amended by Committee Amendment "A" was accepted and the Bill passed to be engrossed as amended.

In the House, on motion by Mr. Warren of Westbrook, the House voted to adhere to its former action.

Orders

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Thorndike of Bar Harbor, be excused from attendance today and Wednesday because of business; and that Mr. Daigle of Madawaska, be excused from attendance because of illness.

On motion by Mr. Downs of Rome, it was

ORDERED, that Rev. Benjamin Bubar of Vassalboro, be invited to act as Chaplain of the House on Thursday, March 8th.

On motion by Mr. Ela of North Anson, it was

ORDERED, that Rev. Andrew Richards of North Anson, be invited to act as Chaplain of the House on Wednesday, March 14th.

House Reports of Committees

Refer to Committee on State Lands and Forest Preservation Tabled

Mr. Brewer from the Committee on Appropriations and Financial Affairs on Bill "An Act to Remove Floating Islands in Corundell Lake in Corinna" (H. P. 1255) (L. D. 880) reported that same be referred to the Committee on State Lands and Forest Preservation.

(On motion by Mr. Ward of Millinocket, tabled pending acceptance of Committee Report)

Ought to Pass Printed Bills

Mr. Perkins from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relative to Quietening and Establishing of Titles Derived from Tax Lien Certificates" (H. P. 329) (L. D. 116)

Mr. Ward from same Committee reported same on Bill "An Act re-

lating to Rights of Surviving Husbands and Wives" (H. P. 425) (L. D. 167)

Mr. Heanssler from the Committee on Sea and Shore Fisheries reported same on Bill "An Act relating to the Time for Packing Sardines" (H. P. 879) (L. D. 515)

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 in New Draft

Mr. Haskell from the Committee on Judiciary on Bill "An Act to Provide for the Payment of Expenses Incurred by the Maine State Office Building Authority and the Building Commission" (H. P. 640) (L. D. 315) reported same in a new draft (H. P. 1325) under same title and that it "Ought to pass"

Mr. Forhan from the Committee on Sea and Shore Fisheries on Bill "An Act relating to the Packing of Sardines" (H. P. 748) (L. D. 393) reported same in a new draft (H. P. 1326) under same title and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

Ought to Pass with Committee Amendment

Mr. Brewer from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to the Working Capital of the Liquor Commission" (H. P. 620) (L. D. 302) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 620, L. D. 302, Bill "An Act Relating to the Working Capital of the Liquor Commission.

Amend said Bill by striking out in the 17th and 18th lines of said Bill the 5th sentence of that part designated "Sec. 11." of section 1 thereof, which 5th sentence reads as follows: "Such temporary advances received from other funds shall be repaid before the end of each calendar year."

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

Mr. Perkins from the Committee on Judiciary on Bill "An Act relating to Retirement of Justices of the Superior Court" (H. P. 243) (L. D. 86) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 243, L. D. 86, Bill "An Act Relating to Retirement of Justices of the Superior Court."

Amend said bill by inserting after the word "Superior" in the title thereof the words 'Supreme Judicial'.

And further amend said bill by adding at the end thereof the following:

"R. S., c. 91, Sec. 6, amended. The 2nd paragraph of section 6 of chapter 91 is hereby amended to read as follows:"

"The provisions of this section shall apply to the present and former justices of said court. Provided, however, that such justice shall within ~~1 year~~ 2 years after attaining the age of 70 years, and serving as such justice for at least 7 consecutive years, cease to serve as such justice."

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

Mr. Perkins from the Committee on Judiciary on Bill "An Act relating to the Foreclosure of Tax Mortgages in Equity" (H. P. 328) (L. D. 115) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 328, L. D. 115, Bill "An Act Relating to the Foreclosure of Tax Mortgages in Equity."

Amend said bill by striking out in the 6th line of Sec. 98-H thereof,

the underlined word "not"; and inserting in place thereof the underlined word 'none'.

