

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

Thursday, April 5, 1945.

The Senate was called to order by the President.

Prayer by the Reverend Elijah Mercer of Gardiner.

Journal of yesterday read and approved.

From the House:
Bill "An Act Relating to Free Hunting and Fishing Permits for Veterans." (S. P. 363) (L. D. 962)

(In Senate on March 28th, leave granted to withdraw.)

Comes from the House, Ought to Pass Report of the Committee read and adopted, and the bill passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Cleaves of Cumberland, the Senate voted to recede from its former action whereby leave was granted to withdraw; and on further motion by the same Senator, the "Ought to Pass" report of the committee was adopted in concurrence and the bill was given its first reading. House Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

House Committee Reports

The Committee on Claims on "Re-solve to Reimburse the City of Biddeford," (H. P. 622) (L. D. 235) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report, and passed to be engrossed.

In the Senate, on motion by Mr. Boucher of Androscoggin, the report and accompanying papers were laid upon the table pending adoption of the report.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Judge of the Old Town Municipal Court," (H. P. 441) (L. D. 169) reported the same in a new draft (H. P. 1371) (L. D. 1034) under the same title, and that it ought to pass.

Comes from the House the report read and adopted, and the bill in new draft read twice, and subsequently indefinitely postponed.

In the Senate, on motion by Mr. Townsend of Penobscot, the report

and accompanying papers were laid upon the table pending adoption of the report.

The Majority of the Committee on Labor on Bill "An Act Relating to Employment of Minors in Bowling Alleys," (H. P. 730) (L. D. 391) reported that the same ought not to pass.

(Signed)

Senators:

HOPKINS of Kennebec
GOULD of Androscoggin
SPEAR of Cumberland

Representatives:

POULIN of Rumford
HASKELL of Bangor
BROWN of Unity
JONES of Waterville
MARSHALL of York
WEEKS of Waterville

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

(Signed)

Representative:

RENOUF of Biddeford.

Comes from the House, the Majority Report, read and adopted.

In the Senate, on motion by Mr. Hopkins of Kennebec, the Majority Report "Ought Not to Pass" was read and adopted in concurrence.

The Majority of the Committee on Labor on Bill "An Act Relating to Employment of Children Under Certain Ages," (H. P. 964) (L. D. 608) reported that the same ought not to pass — inexpedient at the present time.

(Signed)

Senators:

SPEAR of Cumberland
GOULD of Androscoggin
HOPKINS of Kennebec

Representatives:

JONES of Waterville
BROWN of Unity
HASKELL of Bangor
POULIN of Rumford
MARSHALL of York

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

(Signed)

Representatives:

WEEKS of Waterville
RENOUF of Biddeford

Comes from the House, the Majority Report read and adopted.

In the Senate, on motion by Mr. Hopkins of Kennebec, the Majority Report "Ought Not to Pass" was read and adopted in concurrence.

The Majority of the Committee on Judiciary on Bill "An Act to Create a Legislative Research Committee," (H. P. 1272) (L. D. 915) reported that the same ought not to pass.

(signed)

Senators:

DOW of Oxford
DUNBAR of Washington

Representatives:

PERKINS of Boothbay Harbor
WILLIAMS of Auburn
HASKELL of Portland
CONNELLAN of Portland
WARD of Millinocket

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

(signed)

Senator:

CLOUGH of Penobscot

Representatives:

PEIRCE of Augusta
PASCUCCI of Sanford

Comes from the House the Minority Report adopted and the bill passed to be engrossed as amended by House Amendment "B".

In the Senate, on motion by Miss Clough of Penobscot, the reports and accompanying papers were laid upon the table pending adoption of either report, and especially assigned for tomorrow.

The Committee on Ways and Bridges on Bill "An Act Relating to Snow Removal," (H. P. 247) (L. D. 157) reported that the same ought to pass.

Comes from the House passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and adopted in concurrence and the bill was given its first reading; House Amendment A was read.

Thereupon, on motion by Mr. Dorr of Oxford, the bill and accompanying papers were laid upon the table pending adoption of House Amendment A.

The Majority of the Committee on Judiciary on Bill "An Act to Establish the Western Oxford Municipal Court," (H. P. 515) (L. D. 204) reported that the same ought not to pass.

