

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, March 20, 1947.

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

Prayer by the Rev. S. L. Morgan of Unity.

Journal of yesterday read and approved.

Papers from the Senate

From the Senate: Bill "An Act relating to Trustees of the University of Maine" (S. P. 466) (L. D. 1311)

Came from the Senate referred to the Committee on University of Maine.

In the House, referred to the Committee on University of Maine in concurrence.

Resolve Received by Unanimous Consent

From the Senate: Resolve Proposing an Amendment to the Constitution to Limit the Indebtedness on Municipalities by Public or Quasi-Municipal Corporations to Twenty Per Cent of the State Valuation (S. P. 468) (L. D. 1308)

Came from the Senate received by unanimous consent and referred to the Committee on Judiciary.

In the House:

Mr. Wight of Bangor was granted unanimous consent to address the House.

Mr. WIGHT: Mr. Speaker and Members of the House: Community debt, I believe, is a state responsibility and should be considered and discussed by this Legislature with the idea of arriving at some limitation on the total amount that any community or district can incur. We know the five per cent debt limit has worked well; it has kept many communities out of what would have been financial difficulty. This Legislature has received many legitimate requests for school, water, sewer, parking districts and so forth. All of these requests are worthy objectives, the people should have them, they are public improvements and certainly should be encouraged.

Of the twenty-eight school districts asked of this Legislature, the average cost is approximately ten and one-quarter per cent of the as-

essed valuation of these towns. Individual sewer and water districts and parking districts have run up from ten to twenty per cent, a few more than that.

I want to emphasize at this time that this resolve will have no effect whatever upon the five per cent town debt limit. This is entirely different: it is an over-all proposition. Many of the members of this Legislature feel that this situation should be discussed here on the floor of the House. The bill providing for a five per cent debt limit is now on the table. I understand that it will be referred back to the Judiciary Committee, and I believe that these two matters should be considered together, although they are entirely separate. Therefore, Mr. Speaker, I move that we concur with the Senate and accept this resolve.

The SPEAKER: Is there objection to the reception of this resolve? The Chair hears none, and the resolve has been received by unanimous consent.

On further motion by Mr. Wight, the resolve was referred to the Committee on Judiciary in concurrence.

Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Mercantile Affairs and Insurance on Bill "An Act relating to Protection of Interest of Employees, Beneficiaries or Joint Annuitants Under Group Annuity Contracts and Pension Trusts" (S. P. 337) (L. D. 966) reporting same in a new draft (S. P. 462) (L. D. 1297) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

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

Ought to Pass

Report of same Committee reporting "Ought to pass" on Bill "An Act relating to Rights of Creditors and Beneficiaries Under Policies of Life, Endowment, or Accident Insurance, and Under Annuity Contracts" (S. P. 286) (L. D. 803)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, Report was read and

accepted in concurrence and the Bill read twice and tomorrow assigned.

Non-concurrent Matter

From the Senate: Bill "An Act to Provide a Town Council and Manager Form of Government for the town of Old Orchard Beach" (H. P. 20) (L. D. 11) which was passed to be engrossed in the House on March 12th as amended by Committee Amendment "A."

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

House Reports of Committees Ought Not to Pass

Mr. McGlaflin from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Kinds of Divorces" (H. P. 1539) (L. D. 1169)

Mr. Perkins from same Committee reported same on Resolve Designating United Nations Day (H. P. 1545) (L. D. 1175)

Reports were read and accepted.

Tabled

Mr. Thomas from the Committee on Motor Vehicles reported same on Bill "An Act relating to Issuance of Motor Vehicle Registration and Operators' Licenses by Municipal Tax Officers" (H. P. 1469) (L. D. 1073)

(On motion of Mr. Muskie of Waterville, tabled pending acceptance of committee report)

Mr. DeSanctis from the Committee on Temperance reported "Ought not to pass" on Bill "An Act Changing the Definition of a Restaurant for Liquor License Purposes" (H. P. 1102) (L. D. 677)

Mr. Jalbert from same Committee reported same on Bill "An Act relating to Suspension or Revocation of Liquor Licenses" (H. P. 1564) (L. D. 1193) as it is covered by other legislation.

Reports were read and accepted.