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

Tabled

Mr. Emerson from the Committee on Sea and Shore Fisheries on Bill "An Act relating to the Digging or Taking of Clam-Worms" (H. P. 195) (L. D. 58) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 195, L. D. 58, Bill "An Act relating to the Digging or Taking of Clam-Worms."

Amend said bill by striking out the period at the end of the 8th line of said bill and inserting in place thereof the following: ', provided, however, that persons under 15 years of age shall not be required to pay any license fees.'

The SPEAKER: Is it the pleasure of the House to adopt Committee Amendment "A"?

(On motion by Mr. Bell of Thomaston, the Report, with accompanying papers, was tabled pending adoption of Committee Amendment "A")

On motion by Mrs. Lord of South Portland, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking. (Applause)

First Reading of Printed Bills

Bill "An Act to Provide a Town Manager Form of Government for the town of Fairfield" (H. P. 1323) (L. D. 967)

Bill "An Act to Amend the Charter of the Brunswick Village Corporation" (H. P. 1324) (L. D. 968)

Bills were read twice and tomorrow assigned.

Passed to be Engrossed

Bill "An Act relating to Changes Under the Public Utility Holding Company Act Approved by Court of Competent Jurisdiction" (H. P. 245) (L. D. 93)

Bill "An Act to Amend the Charter of the city of Saco by Providing for the Appointment of a Civil Service Commission" (H. P. 653) (L. D. 301)

Bill "An Act to Repeal the Pension Law for Police in the town of Houlton" (H. P. 826) (L. D. 441)

Bill "An Act relating to the Solemnizing of Marriages" (H. P. 1320) (L. D. 966)

Resolve Regulating Fishing in Pleasant Pond (H. P. 509) (L. D. 249)

Resolve Opening Androscoggin Watershed and Tributaries to Smelt Fishing (H. P. 694) (L. D. 311)

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

Amended Bills

Bill "An Act Authorizing the town of Mount Desert to Improve the Port of Northeast Harbor and Facilities" (H. P. 339) (L. D. 152)

Bill "An Act Creating the Passamaquoddy District Authority" (H. P. 1200) (L. D. 759)

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

Orders of the Day

Miss Deering of Bath was granted unanimous consent to address the House.

Miss DEERING: Mr. Speaker and Members of the House: I ask permission to introduce a resolve, and I will hasten to assure you that this resolve involves no money, will require very little discussion, and will be referred to a committee which is far from overloaded on bills and hearings. This resolve simply provides for the designation of a building at one of our State schools, naming it the Stevens building in honor of the man who first realized the need for industrial schools in the State of Maine.

The SPEAKER: The gentleman from Bath, Miss Deering, asks unanimous consent to introduce a resolve. Is there objection? The Chair hears no objection, and the Clerk will read the resolve by title only.

"Resolve Designating Hospital Building at State School for Girls as Stevens Building." (H. P. 1327)

On motion by Miss Deering, the resolve was referred to the Committee on State School for Boys, State School for Girls and State Reformatories, ordered printed, and sent up for concurrence.

Mr. Payson of Portland was granted unanimous consent to address the House.

Mr. PAYSON: Mr. Speaker and Members of the House: To the people of Portland, the most important bill that is coming before us this year is the bill concerning the development of Portland Harbor and its facilities. We believe that this is a good bill for the whole State of Maine, but I will not argue that this morning. We recognize in Portland that it is of especial benefit to Portland. Because we do recognize that fact, the City Council of the City of Portland has asked me to introduce a bill which will permit the City of Portland to underwrite one-half million of the bond issue which the state is asked to make for this development.

I therefore ask unanimous consent to introduce a bill which will permit the City of Portland to take over what it considers a fair share of the especial benefit which it hopes to receive.

The SPEAKER: The gentleman from Portland, Mr. Payson, asks unanimous consent to introduce a bill. Is there objection? The Chair hears no objection, and the Clerk will read the bill by title only.

