

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

SENATE

Friday, March 9, 1945.

The Senate was called to order by the President.

Prayer by the Reverend T. Porter Drumm of Augusta.

Journal of yesterday read and approved.

**Joint Order
(Out of Order)**

On motion by Mr. Brown of Aroostook, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 13th, 1945, at eleven o'clock in the forenoon. (S. P. 380)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

House Committee Reports

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. 830) reported that the same be referred to the Committee on State Lands and Forest Preservation.

Which report was read and accepted in concurrence.

The Committee on Legal Affairs on Bill "An Act to Grant a New Charter to the city of Old Town," (H. P. 336) (L. D. 158) reported that the same ought to pass.

The same Committee on Bill "An Act to Amend the Portland City Charter," (H. P. 828) (L. D. 443) reported that the same ought to pass.

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. 313) reported the same in a new draft, (H. P. 1325) (L. D. 973) and under the same title, and that it ought to pass.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Packing of Sardines," (H. P. 748) (L. D. 393) reported the same

in a new draft (H. P. 1326) (L. D. 975) under the same title, and that it ought to pass.

Which reports were severally read and adopted in concurrence, the bills read once and Tuesday next assigned for second reading.

The Committee on Judiciary on Bill "An Act Concerning Liens of Factors Upon Merchandise or the Proceeds Thereof, and the Assignment of Accounts Receivable," (H. P. 523) (L. D. 208) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act to Incorporate City of Old Town Municipal Building District," (H. P. 334) (L. D. 148) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate City of Old Town High School District," (H. P. 335) (L. D. 149) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act to Provide a Town Manager Form of Government for the Town of Brownville, in the County of Piscataquis," (H. P. 658) (L. D. 319) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and adopted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended were Tuesday next assigned for second reading.

Communication

UNITED STATES SENATE

Special Committee Investigating
the National Defense Program.

March 6, 1945.

Honorable Royden V. Brown
Honorable Harvey R. Pease
Maine State Legislature
State House
Augusta, Maine.

Dear Messrs. Brown and Pease:

I have copy of the Memorial adopted by the Senate and House of Representatives of the State of Maine expressing the opinion that certain legislation now pending in the Congress is unconstitutional.

I shall be glad to have the views of the Senate and the House of Representatives of the State of Maine in mind in connection with our future consideration of the matter here.

The whole question is naturally a most troublesome one since the successful prosecution of the war seems vitally involved and the support of our boys who were drafted for fighting overseas.

Respectfully yours,

OWEN BREWSTER, U. S. S.
(S. P. 381)

Which was read and ordered placed on file.

Sent to the House.

Senate Committee Reports

Mr. Dow from the Committee on Judiciary on Bill "An Act Relating to Service Retirement Benefits for Legislative Employees," (S. P. 288) (L. D. 725) reported that the same ought not to pass.

Which report was read and adopted.

Sent down for concurrence.

Mr. Cleaves from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of the Maine Historical Society," (S. P. 70) (L. D. 62) reported that the same ought to pass.

Mr. Welch from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Ice Fishing in Kezar Lake," (S. P. 312) (L. D. 839) reported that the same ought to pass.

Miss Clough from the Committee on Judiciary on Bill "An Act Relating to the State Police Retirement System," (S. P. 76) (L. D. 71) reported that the same ought to pass.

Mr. Washburn from the Committee on Maine Publicity on "Resolve Designating the White Pine Tree as the State Official Tree," (S. P. 181) (L. D. 381) reported that the same ought to pass.

Mr. Noyes from the Committee on Motor Vehicles on Bill "An Act Relating to Operating Motor Vehicles at Grade Crossings," (S. P. 329) (L. D. 822) reported that the same ought to pass.

Mr. Clements from the Committee on Taxation on Bill "An Act Relating to Taxation of Property of United States," (S. P. 22) (L. D. 462) reported that the same ought to pass.

Mr. Cross from the same Committee on Bill "An Act Relating to Cigarette Tax Licenses," (S. P. 153) (L. D. 371) reported that the same ought to pass.

Which reports were severally read and adopted, the bills and resolves read once, and Tuesday next assigned for second reading.