Refer to Committee On Public Health

Mr. Mills from the Committee on Judiciary on Bill "An Act relating to Nursing Attendants" (H. P. 1600) (L. D. 1268) reported that same be

referred to the Committee on Public Health.

Report was read and accepted and the Bill referred to the Committee on Public Health and sent up for concurrence.

Ought to Pass in New Draft

Mr. MacPherson from the Committee on Mercantile Affairs and Insurance on Bill "An Act relating to Fire Insurance Policies" (H. P. 121) (L. D. 98) reported same in a new draft (H. P. 1637) under same title and that it "Ought to pass"

Report was read and accepted and the new draft ordered printed under the Joint Rules.

Ought to Pass Printed Bills

Mr. Brown from the Committee on Interior Waters reported "Ought to pass" on Resolve Authorizing Warren Worster of Greenville to Construct a Wharf (H. P. 1538) (L. D. 1168)

Mr. Brewer from the Committee on Motor Vehicles reported same on Bill "An Act Providing for Payment of Personal Property Tax on Trailers Before Motor Vehicle Registration Permitted" (H. P. 1512) (L. D. 1136)

Mr. Smart from the Committee on Temperance reported same on Bill "An Act relating to Manufacture and Sale of Apple Cider" (H. P. 1524) (L. D. 1117)

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

Ought to Pass With Committee Amendment

Mr. DeSanctis from the Committee on Temperance on Bill "An Act relating to Licenses for 'On Premise' Sale of Malt Liquor" (H. P. 1103) (L. D. 678) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 1103, L. D. 678, Bill "An Act Relating to Licenses for 'On Premise' Sale of Malt Liquor."

Amend said bill by striking out the underlined figure "6" in the 7th line thereof and inserting in place thereof the underlined figure '3'.

Further amend said bill by striking out the following underlined words "any honorably discharged member of the armed forces of the United States," which appears in the 8th and 9th lines thereof and inserting in place the underlined word 'anyone'

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

Mr. Foley from same Committee on Bill "An Act relating to Revocation of Liquor Licenses" (H. P. 1566) (L. D. 1195) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 1566, L. D. 1195, Bill "An Act Relating to Revocation of Liquor Licenses."

Amend said bill by striking out all of the 3rd line thereof and inserting in place thereof the following:

'by adding thereto 5 new paragraphs, to be lettered E, F, G, H and I, to'

Further amend said bill by adding at the end of section 1 thereof a new paragraph to be lettered "I", to read as follows:

'I. Conviction of violation of any law relating to sale of intoxicating liquor to minors.'

Further amend said bill by adding at the end thereof the following:

'Sec. 3. R. S., c. 57, § 60, sub-§ III, ¶ A, amended. Paragraph A of subsection III of section 60 of chapter 57 of the revised statutes is hereby amended to read as follows:

'A. Conviction of violation of any law of this state or of the United States relating to the manufacture, possession, transportation or sale of intoxicating liquor, except sales to minors.'

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

The SPEAKER: The Chair at this time notes in the balcony the presence of Limington Academy Juniors and Seniors, in charge of Principal V. G. Wormlight, and

other teachers, and on behalf of the members of the House, the Chair bids you welcome here this morning.

First Reading of a Printed Bill

Bill "An Act relating to the Salaries of the Judge and Recorder of the Millinocket Municipal Court" (H. P. 1635) (L. D. 1312)

Bill was read twice and tomorrow assigned.

Passed to be Engrossed

Bill "An Act relating to Work Permits for Children" (S. P. 51) (L. D. 23)

Bill "An Act relating to Maintenance of Third Class Roads" (S. P. 458) (L. D. 1288)

Bill "An Act relating to the Salary of the Judge of the Lincoln Municipal Court" (H. P. 125) (L. D. 100)

Bill "An Act to Increase Salaries of Lincoln County Officers" (H. P. 126) (L. D. 101)

Bill "An Act relating to Reciprocal Contracts of Indemnity" (H. P. 1631) (L. D. 1306)

Resolve Closing Tributaries to Moose River to All Fishing (S. P. 344) (L. D. 977)

Resolve Closing Tributaries of South Branch of Penobscot River to All Fishing (S. P. 345) (L. D. 978)

