

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 13, 1945.

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

Prayer by the Rev. Mr. Wood of Hallowell.

Journal of the previous session read and approved.

Papers from the Senate**Senate Reports of Committees
Ought Not to Pass**

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Service Retirement Benefits for Legislative Employees" (S. P. 288) (L. D. 725)

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to the Assignment of Accounts Receivable" (S. P. 200) (L. D. 484) reporting same in a new draft (S. P. 378) (L. D. 970) under same title and that it "Ought to pass"

Report of the Committee on Towns on Bill "An Act relating to Town Reports" (S. P. 276) (L. D. 611) reporting same in a new draft (S. P. 375) (L. D. 969) under same title and that it "Ought to pass"

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.

Ought to Pass with Senate Amendment

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to the Re-issuance of Revoked Hunting Licenses" (S. P. 58) (L. D. 23)

Came from the Senate the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A".

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

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

Senate Amendment "A" to S. P. 58, L. D. 23, Bill "An Act Relating to the Reissuance of Revoked Hunting Licenses."

Amend said Bill by striking out the underlined word "gross" in the 14th line thereof (the 11th line of the bill as printed).

Senate Amendment "A" was adopted in concurrence and tomorrow was assigned for third reading of the Bill.

Orders

On motion by Mr. Downs of Rome, it was

ORDERED, that Mr. Bird of Washington, be excused from attendance this week because of business.

On motion by Mr. Wright of Limestone, it was

ORDERED, that the Clerk of the House be directed to send letters to S. Nightingale & Co., C. A. Powers & Co., Reed Bros. Inc., George Stone & Son, W. W. Haley and The Great Atlantic & Pacific Tea Company, all of Fort Fairfield in the County of Aroostook and the State of Maine, expressing to each one the appreciation of the members of the House of Representatives for the contribution of their product from the great County of Aroostook.

On motion by Mr. Gay of Damariscotta, it was

ORDERED, that Rev. Robert Heigham of Wiscasset, be invited to officiate as Chaplain of the House on Wednesday, March 21st.

On motion by Mr. Lee of Dover-Foxcroft, it was

ORDERED, that Rev. Frank E. Ratzell of Dover-Foxcroft, be invited to officiate as Chaplain of the House on March 20th.

**House Reports of Committees
Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Permitting Roller-Skating on Sunday" (H. P. 148) (L. D. 50)

Report was signed by the following members:

Messrs. **BATCHELDER** of York
LEAVITT of Cumberland
GOULD of Androscoggin
—of the Senate.
PAYSON of Portland
RANKIN of Bridgton
WEEKS of Waterville
WARREN of Westbrook
SNOW of Auburn
WELCH of Mars Hill
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. **DONAHUE** of Biddeford
—of the House.

The Majority Report "Ought not to pass" was accepted and sent up for concurrence.

At this point a message was received from the Senate, through Senator Noyes of Hancock, informing the House that the Senate had accepted the resignation of the Honorable Royden V. Brown and had duly elected the Honorable Chester T. Winslow as Secretary of the Senate for the 92nd Legislature.

Divided Report Tabled

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Taxation of Real Estate on Leased Land" (H. P. 93) (L. D. 41)

Report was signed by the following members:

Messrs. **BATCHELDER** of York
LEAVITT of Cumberland
GOULD of Androscoggin
—of the Senate.
WELCH of Mars Hill
RANKIN of Bridgton
WEEKS of Waterville
WARREN of Westbrook
SNOW of Auburn
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. **PAYSON** of Portland
DONAHUE of Biddeford
—of the House.

(On motion by Mr. Weeks of Waterville, the two Reports, with accompanying papers, were tabled

pending acceptance of either report)

Ought to Pass Printed Bills

Mr. Crosby from the Committee on Banks and Banking reported "Ought to pass" on Bill "An Act relating to Personal Loans Made by Savings Banks" (H. P. 1117) (L. D. 692)

Miss Deering from the Committee on Education reported same on Bill "An Act relating to Tuition in Secondary Schools" (H. P. 805) (L. D. 419)

Mr. Weeks from the Committee on Legal Affairs reported same on Bill "An Act relating to Records of Sale of Real Estate for Taxes" (H. P. 1084) (L. D. 775)

Mr. Brown from the Committee on Public Utilities reported same on Bill "An Act to Extend the Charter of the Vanceboro Water Company" (H. P. 1226) (L. D. 772)

Mr. Collins from same Committee reported same on Bill "An Act to Extend the Charter of the Aroostook Railway Company" (H. P. 1227) (L. D. 809)

Mr. Corson from the Committee on Welfare reported same on Bill "An Act relating to the Duties of the Department of Health and Welfare and the Inspection and Licensing of Institutions and Boarding Homes for the Aged" (H. P. 357) (L. D. 122)

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. Bowker from the Committee on Appropriations and Financial Affairs on Resolve in favor of Penobscot Tribe of Indians (H. P. 792) (L. D. 415) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A" to H. P. 792, L. D. 415 Resolve, in favor of Penobscot Tribe of Indians.

