

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

Monday, March 26, 1945.

The Senate was called to order by the President.

Prayer by the Rev. Tom Akeley of Gardiner.

Journal of Friday, March 23rd, 1945, read and approved.

From the House:

The Committee on Claims on "Resolve in Favor of Charles D. Buck, of Newfield," (H. P. 184) reported that the same ought to pass.

Comes from the House, recommended to the Committee on Claims.

In the Senate, the resolve was recommended to the Committee on Claims in concurrence.

House Committee Reports

The Committee on Agriculture on Bill "An Act Relating to the Owning and Keeping of Bulls Over Eighteen Months of Age," (H. P. 404) (L. D. 160) reported that the same ought not to pass.

Which report was read and adopted in concurrence.

The Committee on Agriculture on Bill "An Act Relating to Marking of Sheep," (H. P. 918) (L. D. 559) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Dog Licenses," (H. P. 917) (L. D. 558) reported that the same ought to pass.

The Committee on Claims on "Resolve to Reimburse the Town of Salem for Fire," (H. P. 501) reported that the same ought to pass.

The Committee on Education on Bill "An Act Relating to Reimbursement to Towns for Tuition," (H. P. 724) (L. D. 499) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Hunting in Merrymeeting Bay," (H. P. 729) (L. D. 399) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Game Preserve in York County," (H. P. 508) (L. D. 245) reported that the same ought to pass.

The same Committee on "Resolve Closing Tributaries of Kennebago Stream to all Fishing," (H. P. 695)

(L. D. 288) reported that the same ought to pass.

The same Committee on "Resolve Regulating Fly Fishing in Tributaries of Richardson Lake," (H. P. 324) (L. D. 145) reported that the same ought to pass.

The same Committee 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) reported that the same ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to Clerk Hire in Probation Office in Androscoggin County," (H. P. 740) (L. D. 408) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Clerk Hire in Office of Register of Deeds in Kennebec County," (H. P. 850) (L. D. 451) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Salary of Recorder of the Waterville Municipal Court," (H. P. 853) (L. D. 454) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Salary of the Clerk of the Lewiston Municipal Court," (H. P. 1262) (L. D. 885) reported that the same ought to pass.

The same Committee on Bill "An Act Increasing the Salary of the Recorder of the Gardiner Municipal Court," (H. P. 673) (L. D. 270) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Salary of Register of Deeds of Kennebec County," (H. P. 995) (L. D. 595) reported that the same ought to pass.

The Committee on Temperance on Bill "An Act Relating to Sale of Liquor to be Consumed on the Premises," (H. P. 1012) (L. D. 532) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Dancing and Entertainment on Premises Where Malt Liquor is Consumed," (H. P. 1014) (L. D. 533) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Licenses for the Sale of Malt Beverages," (H. P. 862) (L. D. 438) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Requirement for Restaurant Licenses," (H. P. 1265) (L. D. 888) reported that the same ought to pass.

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

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to the Maine Development Commission," (H. P. 790) (L. D. 413) reported the same in a new draft, (H. P. 1346) (L. D. 1002) under the same title, and that it ought to pass.

The Committee on Claims on 'Resolve in Favor of Henry K. Morey of Deer Isle," (H. P. 925) (L. O. 563) reported the same in a new draft (H. P. 1348) (L. D. 1001) under the same title, and that it ought to pass.

The same Committee on "Resolve in Favor of the Estate of R. Byron Flewelling, Late of West Gardiner, Deceased; for Damage to Property," (H. P. 139) (L. D. 67) reported the same in a new draft (H. P. 1347) (L. D. 1000) under the same title, and that it ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Filling Congressional Vacancies," (H. P. 958) (L. D. 579) reported the same in a new draft, (H. P. 1343) (L. D. 995) under the same title, and that it ought to pass.

The Committee on Legal Affairs on Bill "An Act to Create an Airport Commission for the Town of Sanford," (H. P. 656) (L. D. 318) reported the same in a new draft, (H. P. 1344) (L. D. 994) under the same title, and that it ought to pass.

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

First Reading of Printed Bills

Bill "An Act Relating to Penalty for Obstructing Commissioner of Agriculture in Performance of Duty," (S. P. 392) (L. D. 1015)

Bill "An Act Governing the Production of Milk and Cream," (S. P. 393) (L. D. 1016)

Bill "An Act Authorizing Municipalities to Establish, Maintain, Conduct and Finance Recreational Facilities," (S. P. 394) (L. D. 1017)

Which bills were severally read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Cross from the Committee on Taxation on Bill "An Act Relating to Taxation of Express Companies," (S. P. 350) (L. D. 899) reported that the same ought not to pass, as it is covered by other legislation (L. D. 171)

Which report was read and adopted.

Sent down for concurrence.

Mr. Spear from the Committee on Inland Fisheries and Game on "Resolve Opening Pennesseewassee Lake to Smelt Fishing," (S. P. 113) (L. D. 230) reported that the same ought to pass.

Mr. Townsend from the Committee on Public Health on Bill "An Act Relating to Prevention of Blindness," (S. P. 217) (L. D. 467) reported that the same ought to pass.