Resolve Closing the South Branch of Penobscot River to All Fishing After Certain Date (S. P. 346) (L. D. 979)

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

Amended Bills

Bill "An Act relating to Taxation of Insurance Companies" (S. P. 92) (L. D. 143)

Bill "An Act relating to Trespasses on Public Reserved Lots" (S. P. 301) (L. D. 792)

Bill "An Act relating to the Salaries of the Judge and of the Recorder of the Old Town Municipal Court" (H. P. 689) (L. D. 445)

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

Tabled

Bill "An Act relating to Deposit of Potatoes into Waters of the State" (H. P. 1537) (L. D. 1167)

(Was reported by the Committee on Bills in the Third Reading, read the third time, and on motion by Mr. Bove of Naples, tabled pending passage to be engrossed.)

Passed to be Enacted Emergency Measure

Resolve for the Laying of the County Taxes for the Years Nineteen Hundred Forty-Seven and Nineteen Hundred Forty-Eight (H. P. 1623) (L. D. 1283)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 134 voted in favor of same and none against, and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Incorporate the Naples Water Company (H. P. 177) (L. D. 151)

An Act to Incorporate the Brunswick Sewer District and to Transfer to it the Sewers of the Brunswick Village Corporation (H. P. 342) (L. D. 215)

An Act to Incorporate the Town of Houlton School District (H. P. 614) (L. D. 379)

An Act Creating the Ashland Water and Sewer District (H. P. 683) (L. D. 439)

An Act relating to Limitation of Actions for Tort (H. P. 916) (L. D. 613)

An Act to Amend the Library Law (H. P. 1077) (L. D. 733)

An Act Instructing the Commissioner of Education to Establish and Grant State High School Equivalency Certificates (H. P. 1264) (L. D. 935)

An Act Amending the Charter of the city of Portland (H. P. 1276) (L. D. 946)

An Act relating to Sidewalk Construction in the city of Portland (H. P. 1277) (L. D. 937)

An Act relating to the Town of Fort Fairfield School District (H. P. 1278) (L. D. 938)

An Act Amending the Charter of the Farmington Village Corporation (H. P. 1285) (L. D. 940)

An Act to Incorporate the Town of Palmyra School District (H. P. 1287) (L. D. 948)

An Act relating to Location of

Children of Paupers for School Purposes (H. P. 1330) (L. D. 923)

An Act relating to Unfair Sales of Cigarettes (H. P. 1355) (L. D. 956)

An Act to Create the Searsport Water District (H. P. 1470) (L. D. 1074)

Finally Passed

Resolve Granting a Pension to Annie M. Adams of North Edgecomb (H. P. 6) (L. D. 637)

Resolve Providing for the Purchase of Seventy-five Copies of "Maine Province and Court Records, Volume III" (H. P. 454) (L. D. 302)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

On motion by Mrs. Hatch of Minot, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: I move that the House reconsider its action whereby it accepted the "Ought not to pass" report on H. P. 1064, L. D. 696, Resolve, Regulating Smelt Dipping in Whetstone Pond in Piscataquis County.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the House reconsider its action of yesterday whereby it accepted the "Ought not to pass" report of the Committee on Inland Fisheries and Game on Resolve, Regulating Smelt Dipping in Whetstone Pond in Piscataquis County. Is this the pleasure of the House? All those in favor will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had.

Seventy-three having voted in the affirmative, and one in the negative, the motion prevailed.

On further motion by Mr. Rollins, the Resolve was tabled pending acceptance of the committee report.

On motion by the gentleman from Greenville, Mr. Rollins, the House voted to reconsider its action of yesterday whereby it accepted the "Ought not to pass" report of the Committee on Inland Fisheries and

Game on H. P. 1065, L. D. 697, Resolve, Regulating Smelt Dipping in Sebec Lake, Piscataquis County, and on further motion by the same gentleman the Resolve was tabled pending acceptance of the committee report.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. Williams: Mr. Speaker, I now move that we reconsider our action whereby we passed to be engrossed S. P. 256, L. D. 718, Bill "An Act Relating to Jurisdiction of Municipal Courts in Juvenile Cases."

My reason for making this motion is that I believe some confusion will arise if this is passed in its present form. If this motion prevails, I propose to table this bill pending preparation of an amendment.

