

# 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 22, 1945.

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

Prayer by the Rev. Edna Knowlton of Augusta.

Journal of the previous session read and approved.

**Papers from the Senate  
Senate Reports of Committees  
Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act relating to the Audit of the Department of Education and the Teachers' Retirement System" (S. P. 193) (L. D. 488)

Report of the Committee on Education reporting same on Bill "An Act to Accomplish Conformity to State School Building Standards" (S. P. 197) (L. D. 487)

Came from the Senate the Reports read and adopted 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 in New Draft**

Report of the Committee on Judiciary on Bill "An Act relating to Compromise of Claims" (S. P. 243) (L. D. 641) reporting same in a new draft (S. P. 385) (L. D. 985) under same title and that it "Ought to pass"

Came from the Senate the Report read and adopted and the new draft passed to be engrossed.

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

**Orders**

On motion by Mr. Downs of Rome, it was

**ORDERED**, that Mr. Burton of Milo, be excused from attendance because of illness.

On motion by Mr. Harrison of Portland, it was

**ORDERED**, that Rev. Victor Regan of Portland, be invited to officiate as Chaplain of the House on Wednesday, April 4th.

On motion by Miss Deering of Bath, it was

**ORDERED**, that there be printed 250 additional copies of the following Public Bills:

Bill "An Act to Increase Teachers' Pensions" (H. P. 811) (L. D. 504)

Bill "An Act Amending the Law relating to State Employees' Retirement System to Include Public School Teachers". (H. P. 819) (L. D. 507)

**House Reports of Committees  
Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Temperance reporting "Ought not to pass" on Bill "An Act relating to Business Hours for State Liquor Stores" (H. P. 1015) (L. D. 534)

Report was signed by the following members:

Messrs. TOWNSEND of Penobscot  
BOUCHER of Androscoggin

—of the Senate.

COCMBS of Belfast  
WARD of Millinocket  
JALBERT of Lewiston  
SMART of Ellsworth

—of the House.

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

Report was signed by the following members:

Mr. GOOD of Aroostook  
—of the Senate.

Mrs. ELLINGWOOD of  
Rockland

Messrs. BLAKE of Brownfield  
COLE of Casco

—of the House.

(On motion by Mr. Cole of Casco, the two Reports, with accompanying papers, were tabled pending acceptance of either Report, and specially assigned for next Wednesday, March 28th)

**Leave to Withdraw**

Mr. Marsans from the Committee on Education on Bill "An Act relating to Classification of High Schools" (H. P. 939) (L. D. 542) reported leave to withdraw.

Mr. MacKinnon from the Committee on Inland Fisheries and Game reported same on Resolve to

Repair Fish Screen at Outlet of Porter Lake (H. P. 1066) (L. D. 662)

Same gentleman from same Committee reported same on Resolve to Permit Fishing for Atlantic Salmon on the Narraguagus River (H. P. 1067) (L. D. 663)

Same gentleman from same Committee reported same on Bill "An Act relating to Theft from Traps" (H. P. 1128) (L. D. 675)

Mr. True from same Committee reported same on Bill "An Act relating to Trapping of Beaver" (H. P. 1127) (L. D. 674)

Mr. Downs from the Committee on Salaries and Fees reported same on Bill "An Act relating to the Salary of the Clerk of Courts of Kennebec County" (H. P. 1148) (L. D. 794) as other legislation is pending.

Reports were read and accepted and sent up for concurrence.

#### Legislation Inexpedient

Mr. Blake from the Committee on Temperance on Bill "An Act relating to Malt Liquor Package Stores" (H. P. 1011) (L. D. 531) reported legislation inexpedient.