Amend said Resolve by striking out in the 2nd line thereof the figures "\$2500" and inserting in place thereof the figures '\$1,000'.

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

Mr. Payson from the Committee on Legal Affairs on Bill "An Act relating to Street Sliding" (H. P. 211) (L. D. 84) 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" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 211, L. D. 84, Bill "An Act Relating to Street Sliding".

Amend said bill by inserting after the enacting clause and before the letters "R. S." in the first line thereof, the underlined abbreviation and numeral "Sec. 1".

Further amend said bill by adding thereto the following new section 2.

Sec. 2. R. S., c. 84, §132, amended. Section 132 of chapter 84 of the revised statutes is hereby repealed and replaced to read as follows:

"Sec. 132. Record of such restriction to be made. When streets, roads, or sidewalks have been so designated under section 131, the municipal officers shall cause such designation and such reasonable restrictions as they may adopt to be recorded in the records of the town, and their action shall be in force until modified or annulled by like authority. Police officers and constables shall enforce the provisions of the preceding section."

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

Mr. Welch from the Committee on Legal Affairs on Bill "An Act to Amend the Charter of the city of South Portland and Provide for a Park and Recreation Commission" (H. P. 530) (L. D. 259) 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. 530, L. D. 259, Bill "An Act to Amend the Charter of the City of South Portland and Provide for a Park and Recreation Commission."

Amend the last paragraph in Sec. 4 by striking out "by ordinance or order," and by striking out "or hereafter acquired by them in any manner whatever," and by adding after the word "now" the words "or hereafter", and by changing the "." to a "," after the word "respectively", so that said paragraph as amended shall read as follows:

"The city council or board of education may permit the commission to have the use of any buildings, lands and water areas now or hereafter owned or controlled by the city or board of education respectively."

Amend Sec. 7 by adding after the word "commission" in the first line the words "in the name of the city", and by adding after the word "borrowed" where it first appears in line five the words "beyond the amount in said fund or deposited in said fund from time to time under the provisions of section 9 hereof", so that said section as amended shall read as follows:

"Sec. 7. Borrow money. Said commission in the name of the city shall have power to borrow money and give notes or other evidences of indebtedness therefor, to carry on the work herein designated, which shall be repaid out of the fund herein established, but the city shall not be liable for the payment of any money so borrowed beyond the amount in said fund or deposited in said fund from time to time under the provisions of section 9 thereof. Any money borrowed by vote of the commission shall be repaid from said fund in the manner provided under the terms of the loan, and any installment, when due and payable shall be a first lien on said fund."

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

Mr. Marshall from the Committee on Public Utilities on Bill "An Act to Aid in Prevention of Flood Damage" (H. P. 1225) (L. D. 808) 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. 1225, L. D. 808, Bill "An Act to Aid in Prevention of Flood Damage."

Amend said Bill by striking out the figures "30" in the 1st line of said bill after the enacting clause and inserting in place thereof the figures '40'.

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

First Reading of Printed Bills

Bill "An Act relieving Towns from Care of Neglected Children" (H. P. 1332) (L. D. 980)

• Bill "An Act relating to Licensing Boarding Homes for Children" (H. P. 1333) (L. D. 981)

Bills were read twice and tomorrow assigned.

Passed to be Engrossed

Bill "An Act relating to Powers of the Police Department of the city of Lewiston" (S. P. 252) (L. D. 632)

Bill "An Act relating to Education of Blind Children" (H. P. 358) (L. D. 123)

Bill "An Act relating to the Payment of Certain Obligations of the Recipients of Old Age Assistance and Aid to the Blind Under Certain Conditions" (H. P. 359) (L. D. 124)

Bill "An Act relating to State Trust Funds" (H. P. 407) (L. D. 162)

Bill "An Act relating to State Police Retirement System" (H. P. 947) (L. D. 575)

Bill "An Act Permitting Employees of Water Districts and Other Quasi-Municipal Corporations to Become Members of the State Employees' Retirement System" (H. P. 1140) (L. D. 683)

Bill "An Act relating to the Presque Isle Municipal Court" (H. P. 1330) (L. D. 978)

Bill "An Act relating to the Caribou Municipal Court" (H. P. 1331) (L. D. 979)

Resolve in favor of the Knox Memorial Association, Inc., for Support and Maintenance of "Montpelier" (H. P. 617) (L. D. 283)

Resolve relating to Fishing in

Mosquito Brook in Aroostook County (H. P. 691) (L. D. 309)

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 Bill Tabled

Bill "An Act Regulating the Use of Automatic Firearms" (H. P. 687) (L. D. 305) (Title Changed to "An Act Regulating the Use of Certain Kinds of Firearms")

Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Gay of Damariscotta, tabled pending third reading.