The SPEAKER: The gentleman from Auburn, Mr. Williams, moves that the House reconsider its action of yesterday whereby it passed to be engrossed S. P. 256, L. D. 718, Bill "An Act Relating to Jurisdiction of Municipal Courts in Juvenile Cases." Is this the pleasure of the House?

A viva voce vote being taken, the motion prevailed.

On further motion by Mr. Williams, the bill was tabled pending passage to be engrossed, and specially assigned for Thursday, March 27th.

On motion by the gentleman from Rockland, Mr. Bird, the House voted to take from the table the seventh tabled and unassigned matter, Bill "An Act Creating the Rockland School District." (H. P. 1274) (L. D. 945), tabled by that gentleman on March 4th, pending third reading.

The gentleman from Union, Mr. Payson, offered House Amendment "B" and moved its adoption.

House Amendment "B" was read by the Clerk as follows:

House Amendment "B" to H. P. 1274, L. D. 945, Bill "An Act Creating the Rockland School District."

Amend said Bill by striking out all of section 7 thereof.

Further amend said Bill by renumbering section 8 thereof to be 'Sec. 7.'

Further amend said Bill by striking out in the 6th and 7th lines of section 1 thereof the words "all for the benefit of inhabitants of said

city." and inserting in place thereof the following:

'and to receive, accept and hold gifts, grants or devises of property real, personal or mixed to be used for school and related athletic and recreational purposes all for the benefit of the inhabitants of said city.'

Further amend said Bill by striking out the 3rd and 4th lines of section 4 thereof and inserting in place thereof the following: 'district is hereby authorized, from time to time, to borrow money and to issue its bonds and notes therefor, but shall not incur a total indebtedness exceeding the sum of \$300,000. Said bonds and notes shall be legal obligations of said district, which is hereby declared to be a quasi-municipal corporation within the meaning of section 132 of chapter 49 of the revised statutes, and all provisions of said section shall be applicable thereto. The said bonds and notes shall be legal investments for savings banks.'

Further amend said Bill by adding at the end of section 4 thereof the following:

'The said district is hereby authorized and empowered to enter into such an agreement with the federal government, or any agency thereof or any corporation or board authorized by the federal government to loan money or otherwise assist in the financing of such projects as this school district is authorized to carry out, as may be necessary or desirable to accomplish the purposes of this act.'

House Amendment "B" was adopted, and the Bill was given its third reading, passed to be engrossed, as amended by Committee Amendment "A" and House Amendment "B", and sent up for concurrence.

On motion by the gentleman from Naples, Mr. Bove, the House voted to take from the table H. P. 1537, L. D. 1167, Bill "An Act Relating to Deposit of Potatoes into Waters of the State," tabled by that gentleman earlier in today's session.

On further motion by the same gentleman the House voted to reconsider its former action whereby it adopted Committee Amendment "A".

Mr. Bove then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk as follows:

House Amendment "A" to Committee Amendment "A" to H. P. 1537, L. D. 1167, Bill "An Act Relating to Deposit of Potatoes into Waters of the State."

Amend said Amendment by striking out the last line thereof and inserting in place thereof the following: **'to industries licensed under this chapter.'**

Thereupon House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" was then adopted, and the Bill was passed to be engrossed as amended and sent up for concurrence.

On motion by the gentleman from Boothbay Harbor, Mr. Perkins, the House voted to take from the table the seventeenth tabled and unassigned matter, "Resolve Proposing an Amendment to the Constitution to Provide for an Increase of the Municipal Debt Limit to Ten Per Cent of the Last Regular Municipal Valuation." (H. P. 844) (L. D. 485), tabled by that gentleman on March 19th, pending assignment for second reading.

THE SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

MR. PERKINS: Mr. Speaker and Members of the House: Earlier this morning we received by unanimous consent a Resolve proposing an amendment to the Constitution, and this seventeenth unassigned matter covers the same subject matter. I would now move that this Resolve be recommitted to the Committee on Judiciary that both matters may be considered together.

THE SPEAKER: The gentleman from Boothbay Harbor, Mr. Perkins, moves that this resolve be recommitted to the Committee on Judiciary. Is this the pleasure of the House?

