

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

Friday, April 4, 1947

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

Prayer by the Rev. Roy A. Clark of Hallowell.

Journal of yesterday read and approved.

**Order
Tabled**

Mr. Mills of Farmington presented the following Order and moved its passage:

ORDERED, that notwithstanding rules of the House and previously passed House Orders, all Bills and Resolves carrying or requiring an appropriation that are in order to be passed to be engrossed or to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of that committee.

This Order will continue in effect until the end of this regular session.

The **SPEAKER**: This Order, being in the nature of a change in our House Rules, will be tabled pending passage, and will be taken up on the next legislative day.

**House Reports of Committees
Divided Report
Tabled and Assigned**

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Inheritance and Estate Taxes" (H. P. 1391) (L. D. 1010)

Report was signed by the following members:

Mr. Dunbar of Washington
Miss Clough of Penobscot
Messrs. Barnes of Aroostook
—of the Senate.

Silsby of Aurora
Perkins of Boothbay Harbor
McGlauffin of Portland
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. Williams of Auburn
Haskell of Portland
Peirce of Augusta
Mills of Farmington

(On motion by Mr. Haskell of Portland, tabled pending acceptance of either Report, and specially assigned for Wednesday, April 9th)

Ought to Pass in New Draft

Mr. Lord from the Committee on Education on Bill "An Act relating to Superintendence of Schools Through Union Towns" (H. P. 1191) (L. D. 779) reported same in a new draft (H. P. 1666) under the same title and that it "Ought to pass"

Mr. Hayward from the Committee on Inland Fisheries and Game on Bill "An Act Providing for Giving Complimentary Hunting and Fishing Licenses by Governor to Congressional Medal of Honor Holders" (H. P. 1160) (L. D. 769) reported same in a new draft (H. P. 1667) (under same title and that it "Ought to pass"

Mr. Jordan from same Committee on Resolve Closing Lily Lake in Washington County to Ice Fishing (H. P. 1023) (L. D. 654) reported same in a new draft (H. P. 1668) under same title and that it "Ought to pass"

Mr. DeSanctis from the Committee on Public Utilities on Bill "An Act Creating the Bridgton Water and Sewer District" (H. P. 1587) (L. D. 1240) reported same in a new draft (H. P. 1669) under title "An Act Creating the Bridgton Utilities District" and that it "Ought to pass"

Mr. Ames from the Committee on Sea and Shore Fisheries on Resolve relative to the Digging of Clams in Southwest Harbor (H. P. 1216) (L. D. 831) reported same in a new draft (H. P. 1670) under same title and that it "Ought to pass."

Same gentleman from same Committee on Resolve relative to the Digging of Clams in Lamoine (H. P. 1215) (L. D. 830) reported same in a new draft (H. P. 1671) under same title and that it "Ought to pass"

Mr. Heanssler from the Committee on Sea and Shore Fisheries on Resolve Regulating Fishing for Smelts in Tidewaters of East Machias Branch of Machias River (H. P. 349) (L. D. 218) reported same in a new draft (H. P. 1672) under title of "Resolve Regulating Fishing for Smelts in Tidewaters of East Machias River" and that it "Ought to pass"

Reports were read and accepted and the new drafts ordered printed under the joint rules.

**Ought to Pass
Printed Bills**

Mr. Adams from the Committee on Agriculture reported "Ought to pass" on Bill "An Act relating to Damages to Poultry" (H. P. 1367) (L. D. 989)

Mr. Jordan from the Committee on Inland Fisheries and Game reported same on Resolve relative to Fishing in Certain Somerset County Waters (H. P. 1501) (L. D. 1126)

Mr. Hall from the Committee on Sea and Shore Fisheries reported same on Bill "An Act relating to Close Time on Scallops" (H. P. 471) (L. D. 276)

Mr. Hanson from same Committee reported same on Bill "An Act relating to Open Season for Scallops in Certain Waters" (H. P. 1550) (L. D. 1180)

Same gentleman from same Committee reported same on Bill "An Act Providing for Restoration and Development of Shellfish Resources" (H. P. 1453) (L. D. 1050)

Mr. Heanssler from same Committee reported same on Bill "An Act relating to the Definition of the Term 'Sardine'" (H. P. 984) (L. D. 635)

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 assigned the next legislative day.

**Ought to Pass With Committee
Amendment
Tabled and Assigned**

Mr. PEIRCE from the Committee on Judiciary on Bill "An Act to Provide a Retirement System for State Employees" (H. P. 1180) (L. D. 837) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

(On motion by Mr. Pierce of Augusta, tabled pending acceptance of Report Committee and specially assigned for Monday, April 7th)

Mr. MARSHALL from the Committee on Public Utilities on Bill "An Act to Incorporate the Saco Sewerage District" (H. P. 1313) (L. D. 950) 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" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 1313, L. D. 950, Bill "An Act to Incorporate the Saco Sewerage District."

