

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

Tuesday, March 13, 1945.

The Senate was called to order by the President.

Prayer by the Reverend L. S. Staples of Gardiner.

Journal of Friday, March 9th, 1945, read and approved.

House Committee Reports:

The Committee on Banks and Banking on Bills "An Act Relating to Cash Reserve in Trust and Banking Companies," (H. P. 202) (L. D. 88) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Regulation of Loans in Trust Companies," (H. P. 201) (L. D. 89) reported that the same ought to pass.

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

The Committee on Legal Affairs on Bill "An Act Amending the Charter of Waterville," (H. P. 832) (L. D. 445) reported the same in a new draft (H. P. 1329) (L. D. 976) under the same title, and that it ought to pass.

Which report was read and adopted in concurrence, the bill in new draft read once, and tomorrow assigned for second reading.

The Committee on Banks and Banking on Bill "An Act to Regulate Trust Investments," H. P. 183) (L. D. 63) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read and adopted in concurrence, and the bill read once; Committee Amendment "A" was read and adopted in concurrence, and the bill as amended tomorrow assigned for second reading.

Communication

The PRESIDENT: The Chair presents to the Senate the following communication received too late for printing on the advance journal.

Skowhegan, Me.
March 13, 1945

Honorable George D. Varney, President, and members of the Senate of the 92nd Legislature

Dear Sir and Gentlemen:

Until I have been fully cleared of a complaint of a serious nature which has been brought against me, I feel it would be embarrassing to the members of the Senate for me to continue as Secretary of the Senate. I therefore tender my resignation as Secretary of the Senate, to take effect at once.

Very truly yours,
ROYDEN V. BROWN.

On motion by Mr. Brown of Aroostook, the communication was received and placed on file, and the resignation accepted.

On motion by Mr. Brown of Aroostook, the Senate voted that a committee of three be appointed to receive, sort and count votes for the office of Secretary of the Senate of the 92nd Legislature.

The Chair appointed as members of such committee:

Senators: Clough of Penobscot
Boucher of Androscoggin
Bishop of Sagadahoc

Thereupon, on motion by Mr. Spear of Cumberland, the Chairman of said committee was authorized to cast one ballot for the Honorable Chester T. Winslow as Secretary of the Senate of the 92nd Legislature.

Miss Clough, of Penobscot, chairman of the committee, having cast one ballot, the Honorable Chester T. Winslow was declared duly elected Secretary of the Senate of the 92nd Legislature.

Orders

On motion by Mr. Spear of Cumberland, it was

ORDERED that a message be sent to the Governor and Council informing them that the Senate has accepted the resignation of the Honorable Royden V. Brown as Secretary of the Senate and has duly elected the Honorable Chester T. Winslow as Secretary of the Senate for the 92nd Legislature.

The Chair appointed to convey the message, the Senator from Cumberland, Senator Spear, and requested the same Senator to conduct the Honorable Chester T. Winslow to the Governor and Council in order that he might

take and subscribe to the required oath to qualify him to enter upon the discharge of his duties as Secretary of the Senate.

Subsequently the Senator from Cumberland, Senator Spear, reported that he had performed the duties with which he was charged and that the Honorable Chester T. Winslow had duly taken and subscribed to the required oath qualifying him to enter upon the discharge of his duties as Secretary of the Senate.

Thereupon, the Honorable Chester T. Winslow, Secretary of the Senate, was escorted to the desk of the Secretary.

On motion by Mr. Noyes of Hancock, it was

ORDERED that a message be sent to the House of Representatives informing that Body that the Senate has accepted the resignation of the Honorable Royden V. Brown as Secretary of the Senate and has duly elected the Honorable Chester T. Winslow as Secretary of the Senate of the 92nd Legislature.

The Chair appointed to convey the message, the Senator from Hancock, Senator Noyes.

Subsequently, the Senator from Hancock, Senator Noyes reported that he had performed the duty with which he was charged.

Communication

(Out of Order)

The **PRESIDENT**: The Chair lays before the Senate the following communication just received by the Chair:

March 13, 1945

Honorable George D. Varney, President, Maine State Senate of the 92nd Legislature

Dear Sir:

I hereby tender my resignation as Assistant Secretary of the Senate of the 92nd Legislature to take effect immediately.