Mr. Coombs from same Committee reported same on Bill "An Act relating to Licenses for Sale of Liquor, to be Consumed on the Premises, Authorized" (H. P. 1100) (L. D. 799)

Mr. Smart from the same Committee reported same on Bill "An Act relating to Minors on Premises Where Liquor is Consumed" (H. P. 1155) (L. D. 698)

#### Ought Not to Pass

Mr. Sweetser from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act relating to Damage to Poultry by Dogs or Wild Animals" (H. P. 1046) (L. D. 654)

Mr. DeSanctis from the Committee on Claims reported same on Resolve in favor of Charles Darrington of Canton (H. P. 310)

Same gentleman from same Committee reported same on Resolve in favor of Robert B. Stewart of Bowdoinham (H. P. 1121)

Mr. Anderson from the Committee on Inland Fisheries and Game reported same on Bill "An Act relative to Fee for Registration of Deer" (H. P. 944) (L. D. 573)

Same gentleman from same Committee reported same on Resolve relating to Ice Fishing in Churchill Lake, Umsaskis Lake, Harvey Pond,

Long Pond, and Round Pond, in Aroostook County (H. P. 1182) (L. D. 743)

Reports were read and accepted and sent up for concurrence.

#### Tabled

Mr. Anderson from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Opening Squa Pan Lake in Castle Hill, Masardis, and Township 11, Range 4, to Ice Fishing (H. P. 513) (L. D. 203)

(On motion by Mr. Webber of Mapleton, tabled pending acceptance of Committee Report)

Mr. Anderson from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Regulating Fishing in Thomas Pond (H. P. 692) (L. D. 310) as it is covered by other legislation.

Mr. True from same Committee reported same on Bill "An Act relating to Hunting and Trapping Seasons" (H. P. 1181) (L. D. 742)

Same gentleman from same Committee reported same on Resolve Regulating Fishing in South Bog Stream (H. P. 512) (L. D. 202)

Reports were read and accepted and sent up for concurrence.

#### Tabled

Mr. True from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Fees of Town Clerks for Fishing and Hunting Licenses" (H. P. 988) (L. D. 588)

(On motion by Mr. Benn of Smyrna, tabled pending acceptance of Committee Report)

Mr. Morrison from the Committee on Maine Publicity reported "Ought not to pass" on Bill "An Act relating to Billboards" (H. P. 1260) (L. D. 884)

Mr. Downs from the Committee on Salaries and Fees reported same on Bill "An Act relating to Fees of Jurors" (H. P. 998) (L. D. 598) as it is covered by other legislation

Mr. Warren from same Committee reported same on Bill "An Act relating to Boards of Registration in Cities Over Forty Thousand" (H. P. 674) (L. D. 271)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft**

Mr. DeSanctis from the Committee on Claims on Resolve in favor of Harold Harvey and Henry Marsh, of Corinth (H. P. 1120) (L. D. 671) reported same in a new draft (H. P. 1351) under same title and that it "Ought to pass"

Mr. Anderson from the Committee on Inland Fisheries and Game on Resolve Appropriating Money to Repair Fish Way at Aroostook Falls (H. P. 323) (L. D. 144) reported same in a new draft (H. P. 1352) under same title and that it "Ought to pass"

Mr. Byron from same Committee on Bill "An Act relating to the Wells and Kennebunk Game Preserve" (H. P. 727) (L. D. 398) reported same in a new draft (H. P. 1353) under title of "An Act relating to the Bragdon Wild Life Sanctuary and the Wells and Kennebunk Game Preserve" and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relative to Use of Live Decoys and Blinds" (H. P. 878) (L. D. 498) reported same in a new draft (H. P. 1354) under same title and that it "Ought to pass"

Mr. MacKinnon from same Committee on Resolve providing for a Fish Screen at Foot of Echo Lake in the town of Fayette (H. P. 1132) (L. D. 679) reported same in a new draft (H. P. 1335) under same title and that it "Ought to pass"

Mr. Bird from the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Clerk of Courts of Androscoggin County" (H. P. 1281) (L. D. 924) reported same in a new draft (H. P. 1356) under same title and that it "Ought to pass"

Mr. Collins from the same Committee on Bill "An Act relating to Salary of the Treasurer of Androscoggin County" (H. P. 1280) (L. D. 923) reported same in a new draft (H. P. 1357) under same title and that it "Ought to pass"

Mr. Sanborn from same Committee on Bill "An Act relating to the Salary of the Sheriff of Androscoggin County" (H. P. 989) (L. D. 589) reported same in a new draft (H. P. 1358) under same title and that it "Ought to pass"

Mr. Warren from the same Committee on Bill "An Act relating to Fees for Jurors" (H. P. 193) (L. D. 59) reported same in a new draft (H. P. 1359) under same title and that it "Ought to pass"

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

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

The SPEAKER: At this time the Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins, and appoints him Speaker pro tempore, and requests the Sergeant-at-Arms to conduct him to the rostrum.