(signed)

Senators:

DUNBAR of Washington
CLOUGH of Penobscot

Representatives:

PERKINS of Boothbay Harbor
WILLIAMS of Auburn
WARD of Millinocket
HASKELL of Portland
CONNELLAN of Portland

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

(signed)

Senator:

DOW of Oxford

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

In the Senate, on motion by Mr. Dow of Oxford the bill was recommended to the Committee on Judiciary in concurrence.

The Majority of the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Portland," (H. P. 731) (L. D. 400) reported the same in a new draft "A" (H. P. 1387) (L. D. 1054) under the same title, and that it ought to pass.

(signed)

Senators:

BATCHELDER of York
LEAVITT of Cumberland
GOULD of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject matter reported the same in a new draft "B" H. P. 1388) (L. D. 1056) under the same title, and that it ought to pass.

(signed)

Representatives:

DONAHUE of Biddeford
PAYSON of Portland

Comes from the House, the Majority Report read and adopted, and the bill in new draft "A" passed to be engrossed.

In the Senate, on motion by Mr. Batchelder of York, the Majority Report was read and adopted in concurrence, the bill was given its first reading and tomorrow assigned for second reading.

The Committee on Claims on
"Resolve in Favor of Merton F.

Grant of Glenwood," (H. P. 920) (L. D. 535) reported that the same ought not to pass.

The Committee on Federal Relations on Bill "An Act Amending the Unemployment Compensation Law as to Disqualification for Benefits," (H. P. 1236) (L. D. 862) reported that the same ought not to pass.

The same Committee on Bill "An Act Amending the Unemployment Compensation Law as to Disqualification for Benefits," (H. P. 1235) (L. D. 861) reported that the same ought not to pass.

The same Committee on Bill "An Act Amending the Unemployment Compensation Law as to Disqualification for Benefits," (H. P. 1237) (L. D. 860) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Relating to Membership in the Maine Teachers' Retirement System," (H. P. 822) (L. D. 426) reported that the same be referred to the Committee on Education.

The same Committee on Bill "An Act Relating to the Pollution of the Sebasticook River," (H. P. 1239) (L. D. 855) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act to Include Occupational Diseases Under the Workmen's Compensation Act," (H. P. 957) (L. D. 523) reported that the same ought not to pass as it is covered by other legislation.

The same Committee on Bill "An Act Relating to the Sanitary Water Board," (H. P. 1230) (L. D. 854) reported that the same ought not to pass, as it is covered by other legislation.

The same Committee on Bill "An Act to Make Compulsory the Workmen's Compensation Act," (H. P. 1074) (L. D. 796) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Lewis Cook of Bangor," (H. P. 1197) (L. D. 756) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Agnes Cook, of Bangor," (H. P. 1198) (L. D. 757) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Recording of Instruments Issued by the Public Utilities Commission," (H. P. 817) (L. D. 505) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Treatment of Employees Under the Workmen's Compensation Act," (H. P. 951) (L. D. 527) reported that the same ought not to pass.

The same Committee on Bill "An Act Relative to Medical and Surgical Aids in Cases of Personal Injury or Occupational Disability Under Workmen's Compensation Act," (H. P. 648) (L. D. 315) reported that the same ought not to pass.

The same Committee on "Resolve Relating to Retirement Pension for Henry H. Randall of Rockland," (H. P. 1196) (L. D. 755) reported that the same ought not to pass.

The same Committee on Bill "An Act to Amend the Workmen's Compensation Act as to Minors Illegally Employed, Attorneys' Fees and Waiting Period," (H. P. 1076) (L. D. 797) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Ballots in Elections," (H. P. 641) (L. D. 294) reported that the same ought not to pass.

The same Committee on "Resolve Permitting Examination of Arthur Andrews, of Rockport, by State Board of Examiners of Funeral Directors and Embalmers," (H. P. 1078) (L. D. 667) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Board of Registration for Professional Engineers," (H. P. 1274) (L. D. 917) reported that the same ought not to pass.

The Committee on Pensions on "Resolve Providing for an Increase in State Pension for William L. Helms of Gray," (H. P. 842) reported that the same ought not to pass.

The same Committee on "Resolve Providing for a State Pension for Abbie S. Risska of Lisbon," (H. P. 668) reported that the same ought not to pass.

The same Committee on "Resolve Providing for a State Pension for Charles M. Turner of Palermo," (H. P. 974) reported that the same ought not to pass.

Which reports were severally read and adopted in concurrence.