Miss Clough from the same Committee on Bill "An Act Relating to Premarital Medical Examinations," (S. P. 354) (L. D. 909) reported that the same ought to pass.

Mr. Townsend from the same Committee on Bill "An Act Relating to Prenatal Examination," (S. P. 216) (L. D. 468) reported that the same ought to pass.

Mr. Clements from the Committee on Taxation on Bill "An Act Relating to Authority of State Tax Assessor in Deorganized Towns," (S. P. 184) (L. D. 378) reported that the same ought to pass.

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

Mr. Noyes from the Committee on Taxation on Bill "An Act Relating to Tax Returns of Loan and Building Associations," (S. P. 275) (L. D. 612) reported the same in a new draft (S. P. 397) under the same title, and that it ought to pass.

Mr. Clements from the same Committee on Bill "An Act Relating to the Assessment of Taxes," (S. P. 338) (L. D. 813) reported the same in a new draft (S. P. 398) under the same title, and that it ought to pass.

Which reports were severally read and adopted, and the bills in new draft laid upon the table for printing under the joint rules.

Passed to be Engrossed

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)

"Resolve Authorizing Conveyance of the Interest of the State in Certain Land in Albany Township." (H. P. 1097) (L. D. 784)

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

Bill "An Act Relating to the State Prison." (S. P. 221) (L. D. 464)

Bill "An Act Relating to the Salary of the Judge of the Western Somerset Municipal Court." (S. P. 266) (L. D. 621)

Bill "An Act Relating to the Duties of Directors and Trustees of Banks and Directors of Loan and Building Associations, regarding Insurance upon Mortgage Property." (S. P. 85) (L. D. 128)

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

Sent down for concurrence.

Orders of the Day

Miss CLOUGH of Penobscot: Mr. President, I would like to inquire if Legislative Document 122, 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, is in the possession of the Senate?

The PRESIDENT: The Chair will reply that the bill is in the possession of the Senate, having been held by the Secretary at the request of the Senator from Penobscot, Senator Clough, for consideration.

Thereupon, on motion by Miss Clough of Penobscot the Senate voted to reconsider its former action 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.

Miss Clough then presented Senate Amendment A and moved its adoption.

The Secretary read the amendment:

Senate Amendment "A" to H. P. 357, L. D. 122, 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."

Amend said Bill by striking out in the 7th line of section 2 thereof the underlined words: "over 16 years of age" and inserting in place thereof the underlined words: "16 years of age or over."

Thereupon, Senate Amendment A was adopted and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Brown of Arcostook the Senate voted to take from the table bill, An Act Permitting the Highway Commission to Provide for Proper Traffic Control Signals, etc., (H. P. 872) (L. D. 514) tabled by that Senator on March 22nd, pending passage to be engrossed in concurrence.

The same Senator presented Senate Amendment A and moved its adoption.

The Secretary read the amendment:

"Senate Amendment 'A' to H. P. 872, L. D. 514, bill, 'An Act Permitting the Highway Commission to Provide for Proper Traffic Control, Signals, etc.'

"Amend said bill by adding at the end of Section One thereof 3 new paragraphs to read as follows:

"Provided, however, that nothing herein contained shall be construed to apply to the installation or maintenance of signals, devices, signs, lights or warnings at approaches to railroad crossings."

"The issuance of any order or rule and regulation may be proved by submitting a copy thereof signed by any member of the Commission and duly endorsed."

"Whoever violates any order or rule and regulation of the Commission issued under authority of this section shall be punished by a fine of not more than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment."

Thereupon Senate Amendment A was adopted and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Howes of Penobscot the Senate voted to take from the table, Senate Report from the Committee on Appropriations and Financial Affairs, "Ought Not to Pass," on bill, An Act Relating to State Aid for Agricultural Societies (S. P. 301) (L. D. 848) tabled by that Senator on March 22nd pending consideration of the report.

Mr. HOWES of Penobscot: Mr. President, I move that this bill be recommitted to the Committee on Appropriations and Financial Affairs.

Mr. SAVAGE of Somerset: Mr. President, I simply want to say that the reason I did not want this bill recommitted was that it came before the Appropriations Committee and was unanimously reported out "Ought Not to Pass."

This has to do with the stipend to fairs at two cents a head that helps the fairs out with prizes and premiums and things like that, and this seeks to raise that stipend from two cents a head to four cents. That would make a raise in the cost to the state of between \$14,000 and \$18,000. I don't know what the Senate thinks about this but the Appropriations Committee thought this was a good chance to save \$18,000 to the state.

The President of the Skowhegan Fair was at the hearing and he said nothing to me about it and he didn't seem interested in it, and we had one man on the Committee from the Presque Isle Fair and another man who was interested in the Farmington Fair, and they all felt this bill should be reported out "Ought Not to Pass." That was the reason we felt we should adhere to our action in accepting the Ought Not to Pass report, and I hope the motion to recommit does not prevail.