Orders of the Day

On motion by Mr. Bell of Thomaston, the House voted to take from the table the seventeenth tabled and unassigned matter, Committee Amendment "A" to Bill "An Act relating to the Digging or Taking of Clam-Worms" (H. P. 195) (L. D. 58) tabled on March 6th by that gentleman, pending adoption.

Mr. Bell then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

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

Amend said Amendment by striking out the figure "15" and inserting in place thereof the figure '17'.

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

The Chair recognizes the gentleman from North Haven, Mr. Emerson.

Mr. EMERSON: Mr. Speaker, this bill was heard before the Sea and Shore Fisheries Committee, and, by unanimous vote of the Committee, the Committee Amendment figure "15" was decided, that that would be the limit—that is, persons 15 and under would be exempt from buying a license. Therefore, Mr. Speaker and Members of the House, I move the adoption of Committee Amendment "A" and not the amendment as presented this morning.

The SPEAKER: The question is on the adoption of House Amendment "A" to Committee Amendment "A". All those in favor will say aye; those opposed no.

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

Committee Amendment "A" was 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.**'

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

On motion by Mr. Payson of Portland, the House voted to take from the table the fifth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Providing for Combining the Office of Clerk of the Law Court and Reporter of Decisions." (H. P. 16) (L. D. 5) tabled on February 21st by that gentleman, pending acceptance of report.

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

Mr. PAYSON: Mr. Speaker and Members of the House: I am sorry that I note the absence of the gentleman from Portland, Mr. Connellan. He was in his seat a few moments ago. I hope he will come in, in order to finish this argument.

This bill was one that was provided by the Legislative Research Committee. The Reporter of Decisions is an official who takes the decisions of the Law Court, edits them, writes headnotes, and sees to their publication in that form which you know as the Maine Reports. Probably all of you members are familiar with that volume.

The Reporter of Decisions under the existing law is appointed by the Governor, confirmed by the Council, and holds office at the pleasure of the Governor and Council. The job has from time to time been used as a political patronage proposition. It is in no way subject to the control of the Court, whose work it does.

The handling of the printing of these reports is the most chaotic thing you ever saw. The Reporter of Decisions has a right to enter into a contract with the printer to print, bind and issue these reports, but has no authority to bind the State of Maine for that purpose, and can make no profit out of the proposition even if a profit is involved.

That is another situation which seemed to the committee needed reformation. The attorney for the Legislative Research Committee consulted with the Chief Justice on the proposition of combining the Reporter of Decisions with the Clerk of the Law Court, making it one job with a salary of about \$3,500, which seemed to be a feasible proposition.

The Clerk of the Law Court is a position most of you never heard of—I never did myself until this came up. The Reporter of Decisions has a salary of \$2000 plus clerk hire, and the two clerks of the Law Court draw together \$1500 a year, so the salary of \$3500 which is set up in this combined position is no change from what has existed before. The appointment under this bill would be made by the Chief Justice, and the Reporter of Decisions would be under the control of the Chief Justice, so that the Reporter of Decisions would reflect the attitude and position of the Court.

In order that the bill may be more easily killed—and I know that it will, and I am not going to fight it—I am speaking merely to explain why the Legislative Research Committee came in with this matter—I will move to substitute the bill for the report.

The SPEAKER: The gentleman from Portland, Mr. Payson, concerning Bill "An Act Providing for Combining the Office of Clerk of the Law Court and Reporter of Decisions" H. P. 16) (L. D. 5) moves to substitute the bill for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Portland, Mr. Connellan.

Mr. CONNELLAN: Mr. Speaker, what the gentleman from Portland, Mr. Payson, has said about this bill is undoubtedly true. This is a good bill. At the present time conditions are exactly as he has stated. There is, however, one problem which was considered by the committee in re-

porting "Ought not to pass" on this bill. At the present time the Law Court is divided between Portland and Augusta. It sits in Augusta one-half of the time and in Portland one-half of the time. It was deemed by the committee inexpedient at the present time because of that situation to combine the two jobs. It would mean that when the Law Court left Portland to go to Augusta for its sitting that all the books and records of the Clerk of the Law Court and the Reporter of Decisions would have to be shipped to Augusta. Quarters would have to be established here for the occupant of the position and also quarters in Portland. The nature of the work of the Reporter of Decisions is such that it is necessary for him to have a permanent office. I think that if the time comes when the Law Court is established in one place, as I think it will be after the war, at that time a bill of this nature should receive passage, but at this time it should not in the estimation of the committee.

The SPEAKER: The question is

on the motion of the gentleman from Portland, Mr. Payson, to substitute the bill for the "Ought not to pass" report of the committee. All those in favor of the motion will say yes; all those opposed no.

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

The SPEAKER: The question now before the House is on the acceptance of the "Ought not to pass" report of the committee. Is it the pleasure of the House to accept the "Ought not to pass" report of the committee?

Thereupon, the motion prevailed, and 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.

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

On motion by Mr. Cobb of Bangor,

Adjourned to ten o'clock tomorrow morning.