The Committee on Public Utilities on Bill "An Act Relating to Rural Electrification Cooperatives," (H. P. 544) (L. D. 322) reported that the same ought not to pass.

(On motion by Mr. Bishop of Sagadahoc, tabled pending adoption of the report.)

The Committee on Appropriations and Financial Affairs on "Resolve for Maintenance and Development of Public Park Facilities," (H. P. 488) (L. D. 240) reported the same in a new draft (H. P. 1428) (L. D. 1108) under the same title, and that it ought to pass.

The Committee on Ways and Bridges on Bill "An Act Relating to Purchase of Certain Equipment by the State for Use by Towns," (H. P. 1266) (L. D. 889) reported that the same ought to pass.

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

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

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

Mr. GOOD: Mr. President, and members of the Senate: I have been called on at this time to undertake a task that embarrasses me greatly at this present moment. Night before last there was a group of men came from Southern Aroostook with a problem of which probably few people in the state are aware. They discovered in a few meetings they have had recently that the seed potato bacteria wilt and ringrot which we talked about the first of the session, are more serious than we realized.

This is a group of people who have made a specialty of foundation seed in the last ten years. It is known as a place called "Siberia." They have been very successful in raising this foundation seed. I suppose the majority of the members of the Senate know what foundation seed is. "Foundation seed" is a plot you plant—it may be 50 acres. When you harvest it you may have a field rating of one-tenth of one percent. Then they select from every 20 acres a sample and send it to Florida and then they plant it. During the winter months up here, that grows far enough along so that by February they know how much disease there is in those potatoes. Then they have to pass less than two percent as

"known Florida test." These men have been very successful in raising that kind of seed.

It was revealed the other day that in that area where they live, they have discovered a few farms have this ring-rot or bacteria wilt which is jeopardizing the potato crop everywhere. People have it in their crops and don't know it. Some of the Agriculture Committee told me, "We found what ailed our garden potatoes when they broke down." They are concerned about it, and are now willing to come to this Legislature at this late hour and ask if there is any way possible to have a bill introduced, when 95% of the area they want quarantined is affected. They will petition the Commissioner and ask him to quarantine them, and help clean this up. They have offered to purchase their own spraying material and go to the farmers and help spray with their own equipment, and furnish seed — \$6, \$7, \$8 a barrel seed — their own seed, if they can clean this up. They are concerned about it.

A group of 8 or 10 was there the other night. We talked the thing over, and I told them, "It is almost an imposition to come to the members and ask to present this and ask them to do this for us," but thinking the thing over, and realizing it wouldn't retard the Legislature any longer if this bill was permitted to be introduced this morning — if it had to go to committee, it would be out next week, get its readings and be through by the time we are through, the way it looks now — I hope the members of the Senate will grant me the privilege and pleasure of introducing this measure out of order and under unanimous consent, that I might be able to render assistance to those boys which I know means so much to them. They said, if they wait until the regular session, they will lose two years; maybe it will be beyond control; maybe we will have lost our grip on foundation seed. That is the picture, gentlemen; I hope you see it as I see it, and I ask unanimous consent to introduce this measure this morning. Thank you.

The PRESIDENT: The Senator from Aroostook, Senator Good presents bill, An Act Relating to Infectious Diseases of the Irish Potato. Under the terms of the joint order passed earlier in the session,

the introduction of this bill requires the unanimous consent of the Senate. Is there objection?

Mr. SPEAR of Cumberland: Mr. President, I object.

The PRESIDENT: There being objection, the bill is not received.

First Reading of Printed Bills

Bill "An Act Relating to Pari-Mutuel Pools." (S. P. 416) (L. D. 1111)

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

Bill "An Act Relating to Registration of Motor Vehicles." (S. P. 423) (L. D. 1121)

(The bill was read once and on motion by Mr. Cleaves of Cumberland tabled pending assignment for second reading.)

Senate Committee Reports

Mr. Howes from the Committee on Indian Affairs submitted its Final Report.

Mr. Washburn from the Committee on Maine Publicity submitted its Final Report.

Mr. Washburn from the Committee on University of Maine submitted its Final Report.

Which reports were severally read and adopted.

Sent down for concurrence.

Mr. Dow from the Committee on Judiciary on Bill "An Act Relating to Evidence of Death or other Status." (S. P. 285) (L. D. 724) reported that the same ought not to pass, as it is covered by other legislation.

Which report was read and adopted.

Sent down for concurrence.