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

**Ought to Pass**

Mr. DeSanctis from the Committee on Claims reported "Ought to pass" on Resolve in favor of Charles B. Buck of Newfield (H. P. 184)

Same gentleman from same Committee reported same on Resolve in favor of Irving Crockett of Durham (H. P. 630)

Mr. Hamilton from the Committee on Education reported same on Resolve in favor of Cora Porter of Mapleton (H. P. 1287)

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

**Ought to Pass****Printed Bills**

Mr. Adams from the Committee on Agriculture reported "Ought to pass" on Bill "An Act relating to Dog Licenses" (H. P. 917) (L. D. 558)

Mr. Knight from same Committee reported same on Bill "An Act relating to Marking of Sheep" (H. P. 918) (L. D. 559)

Mr. Hamilton from the Committee on Education reported same on Bill "An Act relating to Reimbursement to Towns for Tuition" (H. P. 724) (L. D. 499)

**Tabled**

Mr. Lord from the same Committee reported same on Bill "An Act to Permit Establishment of Area Schools" (H. P. 938) (L. D. 541) which was recommitted.

(On motion by Mr. Judkins of Woodstock, tabled pending acceptance of Committee Report)

Mr. Byron from the Committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act relating to Game Preserve in York County" (H. P. 508) (L. D. 245)

Same gentleman from same Committee reported same on Resolve Regulating Fly Fishing in Tributaries of Richardson Lake (H. P. 324) (L. D. 145)

Same gentleman from same Committee reported same on Resolve Closing Tributaries of Kennebec Stream to all Fishing (H. P. 695) (L. D. 288)

Mr. MacKinnon from same Committee reported same on Bill "An Act relating to Hunting in Merrymeeting Bay" (H. P. 729) (L. D. 399)

Mr. True from same Committee reported same on Bill "An Act relating to Use of Gill Net in Taking White Fish in Junior Lake, Washington County" (H. P. 1129) (L. D. 676)

Mr. Collins from the Committee on Salaries and Fees reported same on Bill "An Act relating to Clerk Hire in Office of Register of Deeds in Kennebec County" (H. P. 850) (L. D. 451)

Same gentleman from same Committee reported same on Bill "An Act relating to Salary of Recorder of the Waterville Municipal Court" (H. P. 853) (L. D. 454)

Same gentleman from same Committee reported same on Bill "An Act relating to the Salary of Register of Deeds of Kennebec County" (H. P. 995) (L. D. 595)

Mr. Downs from same Committee reported same on Bill "An Act Increasing the Salary of the Recorder of the Gardiner Municipal Court" (H. P. 673) (L. D. 270)

Same gentleman from same Committee reported same on Bill "An Act relating to Clerk Hire in Probation Office in Androscoggin County" (H. P. 740) (L. D. 408)

Same gentleman from same Committee reported same on Bill "An Act relating to the Salary of the Clerk of the Lewiston Municipal Court" (H. P. 1262) (L. D. 885)

Mr. Cole from the Committee on Temperance reported same on Bill "An Act relating to Licenses for the Sale of Malt Beverages" (H. P. 862) (L. D. 438)

Mr. Jalbert from same Committee reported same on Bill "An Act relating to Requirement for Restaurant Licenses" (H. P. 1265) (L. D. 888)

Mr. Smart from same Committee reported same on Bill "An Act relating to Dancing and Entertainment on Premises Where Malt Liquor is Consumed" (H. P. 1014) (L. D. 533)

Mr. Ward from same Committee reported same on Bill "An Act relating to Sale of Liquor to be Consumed on the Premises" (H. P. 1012) (L. D. 532)

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

#### First Reading of Printed Bills

Bill "An Act relating to the Maine Development Commission" (H. P. 1346) (L. D. 1002)

Resolve to Reimburse the town of Salem for Forest Fire (H. P. 501) (L. D. 999)

Resolve in favor of the Estate of R. Byron F'lewellyn, Late of West Gardiner, Deceased; for Damage to Property (H. P. 1347) (L. D. 1000)

Resolve in favor of Henry K. Morey of Deer Isle (H. P. 1348) (L. D. 1001)

Bill was read twice, Resolves read once, and tomorrow assigned.

