

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

SENATE

Friday, March 14, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Gordon Washburn of Hallowell.

Journal of yesterday read and approved.

**Order
(Out of Order)**

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

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, March 18th, 1947, at ten o'clock in the forenoon. (S. P. 463)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

Papers from the House referred in concurrence.

House Committee Reports

Bill "An Act Relating to the Canning and Shipping of Clams." (S. P. 235) (L. D. 645)

(In the Senate on February 21st passed to be engrossed.)

Comes from the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, that body voted to recede from its former action taken of February 21 whereby the bill was passed to be engrossed; House Amendment A was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

The Committee on Inland Fisheries and Game on "Resolve Establishing the Opening Date for Fishing for White Perch in Wassokeag Lake in Dexter in the County of Penobscot," (H. P. 829) (L. D. 530) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Transportation of Deer Beyond Limits of the State," (H. P. 826) (L. D. 529) 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.

The Committee on Public Health on Bill "An Act Relating to the Licensing of Eating and Lodging Places," (H. P. 1310) (L. D. 829) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Persons Maintaining Children's Homes," (H. P. 1311) (L. D. 890) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and adopted in concurrence and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended were tomorrow assigned for second reading.

First Reading of a Printed Bill

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

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

Senate Committee Reports

Mr. Spear from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Prohibiting the Use of an Airplane in Driving, Hunting or Molesting any Wild Birds or Animals," (S. P. 179) (L. D. 522) reported the same in a new draft (S. P. 464) under a new title, Bill "An Act Relating to Prohibiting the Use of an Airplane in Driving or Molesting any Wild Birds or Animals," and that it ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Transportation of Deer Within State," (S. P. 231) (L. D. 642) reported the same in a new draft (S. P. 465) 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.

The same Senator from the same Committee on "Resolve Closing Tributaries to Moose River to All Fishing," (S. P. 344) (L. D. 977) reported that the same ought to pass.

Mr. MacKinnon from the same Committee on "Resolve Closing Tributaries of South Branch of Penobscot River to All Fishing,"

(S. P. 345) (L. D. 978) reported that the same ought to pass.

Mr. Davis from the same Committee on "Resolve Closing the South Branch of Penobscot River to All Fishing After Certain Date," (S. P. 346) (L. D. 979) reported that the same ought to pass.

Mr. Hopkins from the Committee on Labor on Bill "An Act Relating to Work Permits for Children," (S. P. 51) (L. D. 23) reported that the same ought to pass.

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

Mr. Crosby from the Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Taxation of Insurance Companies," (S. P. 92) (L. D. 143) 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. The Secretary read Committee Amendment "A".

"Committee Amendment A to S. P. 92, L. D. 143, Bill An Act Relating to Taxation of Insurance Companies. Amend said bill by drawing a line through the figures and words '31st day of each January' in the 5th and 6th lines of section 1 thereof and inserting after said figures and words the following underlined figures and words: '1st day of each March'.

Further amend said bill by striking out the underlined words at the end of that part designated 'Sec. 136' thereof.

Further amend said bill by drawing a line through the figures and words '31st day of each January' in the 14th and 15th lines of section 2 thereof and inserting after said figures and words the following underlined figures and words: '1st day of each March'.

Further amend said bill by drawing a line through the figures and words '31st day of each January' in the 13th and 14th lines of section 4 thereof and inserting after said figures and words the following underlined figures and words: '1st day of each March'.

Further amend said bill by drawing a line through the figure '1st' in the 8th line thereof and inserting in place thereof the underlined figure '15th'.

Further amend said bill by add-

ing at the end of the last paragraph thereof the following underlined sentence: "The premium tax return shall be made at the same time and in the same manner as provided for insurance premium taxes specified in section 136."