Mr. Dow from the Committee on Judiciary on Bill "An Act Relating to Presumption of Death." (S. P. 345) (L. D. 895) reported the same in a new draft (S. P. 425) under the same title, and that it ought to pass.

Miss Clough from the same Committee on Bill "An Act Relating to Probation Officers in Penobscot County." (S. P. 202) (L. D. 482) reported the same in a new draft (S. P. 426) under the same title, and that it ought to pass.

Mr. Dunbar from the same Committee on Bill "An Act to Aid Towns in Controlling Forest Fires." (S. P. 317) (L. D. 890) reported the same

in a new draft (S. P. 427) under the same title, and that it ought to pass.

Mr. Townsend from the Committee on Public Health on Bill "An Act Relating to Examination and Registration of Osteopathic physicians." (S. P. 215) (L. D. 469) reported the same in a new draft (S. P. 428) 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.

Mr. Dow from the Committee on Judiciary on "Resolve Relating to Retirement Pension for Percy E. Averill of Thomaston." (S. P. 207) (L. D. 477) reported that the same ought to pass.

Miss Clough from the Committee on Public Health on Bill "An Act Relating to Contagious Diseases." (S. P. 210) (L. D. 474) reported that the same ought to pass.

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

Mr. Owen from the Committee on Appropriations and Financial Affairs on Bill "An Act to Simplify the Financial Structure of the State" (S. P. 192) (L. D. 489) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and adopted and the bill was given its first reading. Committee Amendment A was read:

"Committee Amendment A to S. P. 192, L. D. 489, bill, An Act to Simplify the Financial Structure of the State.

"Amend said bill by striking out Sections 13 and 14 thereof and renumbering sections 15 to 19 inclusive, to be sections 13 to 17, inclusive.

"Further amend said bill by striking out sections 20, 21 and 22 thereof and renumbering sections 23 to 28 inclusive, to be sections 18 to 23 inclusive.

"Further amend said bill by striking out sections 29 and 30 thereof and renumbering sections 31 to 36 inclusive, to be sections 24 to 29 inclusive.

"Further amend said bill by renumbering section 37 to be section 30 and by adding at the end there-

of the following: 'Provided, however, that there shall always be available for old age assistance state moneys in an amount not less than the revenue derived from the cigarette tax.'

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

Miss Clough from the Committee on Public Health on Bill "An Act Amending the Control of Venereal Diseases," (S. P. 211) (L. D. 473) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted and the bill was given its first reading. Committee Amendment A was read:

Committee Amendment "A" to S. P. 211, L. D. 473, Bill "An Act Amending the Control of Venereal Diseases Law."

Amend said Bill by striking out the 15th line thereof and inserting in place thereof the following: 'before complying with the requirements of the bureau.'

Further amend said bill by deleting (drawing a line through) the words "is infected with" in the 25th line thereof; and by inserting after said words in said 25th line the underlined word 'has'; and by inserting in said 25th line, after the word "diseases", the following: 'in an infectious stage'.

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

The Committee on Bills in the Second Reading reported the following bill: Bill "An Act Relating to Small Claims" (H. P. 241) (L. D. 92)

Mr. BISHOP of Sagadahoc: Mr. President, as we discussed and planned yesterday, I have an amendment, Senate Amendment A, to this bill, An Act Relating to Small Claims, it being House Paper 241, Legislative Document 92. This is a copy of the New Hampshire Law and I think it is pertinent at this time to read and discuss this measure before we go any further. I therefore present Senate Amendment A and move its adoption.

The Secretary read the amendment:

"Senate Amendment A to bill, An Act Relating to Small Claims (H. P. 241) (L. D. 92)

"Bill, An Act Relating to Small Claims (H. P. 241, L. D. 92) is hereby amended by striking out Sections 2 to 20 inclusive and substituting in place thereof the following:

"Sec. 2. Procedure Established. There is hereby established a simple, speedy, and informal procedure which a plaintiff or his authorized attorney may pursue in an action commenced before a justice of a municipal court for the determination of a small claim. Such procedure shall be alternative and not exclusive.

"Sec. 3. Process. A plaintiff or his authorized attorney hereunder shall state the substance of his claim to the justice or clerk of the municipal court having jurisdiction thereof who shall briefly record the notice of the claim and set a date for hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of one dollar and seventy-five cents.