Amend section 2 of said bill so that the headnote shall read as follows:

'Sec. 2. Its powers; procedure in crossing public utilities.'

And further amend said section 2 by adding thereto the following paragraph:

'In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by said district, the public utilities commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the district. Provided, however, nothing herein contained shall be construed as authorizing the district to take by right of eminent domain any of the property or facilities of any other public service corporation or district, used or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent act of the legislature.'

Further amend said bill by striking out all of section 4 and inserting in place thereof the following:

'Sec. 4. Authorized to lay mains, pipes, conduits, etc., through public ways and across private lands. The said district is hereby authorized to lay in and through the streets, roads, way and highways and across private lands and to maintain, repair and replace all such pipes, mains, conduits, aqueducts, and fixtures as may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes, or aqueducts in any street, road, way or highway it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition.'

Further amend said bill by adding after the word "funds" in the 3rd line of section 7 thereof the following: ", not exceeding \$200,000."

Further amend said bill by striking out in the 41st, 42nd and 43rd lines of section 10 the following: ", except that the mortgagee shall not have any right of possession of said real estate until the right of redemption herein provided for shall have expired"

Reported by the Committee on Public Utilities.

Reproduced and distributed under the direction of the Clerk of the House.

Committee Amendment "A" was adopted and the Bill was assigned for third reading the next legislative day.

Mr. Hall from the Committee on Sea and Shore Fisheries on Bill "An Act relating to Hunting Seals near Green Island," (H. P. 631) (L. D. 391) 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" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 631, L. D. 391, Bill "An Act Relating to Hunting Seals near Green Island."

Amend said Bill by adding in the 6th line thereof, after the underlined word "unlawful" the underlined words, "between May 15th and October 15th, both days inclusive."

Committee Amendment "A" was adopted and the Bill was assigned for third reading the next legislative day.

The following paper from the Senate was taken up out of order and under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to meet on Monday, April 7th, 1947 at 4:30 o'clock in the afternoon. (S. P. 499)

Came from the Senate in that body read and passed.

In the House: The order received passage in concurrence.

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

ORDERED, the Reverend P. Albert Lawrence, of Anson, be invited to act as Chaplain of the House on Thursday, April 10.

On motion by Miss Cormier of Rumford, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

First Reading of Printed Bills

Bill "An Act relating to Seed Potato Board Appropriation" (H. P. 1663) (L. D. 1366)

Resolve Providing for a Fish Screen at Outlet of Cobbossecontee Lake, in the town of Manchester (H. P. 1664) (L. D. 1367)

Bill was read twice and Resolve read once, and tomorrow assigned.

Passed to be Engrossed Tabled

Bill "An Act relating to the Salary of the Treasurer of State" (S. P. 36) (L. D. 155)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Peirce of Augusta, tabled pending third reading)

Bill "An Act relating to County and Local Agricultural Societies" (H. P. 411) (L. D. 243)

Bill "An Act Repealing Mount Bigelow Game Preserve in Franklin and Somerset Counties" (H. P. 899) (L. D. 598)

Bill "An Act relating to Method of Payment of Alimony" (H. P. 917) (L. D. 614)

Bill "An Act relating to Old Town Game Preserve" (H. P. 1161) (L. D. 841)

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

Tabled and Assigned

Bill "An Act Giving Commissioner of Agriculture Authority to Establish Quarantines" (H. P. 1365) (L. D. 987)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Marsans of Wionmouth, tabled pending third reading and specially assigned for Wednesday, April 9th)

Resolve Closing the Tributaries to Wassookeag Lake in Dexter in Penobscot County to All Fishing (H. P. 904) (L. D. 603)

Resolve Opening Pleasant Lake, in Washington County, to Ice Fishing (H. P. 912) (L. D. 542)

Resolve Regulating Dipping of Smelts in Lake Cobbosseecontee (H. P. 1594) (L. D. 1250)

Bill "An Act relating to the Salary of the Judge of the Lisbon Municipal Court" (H. P. 186) (L. D. 134)

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 Permitting Closing of Banks on Saturday" (H. P. 970) (L. D. 628)

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

Tabled and Assigned

Bill "An Act Authorizing Cities and Towns to Provide for the Collection and Disposal of Garbage, Rubbish and Refuse, and to Assess a Charge therefor" (H. P. 1076) (L. D. 732)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Williams of Auburn, tabled pending third reading and specially assigned for Wednesday, April 9th)

Bill "An Act relating to Publication of Applications for Liquor Licenses" (H. P. 1567) (L. D. 1196)

Was 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.

The SPEAKER: The Chair at this time notes in the balcony the presence of Norway Junior High School, accompanied by Mrs. W. H. Edminster, Principal, and Mrs. N. U. Greenlaw, and Mr. Chapman, Teachers, and on behalf of the members of this House, he bids you welcome here this morning.