Passed to Be Engrossed

Bill "An Act Relative to Quieting and Establishing of Titles Derived from Tax Lien Certificates," (H. P. 329) (L. D. 116)

Bill "An Act Relating to the Time for Packing Sardines," (H. P. 879) (L. D. 515)

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)

Bill "An Act Relating to Retirement of Justices of the Superior and Supreme Judicial Courts," (H. P. 243) (L. D. 86)

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

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

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)

Which bills were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to the Assignment of Accounts Receivable," (S. P. 378) (L. D. 970)

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

Sent down for concurrence.

Passed to be Enacted

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

(On motion by Mr. Owen of Kennebec, tabled pending passage to be enacted.)

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)

Emergency Measures

Bill "An Act to Amend the Houlton Town Manager Form of Gov-

ernment Act." (S. P. 180) (L. D. 382)

Which bill an emergency measure and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act Relating to the Assessment and Collection of State, County and Forestry District Taxes in the Unorganized Territory." (H. P. 446) (L. D. 173)

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act to Provide a Town Council and Manager Form of Government for the Town of Fort Kent, in the County of Aroostook." (H. P. 655) (L. D. 265)

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act to Amend the Charter of the Town of Fort Fairfield." (H. P. 732) (L. D. 401)

Which bill being an emergency measure, and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act to Provide a Town Manager Form of Government for the Town of Van Buren." (H. P. 529) (L. D. 210)

Which bill being an emergency measure and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Thereupon, on motion, by Mr. Brown of Aroostook, the Senate voted to reconsider its action just taken whereby the bill was passed to be enacted; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed in concurrence.

The PRESIDENT: The Secretary will read the Committee endorsement on this bill as it came from the House.

The SECRETARY: Comes from the House, passage to be enacted reconsidered under suspension of

the rules; passage to be engrossed reconsidered; House Amendment A read and adopted, and the bill as amended by House Amendment A passed to be engrossed in non-concurrence.

Thereupon, House Amendment A was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

Orders of the Day

Mr. WELCH of Aroostook: Mr. President, I ask unanimous consent to address the Senate.

The PRESIDENT: The Senator from Aroostook, Senator Welch asks unanimous consent to address the Senate. Is there objection? The Chair hears no objection and the Senator may proceed.

Mr. WELCH: Mr. President and members of the Senate, I want to call your attention to the sample of Aroostook County products which you find on your desks this morning. This gesture was sponsored by the Maine Potato Growers Association, the cooperative marketing association from Aroostook County, and distributed by the Aroostook Delegation in the hope of building good will among the members of the House and Senate. I think you all know what I mean by that.

On motion by Mr. Boucher of Androscoggin, the Senate voted to reconsider its former action taken earlier in today's session whereby 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) was passed to be engrossed in concurrence and on further motion by the same Senator, the bill was laid upon the table, pending passage to be engrossed in concurrence.

On motion by Mr. Welch of Aroostook, the Senate voted to take from the table, bill An Act Relating to the Reissuance of Revoked Hunting Licenses (S. P. 58) (L. D. 23) tabled by that Senator on February 7th pending second reading.

Thereupon the same Senator presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to S. P. 58, L. D. 23, An Act Relating to

the Reissuance of Revoked Hunting Licenses.

"Amend said bill by striking out the underlined word 'gross' in the fourteenth line thereof, the eleventh line of the bill as printed."

Senate Amendment "A" was adopted, and the bill as so amended was given its second reading and passed to be engrossed.

Sent down for concurrence.

Mr. CROSS of Kennebec: Mr. President, may I inquire whether Legislative Document 526 is still in the possession of the Senate?

The PRESIDENT: The Chair will state that Legislative Document 526, An Act Relating to State Bureau of Identification, is still in the possession of the Senate, being held upon request of the Senator from Kennebec, Senator Cross, for reconsideration.

Thereupon, on motion by Mr. Cross of Kennebec, the Senate voted to reconsider its action of yesterday whereby the bill was passed to be enacted.

Mr. CROSS of Kennebec: Mr. President, I might hesitate perhaps to take exception to a bill that has been before a committee of lawyers and which I don't doubt has had careful study. However, I do feel that this bill should be brought back and discussed on the floor of the Senate to see if perhaps we may not have missed something in the bill which I, at least, feel perhaps is detrimental to the State as a whole.