"Sec. 4. Disposition of Fees. Of the amount of the entry fee the justice shall be allowed the sum of one dollar for his services, twenty-five cents to be used for postage for notice to the defendant, twenty-five cents for the use of the town in which the court is established and twenty-five cents for the clerk of the court, provided that in towns where there is no clerk of the municipal court in addition to the one dollar the justice shall be allowed twenty-five cents for his services as such clerk.

"Sec. 5. Limitation of Number of Claims. No person shall be permitted to enter in any one court more than five small claims in any one week nor more than twenty small claims in any one month.

"Sec. 6. Notice to Defendant. The justice shall cause notice of the claim and the substance thereof to be given to the defendant by sending a written statement to the defendant by postpaid registered mail addressed to the defendant at his last known post office address and directing the defendant to appear at a time and place of hearing, which shall be not less than fourteen days from the date said notice is mailed to defendant. Return receipt showing that defendant has received the statement shall constitute an essential part of the serv-

ice. If service cannot be effected by registered mail as aforesaid, then the court may direct that service on the defendant be completed as in all other actions at law.

"Sec. 7. Judgment. At the hearing, the technical rules of evidence shall not apply but the justice may admit any evidence he deems material and proper. Judgment shall be entered for the prevailing party and if the plaintiff recover, his costs shall be awarded to him in addition to the judgment in his behalf. In awarding judgment the justice may provide for payment thereof in instalments. The court shall render judgment for the plaintiff when the defendant fails to appear pursuant to said notice.

"Sec. 8. Proceedings after Judgment. All proceedings subsequent to the rendition of judgment shall follow the practice and procedure now provided for."

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Bishop, that the Senate adopt Senate Amendment A.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, we discussed this bill quite thoroughly pro and con yesterday, the original bill, at least, and I think it is quite firmly fixed in our minds, the difference between the two laws and I have no intention of making any impassioned plea for the original bill. I merely wish to point out that the original bill is a composite of all the laws in the New England States. It is patterned on the Massachusetts law which has been in effect since 1921 and as far as I know has had no undue criticism in that state. There have been no attempts to change it.

With that thought I will leave it in the hands of the Senate as to which they do prefer.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Bishop, that the Senate adopt Senate Amendment A.

Mr. DUNBAR of Washington: Mr. President, the amendment as offered by the Senator from Sagadahoc, Senator Bishop is the New Hampshire Law verbatim.

It is the law that has been used around this legislature for argument, for the purpose of putting through Legislative Document 92.

I hope that the motion of the Senator from Sagadahoc, Senator

Bishop prevails and that we take the New Hampshire Law that has been sold to the members of this legislature. It cures to a great extent the objections I had to Legislative Document 92 in that it removes the objectionable feature that denies to a debtor the right of an appeal. Under this amendment a debtor has that right. Under this amendment it does away with the objectionable feature in Legislative Document 92 of jailing a debtor for contempt of court for a period not exceeding thirty days or a fine of \$20. If we are going to have a small claims court, if there is need of it, let us have an honorable and decent small claims court. And I ask those who voted with me yesterday, I ask you today to support the motion of the Senator from Sagadahoc, Senator Bishop in adopting Senate Amendment A and let us take the New Hampshire Law and see if we can end the controversy that we have had in this legislature now for the past three sessions.

Mr. BROWN of Androscoggin: Mr. President, I did not engage in the discussion yesterday because I thought it was well and ably discussed and the hour got late; but I was just as much in opposition to the bill as were Senator Dunbar and Senator Brown and in my layman's mind I could see very serious difficulties.

I did not like the idea of giving to a municipal court judge a power which was not given to any other judge, which was not even given to a Superior Court judge, that he could sentence a man and there could be no appeal from his judgment. I realize that it is the wish of the majority of the Legislature and I think probably the majority of the people of the State of Maine that they have a small claims court and therefore I am heartily in accord with this bill as amended.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Bishop that the Senate adopt Senate Amendment A.

Mr. DUNBAR: Mr. President, when the vote is taken I ask that it be taken by a division.

A division of the Senate was had. Nineteen having voted in the affirmative and eleven opposed, the motion prevailed and Senate Amendment A was adopted.

Thereupon, on motion by Mr. Cross of Kennebec, the bill and accompanying papers were laid upon the table pending passage to be engrossed and the amendment was ordered printed.