Respectfully,

CHESTER T. WINSLOW

On motion by Mr. Brown of Aroostook, the communication was received and placed on file, and the resignation was accepted.

On motion by Mr. Sayward of York, the Senate voted that a committee of three be appointed to receive, sort and count ballots for the office of Assistant Secretary of the Senate.

The Chair appointed as members of such committee:

Senators Sayward of York
Cross of Kennebec
Morrill of Cumberland

Thereupon, on motion by Mr. Denny of Lincoln, the Chairman of said committee was authorized to cast one ballot for the Honorable Waldo H. Clark as Assistant Secretary of the Senate of the 92nd Legislature.

Mr. Sayward of York, Chairman of the committee, having cast one ballot, the Honorable Waldo H. Clark was declared duly elected Assistant Secretary of the Senate of the 92nd Legislature.

Communication

(Out of Order)

The **PRESIDENT**: The Chair now lays before the Senate the following communication just handed to the Chair:

March 13, 1945

Honorable George D. Varney, President, Maine State Senate of the 92nd Legislature

Dear Sir:

I hereby tender my resignation as Sergeant-at-arms of the Senate of the 92nd Legislature to take effect immediately.

Respectfully,

WALDO H. CLARK

On motion by Mr. Brown of Aroostook, the communication was received and placed on file, and the resignation accepted.

On motion by Mr. Sayward of York, the Senate voted that a committee of three be appointed to receive, sort and count ballots for the office of Sergeant-at-arms of the Senate of the 92nd Legislature.

The Chair appointed as members of such committee::

Senators Sayward of York
Cross of Kennebec
Morrill of Cumberland

Thereupon, on motion by Mr. Denny of Lincoln, the Chairman of said committee was authorized to cast one ballot for Leland S. King as Sergeant-at-arms of the Senate of the 92nd Legislature.

Mr. Sayward of York, the Chairman of the Committee, having cast one ballot, Leland S. King was declared duly elected Sergeant-at-arms of the Senate of the 92nd Legislature.

Communication

(Out of Order)

The PRESIDENT: The Chair lays before the Senate the following communication just received by the Chair.

March 13, 1945.

Honorable George D. Varney,
President
Maine State Senate of the
92nd Legislature

Dear Sir:

I hereby tender my resignation as Assistant Sergeant-at-arms of the Senate of the 92nd Legislature.

Respectfully,

Leland S. King.

On motion by Mr. Brown of Aroostook, the communication was received and placed on file, and the resignation accepted.

On motion by Mr. Bishop of Sagadahoc, the Senate voted that a committee of three be appointed to receive, sort and count ballots for the office of Assistant Sergeant-at-arms of the Senate of the 92nd Legislature.

The Chair appointed as members of such committee:

Senators: Sayward of York
Cross of Kennebec
Morrill of Cumberland

Thereupon, on motion by Mr. Bishop of Sagadahoc, the Chairman of said committee was authorized to cast one ballot for John S. Parker as Assistant Sergeant-at-arms of the Senate of the 92nd Legislature.

Mr. Sayward of York, the Chairman of the committee, having cast one ballot, John S. Parker was declared duly elected Assistant Sergeant-at-arms of the Senate of the 92nd Legislature.

Mr. HOWES of Penobscot: Mr. President, I ask unanimous consent to address the Senate.

The PRESIDENT: The Senator from Penobscot, Senator Howes asks unanimous consent to address the Senate. If there is no objection the Senator may proceed.

Mr. HOWES: Mr. President, I have a resolve I would like permission to put in. As to this resolve, I have put a great deal of time on it in the last few years, studying it, and I do not believe the resources of the state have been used up yet. I believe this resolve calls for the appointment of a committee. I believe, and have for some time, that

we might receive, perhaps twenty-five years from now, half or three-quarters of a million dollars or more revenue in the State of Maine than we are now receiving. I hope you will not turn this down until after you have heard it read. I believe there is some advantage to it.

The PRESIDENT: The Senator from Penobscot, Senator Howes, presents a resolve. By virtue of the terms of the joint order passed earlier in the session, it requires the unanimous consent of the members of the Senate for the introduction of this resolve.

Unanimous consent being given, Resolve to Create a Special Committee to Study Wild and Fur Bearing Animals (S. P. 383) was received and referred to the Committee on Inland Fisheries and Game.

Sent down for concurrence.