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

Mr. Murchie from the Committee on State Lands and Forest Preservation on Bill "An Act Relating to Trespasses on Public Reserved Lots," (S. P. 301) (L. D. 792) 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. The Secretary read Committee Amendment A:—

"Committee Amendment A to Bill An Act Relating to Trespasses on Public Reserved Lots. Amend said bill by striking out the underlined word 'trespasses' which appears in the 4th line of said bill, and inserting in place thereof, the following underlined words 'cutting or removing of timber or other materials of value'.

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

Passed to be Engrossed

"Resolve Reallocating Road Reserve Money Previously Allocated to Road in Damariscotta." (H. P. 213) (L. D. 1258)

"Resolve to Provide for Reimbursing the Town of Hermon for Emergency Road Work." (H. P. 218) (L. D. 1259)

Bill "An Act to Establish the Town of Lincoln Municipal Court." (H. P. 1592) (L. D. 1260)

"Resolve in Favor of the Town of Patten." (H. P. 1607) (L. D. 1261)

"Resolve in Favor of the Town of Montville." (H. P. 1608) (L. D. 1262)

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

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)

Bill "An Act Relating to Removal of Superintendents of State Institutions." (H. P. 1176) (L. D. 849)

Bill "An Act to Incorporate the

Town of Strong School District." (H. P. 1279) (L. D. 947)

Bill "An Act to Enforce Unfair Sales Practices in Cigarettes." (H. P. 1354) (L. D. 955)

Bill "An Act Relating to Statute of Frauds." (H. P. 1394) (L. D. 1012)

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

"Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Hancock County to Malcom P. Noyes, of Franklin." (S. P. 222) (L. D. 568)

Bill "An Act Relating to Jurisdiction of Municipal Courts in Juvenile Cases." (S. P. 256) (L. D. 718)

Bill "An Act Relating to Leases of Premises for State Stores, Warehouses and Other Merchandising Facilities." (S. P. 257) (L. D. 719)

Bill "An Act Relating to Arrests of Intoxicated Persons." (S. P. 259) (L. D. 721)

Bill "An Act Amending the Absent Voting Law With Reference to Towns and Plantations." (S. P. 279) (L. D. 811)

Bill "An Act Relating to Proceeds of Sale of Timber on the Indian Township." (S. P. 302) (L. D. 791)

Bill "An Act Providing for Reciprocal Agreements Relating to Public Assistance Recipients." (S. P. 331) (L. D. 972)

Bill "An Act Authorizing the Governor with Advice and Consent of the Council, to Convey Lands and Easements Owned by the State." (S. P. 334) (L. D. 969)

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

Sent down for concurrence.

Passed to be Enacted

Bill "An Act Relating to Gasoline and Use Fuel Tax on Maine Turnpikes." (S. P. 93) (L. D. 144)

Bill "An Act Relating to the Van Buren Municipal Court." (S. P. 208) (L. D. 590)

Bill "An Act to Repeal the Incorporation of the Norway Village Corporation." (S. P. 413) (L. D. 1162)

Finally Passed

"Resolve Establishing the Opening Date for Open Water Fishing in Somerset County." (S. P. 106) (L. D. 239)

"Resolve, Opening Northeast Pond in the Town of Hartford to Ice Fishing." (S. P. 140) (L. D. 335)

Passed to be Enacted

Bill "An Act to Repeal the Incorporation of the Madison Village Corporation." (H. P. 247) (L. D. 174)

Bill "An Act Relating to Returns to Commissioner of Education of Towns Having Seventy-five or More Teachers." (H. P. 600) (L. D. 369)

(On motion by Mr. Savage of Somerset, tabled pending passage to be enacted.)

