

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

Thursday, March 20, 1947

The Senate was called to order by the President.

Prayer by the Reverend Hazen F. Rigby of Hallowell.

Journal of yesterday read and approved.

House Committee Reports

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Beaver Dams," (H. P. 827) (L. D. 477) reported the same in a new draft, (H. P. 1630) (L. D. 1303) under the same title, and that it ought to pass.

Which report was read and adopted in concurrence, the bill in new draft read once, and tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Department of Institutional Service Due to Insufficient Appropriations," (H. P. 1139) (L. D. 839) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted in concurrence and the bills read once; Committee Amendment "A" was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

The Committee on Motor Vehicles on Bill "An Act Limiting the Weight, Length, Width and Height of Motor Vehicles," (H. P. 1194) (L. D. 782) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted in concurrence and the bill read once; on motion by Mr. Noyes of Hancock, the bill was then tabled pending assignment for second reading.

The Committee on Mercantile Affairs and Insurance on Bill "An Act Requiring the Licensing of Insurance Adjusters," (H. P. 252) (L. D. 178) reported that the same ought to pass as amended by Committee Amendment "A".

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

In the Senate, on motion by Mr. Hopkins of Kennebec, the report and accompanying papers were laid upon the table pending consideration.

Referred to Committee

The following bill was received, and on recommendation by the Committee on Reference of Bills was referred to the following committee:

Banks and Banking

Mr. Williams of Penobscot presented, by request, Bill "An Act Relating to Profit and Loss Statements of Banks." (S. P. 470)

(Ordered printed.)

Sent down for concurrence.

First Reading of Printed Bills

"Resolve, to Correct Error in 1945-46 Road Resolve Appropriation." (S. P. 74) (L. D. 1310)

Bill "An Act to Provide for Issuance of State Highway Bonds." (S. P. 467) (L. D. 1309)

Which bill and resolve were read once and tomorrow assigned for second reading.

Senate Committee Reports

Miss Clough from the Committee on Judiciary on Bill "An Act Relating to Salary and Expense Account of Lieutenant-Governor." (S. P. 423) (L. D. 1209) reported that the same ought not to pass.

(On motion by Mr. Morrill of Cumberland, tabled pending consideration of the report).

The same Senator from the same Committee on Bill "An Act Relating to the Maine Port Authority, Formerly Called the Port of Portland Authority," (S. P. 314) (L. D. 878) reported that the same ought not to pass.

Which report was read and adopted.

Mr. Barnes from the same Committee on "Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor," (S. P. 422) (L. D. 1208) reported that the same ought not to pass.

(On motion by Mr. Morrill of Cumberland tabled pending consideration of the report).

The same Senator from the same Committee on Bill "An Act Relating to Eviction of Tenants," (S. P. 401) (L. D. 1150) reported that the same ought not to pass.

Which report was read and adopted.

Mr. Dunbar from the same Committee on "Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council," (S. P. 420) (L. D. 1206) reported that the same ought not to pass.

(On motion by Mr. Boucher of Androscoggin, tabled pending consideration of the report.)

Mr. Haskell from the Committee on Labor on Bill "An Act Relating to the Employment of Minors," (S. P. 146) (L. D. 341) reported the same in a new draft (S. P. 471) under the same title and that it ought to pass.

Mr. Batchelder from the Committee on Military Affairs on Bill "An Act Creating the Department of Veterans' Affairs" (S. P. 35) (L. D. 156) reported the same in a new draft (S. P. 472) under a new title, Bill "An Act Continuing the Division of Veterans' Affairs," 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. Dunbar from the Committee on Judiciary on Bill "An Act Relating to Burglary and Breaking and Entering," (S. P. 387) (L. D. 1100) reported that the same ought to pass.

Mr. Noyes from the Committee on Motor Vehicles on Bill "An Act Relating to Driving Motor Vehicles on Divided Highways," (S. P. 170) (L. D. 421) reported that the same ought to pass.

Mr. McKusick from the same Committee on Bill "An Act Relating to Driving Motor Vehicles on Roadways Laned for Traffic," (S. P. 171) (L. D. 422) reported that the same ought to pass.