A viva voce vote being taken, the motion prevailed, and the resolve was recommitted to the the Committee on Judiciary, and sent up for concurrence.

On motion by the gentleman from New Gloucester, Mr. Woodbury, the House voted to take from the table the 12th tabled and unassigned matter, Bill "An Act to Incorporate the Town of Gray School

District." (H. P. 1290) (L. D. 949) which in the House was read twice, and tabled by that gentleman on March 11th, pending third reading.

Mr. Woodbury then offered House Amendment "A" and moved its adoption.

House Amendment "A", having been printed under the provisions of House Rule 36 as L. D. 1307, was read by the Clerk.

House Amendment "A" was adopted, and the bill was given its third reading, passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: Yesterday we passed to be enacted An Act Relating to Commitment of Children to the Custody of Certain Officers. (H. P. 659) (L. D. 457). There appears to be two or three years in this bill that should be corrected to clarify the act and perhaps save some confusion. I therefore now move that the House reconsider its action of yesterday whereby it passed this bill to be enacted.

The SPEAKER: The gentleman from Auburn, Mr. Williams, moves that the House reconsider its action of yesterday whereby it passed to be enacted An Act Relating to Commitment of Children to the Custody of Certain Officers. (H. P. 659) (L. D. 457). Is this the pleasure of the House?

The motion prevailed.

On further motion by the same gentleman, under suspension of the rules, the House voted to reconsider its action of March 6th whereby this bill was passed to be engrossed; and on further motion by the same gentleman, the bill was tabled pending passage to be engrossed, and specially assigned for Wednesday, March 26th.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: Yesterday we also passed to be enacted An Act Relating to Inspection of Motor Vehicles. (H. P. 1193) (L. D. 781).

I discussed this matter with several members of the House, including the gentleman from Portland, the House Chairman of the Motor Vehicles Committee, and we find

that this act will require the Secretary of State to make inspection of inspection stations throughout the state, where it is now done by the State Police. We do not know how much this will cost, and, no appropriation having been made for this purpose, I now propose that we reconsider our action whereby this matter was passed to be enacted.

The SPEAKER: The gentleman from Auburn, Mr. Williams, moves that the House reconsider its action of yesterday whereby it passed to be enacted An Act Relating to Inspection of Motor Vehicles. (H. P. 1193) (L. D. 781). Is this the pleasure of the House?

The motion prevailed.

On further motion by the same gentleman, the bill was tabled pending passage to be enacted.

On motion by Mr. Haskell of Portland, the House voted to take from the table the fourth tabled and unassigned matter, House Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Declaring Greater Portland Public Development Commission a State Agency." (H. P. 58) (L. D. 45) tabled on February 26th by that gentleman pending acceptance of either report.

The report of the committee was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Haskell.

Mr. HASKELL: Mr. Speaker and Members of the House: I move acceptance of the majority report "Ought to pass," and in explanation I would say that if this is accepted I propose to offer two amendments which apparently will be satisfactory to those who have previously opposed the bill.

The SPEAKER: The gentleman from Portland, Mr. Haskell, moves that the House accept the majority report of the committee, "Ought to pass." Is the House ready for the

question? All those in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the majority "Ought to pass" report of the committee was accepted.

This being a printed bill, under suspension of the rules it was given its two several readings.

Mr. Haskell then offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 58, L. D. 45, Bill "An Act Declaring Greater Portland Public Development Commission as a State Agency."

Amend said bill by striking out the last sentence thereof which reads as follows: "The property of said corporation is declared to be exempt from taxation."

House Amendment "A" was adopted.

Mr. Haskell then offered House Amendment "B" and moved its adoption.

House Amendment "B" was read by the Clerk as follows:

House Amendment "B" to H. P. 58, L. D. 45, Bill "An Act Declaring Greater Portland Public Development Commission as a State Agency."

Amend said bill by striking out the Head Note of "Sec. 7." thereof and inserting in place thereof the following underlined Head Note: **'Corperation a state agency.'**

House Amendment "B" was adopted, and the bill was assigned for third reading tomorrow morning.

The SPEAKER: The House is proceeding under Orders of the Day.

If there is no further business, the Clerk will read the notices.

On motion by Mr. Hall, of Eastport,

Adjourned until ten o'clock tomorrow morning.