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, House Order Relative to the Clearing of Tabled Matters from the Table on Tuesday of each week, tabled on April 3rd by the gentleman from Monmouth, Mr.

Marsans, pending consideration. Is it the pleasure of the House that the Order receive passage?

The motion prevailed, and the Order received passage.

On motion by Mr. McGlauffin of Portland, the House voted to take from the table the 50th tabled and unassigned matter, House Report "Ought to pass in New Draft" (H. P. 1665) (L. D. 1365) of the Committee on Pensions on "Resolve, Granting a Pension to Mary E. Dunbar, of Portland (H. P. 871), tabled by that gentleman on April 3rd, pending acceptance of the report.

On further motion by the same gentleman, the "Ought to pass in New Draft" report of the committee was accepted, and the Resolve, having already been printed, was given its first reading and assigned for second reading the next legislative day.

On motion by Mr. Ellis of Castle Hill, the House voted to take from the table the 52nd tabled and unassigned matter, An Act to Create the Castle Hill-Chapman-Mapleton Community School District. (H. P. 1465) (L. D. 1069), tabled by that gentleman on April 3rd, pending passage to be enacted.

On further motion by the same gentleman, under suspension of the rules, the House voted to reconsider its former action whereby the bill was passed to be engrossed on March 27th.

Mr. Ellis offered House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1465, L. D. 1069, Bill "An Act to Create the Castle Hill-Chapman-Mapleton Community School District."

Amend said Bill by striking out all of section 10 and inserting in place thereof the following:

"Sec. 10. Acceptance by towns; effective date of act. In view of the emergency recited in the preamble hereof, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters within each respective town, voting at an election specially called and held for the purpose by the municipal officers of each town, Castle Hill, Chapman and Mapleton, at its regular place for holding town meetings. The date of holding said elections shall

be determined by the municipal officers of each respective town, but in no case shall it be later than July 1, 1948.

Each special election shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the selectmen in the respective towns shall not be required to prepare for posting or the town clerk to post a new list of voters, and for the purpose of registration of voters, said selectmen shall be in session in their respective towns 1 hour preceding such town meetings. The town clerks in each respective town shall reduce the subject of this act to the following question: "Shall the act to create the Castle Hill-Chapman-Mapleton Community School District be accepted?" and the voters shall indicate by secret ballot by the words "yes" or "no" their opinion of the same. The results in said towns shall be declared by the municipal officers of the towns of Castle Hill, Chapman and Mapleton and returns filed with the secretary of state. This act shall take effect when approved by a majority vote of the legal voters within each respective town voting at said election. Provided, however, when at least 2 towns shall have accepted the terms of this act, the school committees of accepting towns shall assemble and decide upon an actual and convenient date when the Castle Hill - Chapman - Mapleton Community School District shall come into being; in no case shall this latter date be later than July 1, 1948; provided, further, that any town not voting to enter the school district shall not be bound by the terms of this act.

House Amendment "A" was adopted, and the bill was passed to be engrossed, as amended, in non-concurrence, and sent up for concurrence.

On motion by Mr. Johnston of Jefferson, the House voted to take from the table the thirty-sixth tabled and unassigned matter, Bill "An Act Relating to the Digging of Clams for Commercial Purposes in the Towns of Waldoboro and Bremen." (H. P. 1320) (L. D. 917) which in the House was read twice, and tabled on March 31st by that gentleman pending third reading.

Mr. Johnston presented House Amendment "A" and moved its adoption.

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

House Amendment "A" to H. P. 1320, L. D. 917, Bill "An Act Relating to the Digging of Clams for Commercial Purposes in the Towns of Waldoboro and Bremen."

Amend said Bill by striking out in the 3rd line thereof, the word "section" and inserting in place thereof, the word 'chapter'.

Further amend said Bill by striking out in the 19th line thereof, the word "section" and inserting in place thereof, the word "chapter".

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

On motion by Mr. Legard of Bath, the House voted to take from the table the twenty-ninth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Salaries and Fees on Bill "An Act Relating to Compensation of Members of Boards of Registration." (H. P. 74) (L. D. 54) tabled on March 27th by that gentleman pending acceptance of report; and on further motion by the same gentleman the House voted to accept the "Ought not to pass" report of the committee.

On motion by Mr. Rollins of Greenville, the House voted to take from the table the 15th tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Judiciary on "Resolve, in Favor of Hydro-Electric Power Development." (H. P. 1577) (L. D. 1222) tabled on March 26th by that gentleman pending acceptance of report; and on further motion by the same gentleman, the resolve was retabled and specially assigned for Thursday, April 10th.

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

If there is no further business to come before the House, the Clerk will read the notices.

On motion by Mr. Fuller of Buckfield.

Adjourned until Monday, April 7th, 1947, at 4:30 o'clock in the afternoon.