#### Passed to be Engrossed

Bill "An Act relating to Prevention of Bang's Disease by the Department of Agriculture" (S. P. 125) (L. D. 330)

Bill "An Act relating to Aid to Veterans" (S. P. 204) (L. D. 480)

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

#### Amended

Bill "An Act to Establish a Seed Potato Board and Define its Powers and Duties" (S. P. 300) (L. D. 849)

Mr. Williams of Clifton, offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to S. P. 300, L. D. 849, Bill "An Act to Establish a Seed Potato Board and Define its Powers and Duties".

Amend said Bill by adding after the word "appropriated" in the second line of the last section thereof the following words:  
'from the unappropriated surplus of the general fund'

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

### Passed to be Engrossed

#### (Continued)

Bill "An Act relating to Removal of Notices on Roads Closed for Repairs" (S. P. 340) (L. D. 811)

Bill "An Act relating to Small Claims" (H. P. 241) (L. D. 92)

Bill "An Act relating to Premises Where Condemned Animals are found by Commissioner of Agriculture" H. P. 616) (L. D. 280)

Resolve in favor of Joseph Martin, of Eagle Lake (H. P. 927) (L. D. 565)

Resolve in favor of the New England Shipbuilding Corporation (H. P. 1050) (L. D. 657)

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 relating to Baxter State Park Payments to the Maine Forestry District" (S. P. 274) (L. D. 613)

Resolve Authorizing Conveyance of the Interest of the State in Certain Land in Township 1, Range 1, N. B. K. P. in Somerset County (S. P. 97) (L. D. 139)

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

### Amended in Non-Concurrence

Bill "An Act to Provide for Scientific Investigation with Blueberries" (S. P. 72) (L. D. 68)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

### Passed to be Enacted Emergency Measure

An Act to Aid in Prevention of Flood Damage (H. P. 1225) (L. D. 808)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 119 voted in favor of same and none against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### Passed to be Enacted

An Act relating to the University of Maine (S. P. 75) (L. D. 70)

An Act relating to Licenses for Lodging Houses in city of Lewiston (S. P. 145) (L. D. 351)

An Act relating to Term of Office of Chief of Police of the city of Lewiston (S. P. 253) (L. D. 631)

An Act relating to the Salaries of the Police Department of the city of Lewiston (S. P. 270) (L. D. 617)

An Act relating to the Houlton Municipal Court (S. P. 379) (L. D. 977)

An Act relating to Street Sliding (H. P. 211) (L. D. 84)

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)

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)

An Act relating to Tuition in Secondary Schools (H. P. 805) (L. D. 419)

An Act relating to Records of Sale of Real Estate for Taxes (H. P. 1084) (L. D. 775)

An Act relating to Personal Loans Made by Savings Banks (H. P. 1117) (L. D. 692)

An Act Creating the Passamaquoddy District Authority (H. P. 1260) (L. D. 759)

An Act to Extend the Charter of the Vanceboro Water Company (H. P. 1226) (L. D. 772)

An Act to Extend the Charter of the Central Aroostook Railway Company (H. P. 1227) (L. D. 809)

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 Relieving Towns from Care of Neglected Children (H. P. 1332) (L. D. 980)

(On motion by Mr. Williams of Clifton, tabled pending passage to be enacted)

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

Was 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

Resolve in favor of Penobscot Tribe of Indians (H. P. 792) (L. D. 415)

(On motion by Mr. Ela of North Anson, tabled pending final passage)

#### Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, Senate Report "Ought not to pass" of the Committee on Education on Bill "An Act relating to School Unions" (S. P. 29) (L. D. 1024), which report in the Senate on March 15th was read and accepted; in the House, tabled on March 20th by the gentleman from Biddeford, Mr. Donahue, pending acceptance of report in concurrence; and the Chair recognizes that gentleman.

Mr. DONAHUE: Mr. Speaker and Members of the Legislature: So that there will be no question in the minds of anyone, including my good friend, the gentleman from York, Mr. Marshall, I will state that I am still for voluntary school unions; I was at the time that I introduced this bill at this session; I was at the hearing before the Committee on Education; I was yesterday, and I still am today.