Bill "An Act to Incorporate the Brownville Junction Water District." (H. P. 623) (L. D. 383)

Bill "An Act to Incorporate the Brownville Water District" (H. P. 685) (L. D. 441)

Bill "An Act Amending the Charter of the City of Rockland." (H. P. 845) (L. D. 501)

Bill "An Act to Incorporate the Enfield Water District." (H. P. 874) (L. D. 486)

Bill "An Act Relating to Service in Divorce Cases." (H. P. 921) (L. D. 617)

Bill "An Act Relating to the County Law Library at Rumford in the County of Oxford." (H. P. 968) (L. D. 619)

Bill "An Act to Amend the Charter of Rumford Falls Village Corporation." (H. P. 969) (L. D. 623)

Bill "An Act Relating to Education of Physically Handicapped Children." (H. P. 972) (L. D. 629)

Bill "An Act Relating to Determination of Valuation of Property with Relation to Inheritance Tax." (H. P. 1069) (L. D. 700)

(On motion by Mr. Cross of Kennebec, tabled pending passage to be enacted.)

Bill "An Act Relating to Lincoln County Law Library." (H. P. 1072) (L. D. 702)

Bill "An Act Authorizing South Paris Village Corporation to Levy a Special Sewer Tax." (H. P. 1280) (L. D. 939)

Bill "An Act Granting Additional Powers to the South Paris Village Corporation." (H. P. 1281) (L. D. 881)

Bill "An Act Relating to Non-Resident Deer Hunting Licenses." (H. P. 1575) (L. D. 1215)

Finally Passed

"Resolve, Abolishing Commission for Promotion of International Good Will in Education." (H. P. 601) (L. D. 370)

"Resolve, Appropriating Money to Improve the Approach to the Fish Way at Aroostook Falls." (H. P. 1573) (L. D. 1216)

(On motion by Mr. Savage of Somerset, tabled pending final passage.)

"Resolve, to Provide for Repair of Fish Screen at Porter Lake." (H. P. 1574) (L. D. 1217)

(On motion by Mr. Savage of Somerset, tabled pending final passage.)

Emergency Measures

Bill "An Act to Incorporate Old Town Great Works School District." (H. P. 249) (L. D. 190)

Which Bill being an emergency measure and having received the affirmative vote of 24 members of the Senate, and none opposed, was passed to be enacted.

Bill "An Act to Incorporate the Georgetown School District." (H. P. 847) (L. D. 503)

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

Bill "An Act to Incorporate the Town of Lincolnville School District." (H. P. 927) (L. D. 561)

(On motion by Mr. Greeley of Waldo, tabled pending passage to be enacted.)

Orders of the Day

On motion by Mr. Baker of Kennebec, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Temperance on Bill An Act to Regulate Eligibility of Premises for which Liquor Licenses may be Granted (H. P. 1101) (L. D. 676) tabled by that Senator on February 28 pending consideration of the report.

Mr. BAKER of Kennebec: Mr. President, with the intention of offering an amendment to this Bill, I now move that the Senate concur with the House in the substitution of the Bill for the report.

The motion prevailed, the Bill was substituted for the report and given its first reading.

Mr. Baker presented Senate Amendment A and moved its adoption.

"Senate Amendment A to Bill An Act to Regulate Eligibility of Premises for which Liquor Licenses may be Granted, (H. P. 1101) (L. D. 676). Amend said Bill by inserting in the 5th line thereof after the underlined words 'no new' the following underlined words 'hotel, restaurant or club'."

Senate Amendment A was adopt-

ed and the Bill as amended was tomorrow assigned for second reading.

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table Bill An Act Relating to Local Option Provisions (H. P. 335) (L. D. 225) tabled by that Senator on March 13 pending consideration of House Amendment A; and on further motion by the same Senator the Senate voted to recede from its former action whereby the Bill was passed to be engrossed and concur with the House in the adoption of House Amendment A and the passage of the Bill to be engrossed as amended by House Amendment A.

On motion by Mr. Savage of Somerset, the Senate voted to reconsider its action of yesterday whereby Bill, An Act Relating to Unredeemed Tickets on Pari-Mutuel Pools (L. D. 575) was passed to be enacted; and on further motion by the same Senator the Bill was laid upon the table pending passage to be enacted.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table Bill, An Act Relating to Incorporation of Kittery Water District (H. P. 72) (L. D. 52) tabled by that Senator on March 13th pending passage to be engrossed; and that Senator yielded to the Senator from Kennebec, Senator Hopkins.