Passed to Be Engrossed

Bill "An Act Relating to a State Police Barrack in the County of Cumberland." (H. P. 606) (L. D. 328)

"Resolve Authorizing Commissioner of Agriculture to Register Trade Marks." (H. P. 959) (L. D. 528)

Bill "An Act Relative to Use of Live Decoys and Blinds." (H. P. 1354) (L. D. 1005)

Bill "An Act Relating to School Committee in Town of Rumford." (H. P. 1410) (L. D. 1083)

Bill "An Act Relating to Records of Educational Institutions." (H. P. 1411) (L. D. 1084)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be engrossed.)

"Resolve Regulating Fishing for Atlantic Salmon in Narraguagus River and Its Tributaries." (H. P. 1412) (L. D. 1094)

Bill "An Act Providing for the Taking of Property by the State by Right of Eminent Domain." (H. P. 1413) (L. D. 1085)

Bill "An Act Relating to Alternative Method for the Enforcement of Liens for Taxes on Real Estate." (H. P. 1414) (L. D. 1086)

Bill "An Act Relating to License Fees for Amusement Shows." (H. P. 1415) (L. D. 1087)

Bill "An Act Relating to Permits for Digging Into and Opening Streets and Highways." (H. P. 1416) (L. D. 1088)

Bill "An Act Relating to Pauper Settlement." (H. P. 1417) (L. D. 1089)

Bill "An Act Amending the Charter of the Calais School District." (H. P. 1418) (L. D. 1090)

Bill "An Act Relating to the Salary of the Judge of the Municipal Court of Newport." (H. P. 1420) (L. D. 1092)

Bill "An Act Relating to Fees of Officers for Service for Delinquents." (H. P. 1421) (L. D. 1093)

(On motion by Mr. Hopkins of Kennebec, tabled pending passage to be engrossed.)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Som-

erset County to J. Russell MacArthur, of Jackman." (H. P. 1422) (L. D. 1095)

"Resolve Authorizing the Forest Commissioner to Advertise and Sell Certain Stumpage in the Town of Ashland." (H. P. 1423) (L. D. 1096)

Bill "An Act Relating to Reports of Thefts of Motor Vehicles." (H. P. 1184) (L. D. 745)

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

Bill "An Act to Increase the Salary of the County Treasurer of Cumberland County." (H. P. 1402) (L. D. 1073)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Oxford County to Fred L. Edwards, of Bethel." (S. P. 1008) (L. D. 556)

Which bill and resolve were severally read a second time and passed to be engrossed as amended in non-concurrence.

Sent down for concurrence.

"Resolve to Provide Funds for Eradication of Bang's Disease, Tuberculosis, and Other Infectious and Contagious Diseases of Livestock." (S. P. 420) (L. D. 1103)

Bill "An Act Relating to Complaint in Cases of Neglect of Children." (S. P. 421) (L. D. 1105)

Bill "An Act Relating to Relief During the Emergency for Businesses in Financial Distress Because of Wartime Conditions." (S. P. 422) (L. D. 1104)

Bill "An Act to Increase Salary of Sheriff of Kennebec County." (S. P. 263) (L. D. 624)

Bill "An Act Relating to Clerk Hire in the County Offices in Knox County." (S. P. 418) (L. D. 1101)

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

Sent down for concurrence.

Bill "An Act to Increase Salaries of Somerset County Officers." (S. P. 267) (L. D. 620)

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

Sent down for concurrence.

Orders of the Day

On motion by Mr. Owen of Kennebec, the Senate voted to take from the table, Bill, An Act Relat-

ing to Exception to the Licensing of Steam Engineers and Firemen (H. P. 830) (L. D. 435) tabled by that Senator on April 4th pending adoption of Senate Amendment "A" and that Senator yielded to the Senator from Kennebec, Senator Hopkins.

Mr. HOPKINS of Kennebec: Mr. President, the Senate having had an opportunity to study the amendment and find it is entirely in keeping with the other bill of the same title, I move its adoption.

Mr. BROWN of Aroostook: Mr. President, recognizing that the amendment is purely of facetious nature, and also knowing the gentleman who introduced the bill in the House, I am willing that the amendment should go along. On the other hand, I wish to call the attention of the Senate to the question of whether or not they want to indulge in a little horseplay, whether we want to pass over to the House an amendment that will allow the House to say, "What a foolish Senate you have, putting on an amendment of that sort." If you want it to go along, okay; if not, okay. That is all I have to say.