The present law was introduced by me at the Special Session of the last Legislature. It has for its purpose the reduction of the number of teaching positions which come under control of the compulsory school union law. It reduces from 75 to 50 the number of teaching positions which may be included within a school union provided that the Commissioner of Education does not exercise his right granted by the Legislature so that, in the case of towns so geographically situated, if he deems it advisable to include more than 75 teachers in a school union, he may do so.

That law is directly in conflict with another provision of your school law which provides that no city or town having more than 75 teaching positions shall be compelled to join a school union. Of course that situation is taken care of: the Commissioner of Education is not required to go to the Attorney General for an opinion, because your State law says that the interpretation of your school laws by your State Commissioner of Education, right or wrong, shall be the interpretation. That is a power that this Legislature has invested in your State Commissioner of Education, a power which the Legislature has not granted to any other department head.

In the event—and I am not optimistic enough to believe that such a thing will happen—that the motion I shall make is carried, the effect on your school unions will not in the least disturb your small towns. It will make a change in 29 out of 106 of your present school unions. However, your small towns will have the same protection that they had prior to the reverse change in 1933 when the arbitrary figure of 75 teaching positions was substituted for 50.

In New Hampshire the figure is 60 — I don't know the reason why we have the figure 75 or New Hampshire has 60, although before 1933 we had 50; but I believe that if we again reduce the figure to 50 we will at least provide the opportunity for 25 superintendents of schools to be employed to supervise the activities of your children in receiving their education. As I said yesterday: Why educate the children in your normal schools and then turn around and deprive them of the right to earn their living in the State of Maine and go out into other states?



Mr. Speaker, I move that the bill be substituted for the report of the committee.

The SPEAKER: The gentleman from Biddeford, Mr. Donahue, moves that the bill be substituted for the committee report.

The Chair recognizes the gentleman from Camden, Mr. Lord.

Mr. LORD: Mr. Speaker, I did not intend to speak on this matter, but I do not know the bill, and I am wondering if we should not have the motion tabled until the bill is mimeographed at least.

The SPEAKER: Does the gentleman from Camden move to table the matter?

Mr. LORD: Yes, Mr. Speaker.

The SPEAKER: Will the gentleman assign a time?

Mr. LORD: I should be glad to assign a time on the first legislative day next week, Mr. Speaker.

Thereupon the bill was tabled, pending motion by Mr. Donahue that the bill be substituted for the "Ought not to pass" report, ordered printed, and specially assigned for the first legislative day of next week.

On motion by Mr. Rollins of Greenville, the House voted to take from the table the 21st tabled and unassigned matter, Bill "An Act relating to Filling Congressional Vacancies" (H. P. 1343) (L. D. 995) tabled on March 21st by that gentleman pending assignment for third reading; and on further motion by the same gentleman the bill was assigned for third reading tomorrow morning.

On motion by Mr. Rollins of Greenville, the House voted to take from the table the 22nd tabled and unassigned matter, Bill "An Act to Create an Airport Commission for the town of Sanford" (H. P. 1344) (L. D. 994) tabled on March 21st by that gentleman pending assignment for third reading; and on further motion by the same gentleman, the bill was assigned for third reading tomorrow morning.

On motion by Mr. Bowker of Portland, the House voted to take from the table the 18th tabled and unassigned matter, An Act relating to the Working Capital of the Liquor Commission (H. P. 620) (L. D. 302) tabled by that gentleman on March 14th pending enactment; and on further motion by the same gentleman, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion by Mr. Dow of Eliot, the House voted to take from the table the 10th tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act relating to the Enforcement and Collection of Dog Licenses" (H. P. 1290) (L. D. 936) tabled on March 7th by that gentleman, pending acceptance of report; and on further motion by the same gentleman the bill was recommitted to the Committee on Legal Affairs and sent up for concurrence.

On motion by Mr. Morneault of Fort Kent, the House voted to take from the table the 9th tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Towns 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) tabled on March 1st 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.

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. Bowker of Portland,

Adjourned until ten o'clock tomorrow morning.