Bill "An Act to Incorporate the Portland Wharf District." (H. P. 1328)

On motion by Mr. Payson, the bill was referred to the Committee on Legal Affairs, ordered printed, and sent up for concurrence.

On motion by Mr. Carpenter of Augusta, the House voted to take from the table the 17th tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Employees in Military or Naval or Merchant Marine Service" (H. P. 810) (L. D. 503) tabled on February 28th by that gentleman pending acceptance of report.

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

Mr. CARPENTER: Mr. Speaker, when this bill came before the committee for hearing, evidence, which I will present later, was not in my possession. Legislative Document 503 provides, as you will note, that those of our citizens who were employees of towns, cities or the State and who are, at this very minute, risking their lives on the high seas, shall have their jobs back when they are discharged from the Merchant Marine, if they apply within 90 days after the cessation of hostilities. This only seems fair, as the Merchant Marine is really an auxiliary of the Navy.

Some have felt that, because of the pay Merchant Seamen receive, they should have no further consideration for benefits. Others feel that a dangerous precedent would be established if we were to pass such a bill.

First, let us consider the pay angle. Merchant Seamen certainly do receive very good wages, and if it were not for this big pay I might and you might feel at some future date that they should come under the benefits of the GI Bill. Like soldiers, they have to be away from home, the same as soldiers and sailors. Do they not, in many cases, have to parallel some of the dangers that the Navy faces. I think of those seamen just returned from Germany, who were in a convoy that lost 34 out of 38 ships, and I also think of the perilous days along the Atlantic during the first part of the war. Last Sunday, many of us read in the Portland Telegram, that nine Liberty Ships have been named for merchant seamen killed in action, which gives us an idea of how the bravery and courage of these men is appreciated and rewarded. Because they receive good pay, when the war is over I feel that we should consider they have been paid in full.

Then why do I bring in this bill allowing Merchant Seamen to have their old jobs back? Simply, as I look at it, because some of these men will desire to return to their homes and a normal life, and I believe they should be aided as much as possible. For example, the gentleman who requested me to submit this bill was employed by the State. He was a sailor in the last war and tried to enlist in this one but was turned down by the Navy, and so he enlisted in the Merchant

Marine. I met him on the street a short time ago and greeted him with "Hi, how goes it with the Merchant Marine?" He replied: "All right, I guess, but I will be glad to get home," showing, I believe that he was not in the Merchant Marine primarily because he was interested in the big pay but because he felt, with his experience in the last war, that this would be his best contribution to the war effort. These are the kind of people I believe would be helped by this bill.

The other objection to this bill that I have heard is that it might set a precedent, namely, that the Merchant Marine might try to get in on other benefits. Well, ladies and gentlemen of the House, the precedent has already been established and we cannot do anything about that.

This is the evidence I did not have at the time of the hearing. I am quoting from Public Law 87, 78th Congress, Chapter 142, 1st Session, H. R. 131 "An Act to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes." "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,"—I will not read the whole bill, but I will just quote pertinent parts. The first section goes on to describe who is a Merchant Seaman. Under Section 2, Sub-section A, it states: "If such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay." Subsection B: "If such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so." Sub-section C—and I wish you members would notice this are particularly: "If such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay."

The bill goes on to say that a Merchant Seaman is considered to

be on leave of absence without pay. And in Section 3 it states: "In case any private employer fails or refuses to comply with the provisions of section 2, the district court of the United States" and so forth, and then it goes on to describe how an employee may have redress.

This bill was passed June 23, 1943. Now the Congress of the United States has passed a law that government employees shall have their old jobs back, if they so desire, when they return from the Merchant Marine. Private employers have accepted a law that they shall take back their employees who are in the Merchant Marine. Congress has recommended to states, cities and towns that they shall reinstate their employees who are in the Merchant Marine. Mr. Speaker, I agree and I hope that we all agree with the Congress of the United States, and I hope that the report of the Committee does not prevail, and I so move.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Bell.