The PRESIDENT: The question is on the motion of the Senator from Kennebec, Senator Hopkins, that Senate Amendment "A" be adopted.

A viva voce vote being had, Senate Amendment "A" was adopted, and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Townsend of Penobscot, the Senate voted to take from the table, House Report of the Committee on Salaries and Fees on Bill, An Act Relating to the Salary of the Judge of the Old Town Municipal Court (H. P. 441) (L. D. 169) "Ought to Pass in New Draft" (H. P. 1371) (L. D. 1034), tabled by that Senator earlier in today's session pending adoption of the Committee report, and on further motion by the same Senator, the bill was indefinitely postponed in concurrence.

On motion by Mr. Dow of Oxford, the Senate voted to take from the table bill, An Act relating to State Bureau of Identification (H. P. 946) (L. D. 526) tabled by that Senator

on March 9 pending passage to be enacted, and that Senator yielded to the Senator from Kennebec, Senator Cross.

Thereupon, on motion by Mr. Cross of Kennebec, the rules were suspended and the Senate voted to reconsider its action whereby the bill was passed to be engrossed in concurrence and that Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment 'A' to Legislative Document No. 526, An Act Relating to State Bureau of Identification:

"Amend said bill by striking out in the headnote of that part designated as 'Section 13', the following underlined words: '**records and statistics.**'

"Further amend said bill by striking out in the 7th and 8th lines of said bill the underlined words, '**records and statistics.**'

"Further amend said bill by striking out in the 8th line of section 2 of said bill the underlined words, '**municipal court judges and trial justices.**'

"Further amend said bill by adding at the end of that part designated as 'Section 14,' the following paragraph: "Municipal court judges and trial justices may in their discretion have the same authority granted to law enforcement officers under the provisions of this section."

Thereupon, on motion by Mr. Dow of Oxford, the bill and accompanying papers were laid upon the table pending motion by the Senator from Kennebec, Senator Cross, that the Senate adopt Senate Amendment A, and the amendment ordered printed.

On motion by Mr. Welch of Aroostook, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Education on bill An Act Permitting the Department of Education to Cooperate in Establishing University Extension and Correspondence Courses (H. P. 904) (L. D. 570) tabled by that Senator on April 4 pending motion by the Senator from Sagadahoc, Senator Bishop, to adopt the report in concurrence.

Thereupon, the report of the committee was adopted in concurrence, and the bill was given its first reading. House Amendment A

was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House Report from the Committee on Claims "Ought Not to Pass" on Resolve to Reimburse the City of Biddeford ((H. P. 622) (L. D. 285) tabled by that Senator earlier in today's session, pending adoption of the report.

Mr. BOUCHER: I now move we substitute the bill for the report, and in so doing, I would like to call the attention of the members of the Senate to the statement of facts on this resolve. It appears, through an error of the Attorney-General who advised them so, that the Department of Education of the State refused to pay to the City of Biddeford the salary of their school superintendent for last year, 1944. I understand, Mr. President, that this was brought about by the fact that there was some difficulty between the Department of Education and the Board of Education in Biddeford concerning the school union system. Regardless of the merits or demerits of the school union system in Biddeford and nearby, I maintain, sir, that if Biddeford paid \$1,200, the state stipend, to their school superintendent last year, they are entitled to recover it from the state. It is a question of justice. Biddeford has paid this \$1,200 as a state stipend, and I feel that regardless of anything else, Biddeford is entitled to recover the \$1,200.

Mr. DORR of Oxford: Mr. President, as Chairman of the Claims Committee, I think I should make a brief explanation regarding the Committee's action. Under the law, as I understand it, as interpreted by the Attorney General, if the City of Biddeford didn't elect to join the school union, they were not entitled to this stipend and they were so notified. They could elect to join or not to join the union. Therefore the Committee's action was based on that information and I hope that the motion of the Senator from Androscoggin does not prevail.

Mr. BOUCHER: Mr. President, I am glad to hear the other side of the story, but it does not change my mind on the point of justice

in this question. The state still owes \$1,200 to the City of Biddeford, as a state stipend for the school superintendent. I feel the state should pay it, regardless of any disagreement between the State Board of Education and the local Board of Education. I still feel the state has on its books a \$1,200 claim from the City of Biddeford; I feel the state should be big enough to pay its debts.