Mr. GOOD of Aroostook: Mr. President, I notice this morning before you on your desks a bag of potatoes which is a product of Aroostook County. We are proud of our industry in Maine and especially Aroostook County. Last year it turned in from the State over \$84,000,000. We have had several obstacles to encounter. About thirty years ago we met what is known as—

The PRESIDENT: The Chair inquires if the Senator intends to present an order?

Mr. GOOD: I do, Mr. President.

The PRESIDENT: The Senator may proceed.

Mr. GOOD: About thirty years ago we encountered this powdery scab and we overcame it and licked it. We have had several diseases that have come to us in one way or another and we have been able to cope with them. We have now in our vicinity a disease called netnecrosis, as some of you will know, and we think eventually we will overcome it. We have another disease known as ring-rot, or bacteria wilt, which is affecting a large number of the farms, and we feel if we are ever going to overcome these things we must be alert to the things that are bound to help us.

Of course, you know that before the House today, before the Committee on Agriculture, will come a bill pertaining to a foundation seed program and some of the members of the Aroostook County delegation felt it would be a fine thing to send

down some of the product we have grown up there and a group of men from Fort Fairfield have done just that. I present an order and move its passage.

The Secretary read the Order:

Order

(Out of Order)

Ordered, That the Secretary of the Senate 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 Senate for the contribution of their product from the great County of Aroostook.

The motion prevailed, and the Order received passage.

First Reading of a Printed Bill

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

Which bill was read once, and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Leavitt from the Committee on Legal Affairs on Bill "An Act Relating to Auctioneers," (S. P. 322) (L. D. 829) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to State Racing Commission and Pari Mutuel," (S. P. 289) (L. D. 722) reported that the same ought not to pass.

Which reports were severally read and adopted in concurrence.

Mr. Gould from the Committee on Legal Affairs on Bill "An Act Relating to Licenses for Lodging Houses in City of Lewiston," (S. P. 145) (L. D. 351) reported that the same ought to pass.

Which report was read and adopted, the bill read once and tomorrow assigned for second reading.

The same Senator from the same Committee on Bill "An Act Relating to Term of Office of Chief of Police of the City of Lewiston," (S. P. 253) (L. D. 631) reported that

the same ought to pass as amended by Committee Amendment "A"

Which report was read and adopted and the bill read once.

Mr. NOYES of Hancock: Mr. President, I would like to inquire the filing number.

The PRESIDENT: The Chair will state that this is a Senate Amendment and has no filing number.

Mr. BOUCHER of Androscoggin: Mr. President, I would like to inquire if these amendments are to be secret. There is no filing number and no reproduction. I, for one, am vitally interested in both these bills with the amendments and if the amendments are not to be read, I wonder how we can find out what they contain.

The PRESIDENT: The Chair will state that the Senator has a perfect right to have the amendment read.

Mr. BOUCHER: Mr. President, I would like to have it read.

The Secretary read the amendment:

Committee Amendment "A" to S. P. 253, L. D. 631, Bill, "An Act Relating to Term of Office of Chief of Police of the City of Lewiston."

"Amend said bill by striking out in the tenth line thereof (9th line of bill as printed) the underlined words 'to serve at the pleasure of said commission' and inserting in place thereof the underlined words 'and shall not be removed except as provided in section 9'.

"Further amend said bill by striking out all of section 3 thereof and inserting in place thereof the following new section:

"Sec. 3. P. & S. L. 1939, c. 8, Art. XI, s 26 repealed and replaced. Section 26 of Article XI of chapter 8 of the private and special laws of 1939, as enacted by section 12 of chapter 86 of the private and special laws of 1943, is hereby repealed and replaced to read as follows:

"Sec. 26. Pension provisions for chief of police. The chief of police, after having served 25 years as such, or if permanently disabled while in the performance of some duty devolving upon him as a member of the department, shall be retired upon his petition; whereupon he shall be entitled to a pension equal to $\frac{1}{2}$ of the pay which he received at the time the disability occurred or at the time his application was filed with the commission petitioning for retirement

benefits. Nothing herein shall be construed to deprive the incumbent chief of the years of service presently accrued as chief of said department."

Thereupon, the amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

The same Senator from the same Committee on Bill "An Act Relating to the Salaries of the Police Department of the City of Lewiston," (S. F. 270) (L. D. 617) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted and the bill read once.