Mr. HOPKINS of Kennebec: Mr. President and Members of the Senate, "Dear Senator: No doubt you are a man of some common sense else you would not be in your position." That is a quotation from the first line of a letter which is on my desk this morning. Similar quotations have been in letters that have come to the desks of persons who have been in the Senate since the first meeting of the Senate. If we could measure and know where we stand on policy matters on which we vote we would know whether that statement is a compliment or condemnation.

This bill before us is a policy measure. It is not a bill dealing entirely with the Kittery Water Company, of course. When it was before us earlier in the week and we had a voice vote on it, the division was

fairly close and I thought at the time if any Senator saw fit to table it for further consideration I would ask for a division, and the motion I shall make is that the bill be indefinitely postponed and I shall ask for a division.

There are not very many of us here but I understand any who oppose the motion can, if they wish, request reconsideration next week, so that protection is available for any who do not support me.

What are the policies in the bill? There are only three in number, as I see it, and they are simple and understandable. First, shall a charter of a quasi-municipal corporation be used as a means for diverting money from the treasury of the United States to the treasury of a municipality which happens to be supplying service to property of the United States? This first question is a matter of policy. Second, shall the rates charged for service by quasi-municipal corporations be used to divert money from the treasury of one town to the treasury of another? In this case the district is serving three different towns and the bill provides for taking fifty per cent of the accumulations of profit from this district and diverting to the treasury of one town. The third policy is, as I see it, will we use charters of quasi-municipal corporations in a way which may cause dissension between municipal officers?

There is no provision in the bill to divide accumulations among the towns although, as I stated before, those who appeared at the hearing said they thought the town fathers in the towns could get together and decide how to divide the money.

Those are the three policies. We are not voting on the bill. It is a policy measure. It is a question of whether or not we shall insist that quasi-municipal corporations shall maintain rates that reflect the costs, or if they shall use then in the various other ways as I have pointed out.

THE PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Hopkins, that the bill be indefinitely postponed.

MR. BATCHELDER of York: Mr. President, I note the absence of one of the members of the Committee, Senator Noyes of Hancock, and the

absence of quite a few members of the Senate, and I think if this matter is to be under discussion it should be taken up when there are more members present. I move the bill lie on the table.

The motion prevailed and the bill was laid upon the table pending the motion to indefinitely postpone, in non-concurrence.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table Bill, An Act to Incorporate the Corinna Water District (H. P. 686) (L. D. 442) tabled by that Senator on March 13 pending passage to be engrossed as amended by Committee Amendment A.

MR. HOPKINS of Kennebec: Mr. President and Members of the Senate, when we had this matter under consideration yesterday—I believe it was yesterday—there came to my hands a note advising me that at least some of the people of Corinna thought that if they could raise the debt limit of the bill which is now \$150,000 to \$160,000 that would give them sufficient funds to give them a water district. It is a little difficult for me to see, in these days of uncertain costs, how anybody could think that a difference of ten thousand dollars would be of that much importance, but that is the information that came to my hand. With the approval of the Chairman of the Committee, Senator Batchelder, I present Senate Amendment A to Committee Amendment A and move its adoption:

“Senate Amendment A to Committee Amendment A to Bill an Act to Incorporate the Corinna Water District, (H. P. 686) (L. D. 442). Amend said amendment by striking out the figures ‘\$150,000’ in the last line thereof and inserting in place thereof the figures ‘\$160,000.’”

Senate Amendment A to Committee Amendment A was adopted and the Bill as amended by Committee Amendment A as amended by Senate Amendment A thereto was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boutin of Androscoggin,

Adjourned until Tuesday, March 18 at ten o'clock in the forenoon.