This bill—if you will turn to it—Legislative Document 526 increases the powers of the State Bureau of Identification and sets up quite broad powers in regard to fingerprinting. You gentlemen will remember in the past few sessions we have had a great deal of discussion of fingerprinting of criminals, of school children, and of the general public, and after a great deal of study we have passed several bills which have gone quite a long way along that road. This bill, it seems to me, goes beyond any necessity. The present statute requires the fingerprinting of children and requires all law enforcement agencies to take fingerprints and submit them to the State Police and they already have a man in charge and call it the State Bureau of Identification, and now they wish to insert in the statute

this phrase in section 14, "and other law-enforcement officers, municipal court judges and trial justices"—I read now from the existing statute—"shall have the authority to take or cause to be taken"—and here is what I bring to your attention—"and shall take or cause to be taken, the fingerprints or photographs or both the finger-prints and photographs of any person in custody charged with the commission of crime". I feel this bill, especially that section, is entirely superfluous. We have practically all enforcement agencies obligated to fingerprint criminals brought before them on the commission of crime, and with this inserted you will load up the municipal court judges and trial justices, and under Section 15 the clerks of criminal courts and justices' courts. There is additional paper work and apparent duplication of the existing statute.

Furthermore, as all of you know, under this set-up the funds of the state police, or at least ninety percent of them, come from general highway funds and we, in the past, opposed any move to dip any deeper into the general highway funds of the state for non-highway activities.

Any gentleman here now who served with us on the Ways and Bridges Committee last year will recall there was quite a battle on the amount we should furnish for the upkeep of the state police and we finally compromised and determined that we would pay ninety percent and the general funds would pay ten percent for the cost of the state police department.

I feel that will burden the department. Presumably they want it, but it will still burden them with additional costs. In the first section it says they shall "hire such civilian personnel, subject to the provisions of the personnel law, and the approval of the chief of the state police, as they may deem necessary to carry out the provisions of this section and the five following sections." I have no knowledge as to the additional cost it will incur but I feel it is superfluous to pass this act at this time.

I can see no reason, although the Committee on Judiciary may have some to influence their decision, why you should bring municipal court judges and trial justices and other like enforcement agencies into this group.

It says further on, that any probation officer, county attorney or person whose duties make him the appropriate officer, shall transmit twice a month all information they have gathered to the state Bureau of Identification. In the statute now existing it says it shall make daily reports to the State Police. I think there is a confliction there. In fact, I think the whole thing is hastily drawn together and I doubt if it has had proper consideration. That is my only motive in bringing this before you, that we stop and consider before we pass such a drastic measure. I invite the discussion of the Senate on this matter.

Mr. DOW of Oxford: Mr. President and members of the Senate, this bill was taken up in detail in the Judiciary Committee and if the only objections that the Senator from Kennebec, Senator Cross, has to the measure are those he has mentioned, rather than to hold some of the Senators here this morning when they want to get started for home, I would like to take it up later and maybe we can work out a compromise satisfactory to everybody, if those are the only objections he has. I move that the bill be laid upon the table.

The motion prevailed and the bill was laid upon the table pending passage to be enacted.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

On motion by Mr. Clement of Waldo, the Senate voted to take from the table House Report from the Committee on Judiciary "Ought to Pass" on bill, An Act Relating to the Rights of Surviving Husbands and Wives (H. P. 425) (L. D. 167), tabled by that Senator on March 8 pending adoption of the report in

concurrence; and on further motion by the same Senator the report was adopted in concurrence, the bill was given its first reading and Tuesday next assigned for second reading.

On motion by Mr. Brown of Aroostook, the Senate voted to take from the table House Report from the Committee on Motor Vehicles "Ought to Pass" on bill, An Act Relating to Special License for Motor Service Stations (H. P. 1209) (L. D. 710) tabled by that Senator on March 6 pending adoption of the report in concurrence; and on further motion by the same Senator the report was adopted in concurrence, the bill was given its first reading and Tuesday next assigned for second reading.

Emergency Measure (Out of Order)

Bill, An Act to Provide a Town Manager Form of Government for the Town of Van Buren (H. P. 529) (L. D. 210)

Which bill being an emergency measure, and having received the affirmative vote of 28 members of the Senate, and none opposed, was passed to be enacted.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table bill, An Act Relating to Town Reports (S. P. 375) (L. D. 989) tabled by that Senator on March 8 pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Sayward of York

Adjourned until Tuesday next, March 13, at eleven o'clock in the forenoon.