Mr. BELL: Mr. Speaker, I still maintain that if these fellows want the benefits of the military and naval service they should go into the military and naval service. We have plenty of boys coming home who have been over there, for little or no money, dodging bullets. They cannot strike, and the Merchant Marine can. I still maintain we will have plenty to look after without looking after the Merchant Marine who are making a fortune right now.

The SPEAKER: The Chair understands that the gentleman from Augusta, Mr. Carpenter, moves to substitute the bill for the "Ought not to pass" report of the Committee. Is the Chair correct in that understanding?

Mr. CARPENTER: Well, Mr. Speaker, the Committee reported "Ought not to pass," and I move that the committee report be not accepted. I think that is the way I want to do it.

The SPEAKER: The gentleman is the judge of his own motion. The question is on the acceptance of the "Ought not to pass" report of the Committee. All those in favor will say "aye;" contrary-minded "no."

A viva voce vote was taken and doubted.

Mr. CARPENTER: Mr. Speaker, I do not think the members all understand on what we are voting.

The SPEAKER: The Chair is in doubt. Will the gentleman please reduce his motion to writing and submit it to the Speaker?

Mr. CARPENTER: Mr. Speaker, you do not mean now?

The SPEAKER: Yes.

Mr. CARPENTER: Mr. Speaker, I move to substitute the bill for the report of the committee.

The SPEAKER: The gentleman from Augusta, Mr. Carpenter, moves to substitute the bill for the "Ought not to pass" report of the committee. All those in favor of the gentleman's motion will say aye; contrary minded no.

A viva-voce vote being doubted, A division of the House was had.

Thirty-eight having voted in the affirmative and fifty in the negative, the motion to substitute the bill for the "Ought not to pass" report of the committee did not prevail. Thereupon the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion by Mr. Rollins of Greenville, the House voted to take from the table the eighteenth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on State Lands and Forest Preservation on Resolve Authorizing the Forest Commissioner to Convey Certain Land to Herbert R. Dow, of Argyle (H. P. 859) (L. D. 516), tabled on February 28th by that gentleman, pending acceptance of Report; and on further motion by the same gentleman the Report, with accompanying papers, was recommitted to the Committee on State Lands and Forest Preservation and sent up for concurrence.

On motion by Mr. Bird of Rockland, the House voted to take from the table the third tabled and unassigned matter, Joint Order Relative to 2500 Additional Copies of Lists of Salaries of State Officials and Employees (S. P. 353), tabled on February 20th by that gentleman pending passage in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Bird.

Mr. BIRD: Mr. Speaker. I move passage of the order in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mr. Hawes.

Mr. HAWES: Mr. Speaker, this is probably not the most important matter before the Legislature, and I personally am no more interested in it than the other members; but for the information of those who have not been members in recent years, I wish to state that this is not a new proposition. For the past eight or ten years, at least, every Legislature has ordered the publication of these lists; they have received considerable circulation and many people have become accustomed to receive them. The matter has not been discussed to any extent on the floor, and I am unaware of any reason for any opposition of this kind. If we wish to create the impression we prefer people do not know too much about the State's business and that we are seeking to cover up something, this is the most effective way to do it. I believe every member is entitled to as many copies as he may desire in

order to comply with requests which have been or may be received for them. And, because I believe to refuse to do this would be unwise as well as unfair, I hope the motion of the gentleman from Rockland (Mr. Bird) that the order receive passage in concurrence, prevails. When the vote is taken, Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Vassalboro, Mr. Hawes, asks for a division. All those in favor of the motion of the gentleman from Rockland, Mr. Bird, that this order receive passage in concurrence will rise and stand in their places until counted and the monitors have have made and returned the count.

A division of the House was had.

Seventy-seven having voted in the affirmative and seventeen in the negative, the motion prevailed and the order received passage in concurrence.

On motion by Mr. Smart of Ellsworth,

Adjourned until ten o'clock tomorrow morning.