Mr. BISHOP of Sagadahoc: Mr. President, I hesitate to disagree with the Senator from Androscoggin, but the state law is very definitely defined that any school union which does not maintain 75 teaching positions is not eligible to receive the state subsidy for a superintendent. The City of Biddeford does not choose to join a school union; they don't have to if they don't want to. If they don't they know beforehand that they will not be eligible to receive the \$1,200 subsidy. Knowing that, and having had the interpretation from the Attorney General, they chose of their own free will not to join. According to the law and the statutes, they are not eligible to receive this. Therefore I hope the motion does not prevail.

Mr. BATCHELDER of York: Mr. President, I might say we have had quite a few bills come before the Legal Affairs Committee in relation to whether or not some town might be permitted not to join a union. We had quite extensive hearings on bills pertaining to this question. It seems the City of Biddeford does not elect to come into a school union; under their charter they can hire their own superintendent. I think it is a question of whether or not we are going to have our present system of school unions, or are going to permit these cities not to join a union and perhaps elect their own superintendent and still expect the state of Maine to contribute toward the support of the superintendent of schools. I hope the bill is not substituted, and that the motion as made by the Senator does not prevail.

Mr. BOUCHER: Mr. President, may I have the right to make one more remark to the Senate? Now, I believe, from what you have heard that you have made up your minds this is a controversy between Biddeford and the State of Maine. I agree to that. I will go further. I will state, Mr. President, there

is also a bill introduced to force the City of Biddeford to join a school union, against their wishes. I say, that has nothing to do with this question. The City of Biddeford expended \$1,200 of their money as a state stipend on the assumption that they would receive it from the State of Maine. I say, the State of Maine owes that debt and ought to pay it, regardless of what other controversies they have with the City of Biddeford.

The PRESIDENT: The question is on the motion of the Senator from Androscoggin, Senator Boucher, that the Senate substitute the bill for the "Ought Not to Pass" report of the Committee.

A viva voce vote being had
The motion did not prevail.

Thereupon, on motion of Mr. Dorr of Oxford, the "Ought Not to Pass" report of the Committee was adopted, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, An Act relating to Records of Educational Institutions (H. P. 1411) (L. D. 1084) tabled by that Senator earlier in today's session pending passage to be engrossed in concurrence; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table bill, An Act Relating to the Assessment of Taxes (S. P. 398) (L. D. 1030) tabled by that Senator on April 4 pending consideration; and on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

Thereupon, the bill as amended by House Amendment A and Senate Amendment A was passed to be engrossed in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Majority Report "Ought Not to Pass," Minority Report "Ought to Pass" from the Committee on Temperance on bill, An Act Relating to Sale of Liquor in Glasses (S. P. 339) (L. D. 812) tabled by that Senator on April 3 pending adoption of either report.

Mr. BOUCHER of Androscoggin: Mr. President, this bill was intro-

duced by the Senator from Androscoggin, Senator Currier, and he was absent at the time this came into the Senate and that was my reason for tabling it. I now yield to Senator Currier.

Thereupon, on motion by Mr. Currier of Androscoggin, the bill and accompanying papers were laid upon the table pending adoption of either report and especially assigned for next Tuesday.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs, Majority Report "Ought Not to Pass", Minority Report "Ought to Pass" on bill, An Act Relating to Sunday Vaudeville and Concerts (S. P. 250) (L. D. 634) tabled by that Senator on March 22 pending motion by the Senator from York, Senator Batchelder to accept the Majority Report; and that Senator yielded to the Senator from Androscoggin, Senator Currier.

Mr. CURRIER of Androscoggin: Mr. President, I move that the bill and accompanying papers lie on the table and be especially assigned for next Tuesday.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Currier that the bill and accompanying papers lie on the table pending adoption of either report and be especially assigned for next Tuesday. Is this the pleasure of the Senate?

A viva voce vote being had
The motion prevailed.

On motion by Mr. Currier of Androscoggin, the Senate voted to take from the table Senate report "Ought Not to Pass" from the Committee on Judiciary on Resolve to Create a Special Joint Committee of Inquiry to Investigate Baby Homes, Nursing Homes, Old Age Homes and Boarding Homes of Children, Invalids and Aged (S. P. 315) (L. D. 835) tabled by that Senator on March 30 pending acceptance of the report; and on further motion by the same Senator, the report of the committee was adopted.

Sent down for concurrence.

On motion by Mr. Hall of Franklin

Adjourned until tomorrow morning at ten o'clock.