Committee Amendment "A" to S. F. 270, L. D. 617, bill, An Act Relating to the Salaries of the Police Department of the City of Lewiston.

The Secretary read Committee Amendment "A":

"Amend Section 5 of said bill by striking out in the fifth line thereof (5th line of bill as printed) the underlined figure \$1,920" and inserting in place thereof the underlined figure "2,100".

"Further amend said Section 5 of said bill by striking out in the sixth line thereof (5th line of bill as printed) the figure "5" and inserting in place thereof the underlined figure "3".

"Further amend said bill by striking out all of Section 6 thereof and inserting in place thereof new section 6, which shall read as follows:

"Sec. 6. Limitation. The changes in salaries indicated in this chapter shall be retroactive as of April 1, 1945, and shall be in effect for a period of 2 years only until March 31, 1947, after which the laws as existing prior to the passage of this act shall again become of full force and effect."

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Sunday Entertainment,"

(S. P. 78) (L. D. 72) reported that the same ought not to pass.

(Signed)

Senators:

Batchelder of York
Leavitt of Cumberland
Gould of Androscoggin

Representatives:

Payson of Portland
Rankin of Bridgton
Weeks of Waterville
Warren of Westbrook
Snow of Auburn
Welch of Mars Hill

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed)

Representative:

Donahue of Biddeford

On motion by Mr. Boucher of Androscoggin, the reports and accompanying papers were laid upon the table pending acceptance of either report.

The Majority of the Committee on Legal Affairs on Bill "An Act to Provide for the Election of a Superintending School Committee for the Town of Caribou," (S. P. 254) (L. D. 630) reported the same in a new draft (S. F. 382) under the same title, and that it ought to pass. (signed)

Senators: BATCHELDER of York
LEAVITT of Cumberland
GOULD of Androscoggin

Representatives:

RANKIN of Bridgton
PAYSON of Portland
WEEKS of Waterville
WARREN of Westbrook
SNOW of Auburn
WELCH of Mars Hill

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(signed)

Representative:

DONAHUE of Biddeford

On motion by Mr. Brown of Aroostock, the Majority Report of the Committee "Ought to Pass in New Draft" was adopted and the bill was laid upon the table for printing under the joint rules.

Passed to be Engrossed

Bill "An Act to Grant a New Charter to the City of Old Town," (H. P. 336) (L. D. 158)

Bill "An Act Relating to Rights of Surviving Husbands and Wives." (H. P. 425) (L. D. 167)

Bill "An Act to Amend the Portland City Charter." (H. P. 828) (L. D. 443)

Bill "An Act Relating to Special License for Motor Service Stations." (H. P. 1209) (L. D. 710)

Bill "An Act to Provide for the Payment of Expense Incurred by the Maine State Office Building Authority and the Building Commission." (H. P. 1325) (L. D. 973)

Bill "An Act Relating to the Packing of Sardines." (H. P. 1326) (L. D. 974)

Bill "An Act to Incorporate City of Old Town Municipal Building District." (H. P. 334) (L. D. 148)

Bill "An Act to Incorporate City of Old Town High School District." (H. P. 335) (L. D. 149)

Bill "An Act Concerning Liens of Factors Upon Merchandise or the Proceeds Thereof." (H. P. 523) (L. D. 208)

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)

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

"Resolve in Favor of the Maine Historical Society." (S. P. 70) (L. D. 62)

Bill "An Act Relating to the State Police Retirement System." (S. P. 76) (L. D. 71)

(On motion by Mr. Bishop of Sagadahoc, tabled pending passage to be engrossed.)

Bill "An Act Relating to Cigarette Tax Licenses." (S. P. 153) (L. D. 371)

"Resolve Designating the White Pine Tree as the State Official Tree." (S. P. 181) (L. D. 381)

Bill "An Act Relating to Taxation of Property of United States." (S. P. 222) (L. D. 462)

"Resolve Relating to Ice Fishing in Kezar Lake." (S. P. 312) (L. D. 839)

Bill "An Act Relating to Operating Motor Vehicles at Grade Crossings." (S. P. 329) (L. D. 822)

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

Sent down for concurrence.

Orders of the Day

On motion by Mr. Washburn of Washington,

Adjourned until tomorrow morning at ten o'clock.