Mr. HOWES of Penobscot: Mr. President, I just wish to say I have been on the fair circuit since 1916. I have attended all the big fairs in New England, Springfield, Rutland and others, and all over the country. I didn't know but some of the members felt I was going to get rich on it. I am pretty near a hundred years old and am going to die before long. I am interested in fairs and I know fairs. I have seen fairs die and I have seen some that didn't die and I know why they didn't die. I know fairs can not go on in any such condition as they are going now. I know there are a

lot of young men who have nice cattle they would like to show but no one can take a herd to a fair now and break even. I can go out of the State of Maine and make a thousand dollars. I believe in the State of Maine and I am going to live in Maine. If you don't like Maine you can go out for all of me. I say right now if we are going to run fairs you will have to give us some money to work with. We do not ask for several hundred thousand dollars. If there are no fairs we will not use the money. We will turn it in to the State.

I have talked with some members of the committee and they didn't understand it the way it has been explained, and they seemed somewhat favorable. If we don't have fairs it won't cost anything and the money will go into the treasury. If we do have fairs we have got to have the money. Senator Savage is from Skowhegan. I went to Skowhegan last fall but I can not go again as I lost money by going. All of us did. If they want cattle over there and want fairs they have got to give us the money; that is all there is to it. The same thing happened at Bangor. As I say, I can go out of the State and so can anybody else who will show—I don't know as I will show, but at the same time I think the young fellows who buy nice cattle, and there are a lot of them in the State, they should have the money to show for it costs money to run the business at home. No one can do it without money.

I hope you will recommit this bill. But I will probably live just as long if you don't. Perhaps I may not show anyway. But other states have nice cattle and have nice shows and I don't know any reason why we can't.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Howes, that the Senate reconsider its action whereby it adopted the "Ought Not to Pass" report of the Committee, and concur with the House in recommitting the bill to the Committee on Financial Affairs.

A viva voce vote being taken, the motion failed of passage.

Thereupon, on motion by Mr. Savage of Somerset, the Senate voted to adhere to its former action whereby it adopted the "Ought Not to Pass" report of the committee. Sent to the House.

On motion by Miss Clough of Penobscot, the Senate voted to take from the table, House Report, "Ought to Pass in New Draft" from the Committee on Federal Relations on Bill, An Act Amending the Unemployment Compensation Law as to Employer Coverage (H. P. 1240) (L. D. 865) tabled by that Senator on March 22nd pending adoption of the report in concurrence; and on further motion by the same Senator, the report of the committee was adopted in concurrence, and the bill was given its first reading.

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

Senate Amendment "A" to H. P. 1339, L. D. 990, Bill "An Act Amending the Unemployment Compensation Law as to Employer Coverage."

"Amend said Bill by striking out all of said Bill beginning with the 14th line thereof and inserting in place thereof the following:

'as of January 1st of any calendar year subsequent to such 2 calendar years, if not later than January 20th of such year only if at least 30 days prior to such first day of January such employing unit has filed with the commission a written notice to that effect an application for termination coverage.'

Senate Amendment "A" was adopted and the bill as so amended was tomorrow assigned for second reading.

Mr. OWEN of Kennebec: Mr. President, I ask unanimous consent of the Senate to make a few remarks.

The President: The Chair hears no objection and the Senator may proceed.

Mr. OWEN: Mr. President, I would like to call the attention of the Senate to this communication which has been placed on your desks. This is a new departure, so far as is known, in the legislature and perhaps needs no explanation or enlargement upon my part.

The very last sentence at the bottom of the first page is the interesting part of the whole program. In other words, if all legislation which is before the legislature at the beginning of this session this after-

noon received passage there would be a deficit in this year's program of \$4,236,000 and for the years 1945-46 \$2,044,000. Those figures are, of course, subject to revision and correction. This would mean in order to meet this deficit it would be necessary to raise the tax rate which has been held sacred at 7 1-4 mills since 1933 to 13 1-4 mills, which is a substantial increase and would be absolutely out of reason.

Now contrary to the belief of a great many members of the legislature the Appropriations Committee has no power of veto over any piece of legislation that carries an appropriation with it.

There is with this letter a list of the bills requiring appropriations which were introduced in this session and we have the cost to the State if these bills received passage. This list is, of course, subject to revision and correction. There are over 90 of these bills and about half a dozen have been referred to the Committee on Appropriations and Financial Affairs and it is undoubtedly as it should have been, but nevertheless, the members of the Committee have no control over these bills except as individual members of the legislature, but not as a committee.

From time to time it has been very noticeable that members of the Appropriations Committee have tabled bills which required appropriations previous to their passage for enactment and we have received inquiries from various persons as to why we did such a thing. Our only reason is we felt it was not the best financial policy for the State to adopt these bills carrying appropriations as fast as they were presented and not wait until we had seen the whole picture. We didn't want to make it a race for the money bag.

I think anyone can see our point of view in that respect and we trust that now the picture is before you, some good for the financial future of the State of Maine may result.

I thank you.

On motion by Mr. Howes of Penobscot

Adjourned until tomorrow morning at ten o'clock.