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

Mr. Dunbar from the Committee on Judiciary on Bill "An Act Relating to Purposes and Powers of Maine Port Authority," (S. P. 315) (L. D. 877) 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 Purposes and

Powers of Maine Port Authority, (S. P. 315) (L. D. 877). Amend said bill by reinstating the stricken out words 'and in a sum not exceeding' in the 22nd line thereof. Further amend said bill by inserting after the stricken out figure '\$5,000' the figure '\$50,000'."

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

Mr. Baker from the Committee on Temperance on Bill, "An Act to Provide Liquor Licenses for Taverns," (S. P. 303) (L. D. 790) 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 to Provide Liquor Licenses for Taverns, (S. P. 303) (L. D. 790). Amend said bill by adding after the underlined word 'place' in the 5th line thereof the following underlined words 'for men only'. Further amend said bill by striking out the underlined word 'served' in the 6th line thereof and inserting in place thereof the underlined word 'sold'."

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

Passed to be Engrossed

"Resolve in Favor of the University of Maine for Operations and Maintenance of the Brunswick Campus." (H. P. 78) (L. D. 66)

"Resolve Establishing the Opening Date for Fishing for White Perch in Ebeeme Lake, T. 5, R. 9, N.W.P., and Brownville in Piscataquis County." (H. P. 913) (L. D. 611)

Bill "An Act to Designate Route 11 in Aroostook County as the Aroostook Scenic Highway." (H. P. 932) (L. D. 549)

"Resolve Establishing a Daily Limit on Trout in Penobscot County." (H. P. 973) (L. D. 639)

"Resolve Closing Wilson Stream in Piscataquis County to All Fishing." (H. P. 1063) (L. D. 695)

"Resolve Regulating Ice Fishing in Greenwood Pond in Elliottsville Plantation, Piscataquis County." (H. P. 1065) (L. D. 698)

"Resolve Closing Lost Pond in

Penobscot County to Ice Fishing." (H. P. 1385) (L. D. 1004)

"Resolve Closing Mountain Catcher Pond in Penobscot County to Ice Fishing." (H. P. 1386) (L. D. 1005)

"Resolve Opening Virginia Lake in the Town of Stoneham to Ice Fishing." (H. P. 1387) (L. D. 1006)

"Resolve Closing Pleasant Pond, in Oxford County, to Ice Fishing." (H. P. 1388) (L. D. 1007)

(On motion by Mr. McKinnon of Oxford tabled pending passage to be engrossed.)

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

Bill "An Act Relating to the Salaries of Various Officers in Aroostook County." (S. P. 135) (L. D. 281)

Bill "An Act to Increase the Salaries of Members of the State Police." (S. P. 297) (L. D. 796)

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

Bill "An Act to Authorize Fraser Paper, Limited to Merge With and Into, or to Consolidate with, a Corporation Organized Under the Laws of the State of Maine." (S. P. 454) (L. D. 1274)

Bill "An Act Relating to Prohibiting the Use of an Airplane in Driving or Molesting any Wild Birds or Animals." (S. P. 464) (L. D. 1305)

Bill "An Act Relating to Transportation of Deer Within State." (S. P. 465) (L. D. 1304)

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

Sent down for concurrence.

Passed to be Enacted

Bill "An Act Increasing the Salary of the County Attorney of Washington County." (S. P. 63) (L. D. 38)

Bill "An Act Relating to the Salary of the County Attorney of Hancock County." (S. P. 88) (L. D. 114)

Bill "An Act Increasing the Salaries of the Judge and Recorder of Western Washington Municipal Court." (S. P. 115) (L. D. 231)

Bill "An Act to Incorporate the Parkman School District." (S. P. 147) (L. D. 342)

Bill "An Act Relating to the Issuance of Dealer's Registration." (S. P. 218) (L. D. 571)

Bill "An Act to Provide for Com-

pliance with the National School Lunch Act and to Provide for the Establishment, Maintenance, Operation and Expansion of Nonprofit School Lunch Programs in Schools in the State." (S. P. 230) (L. D. 641)

Bill "An Act Relating to Inspection of Motor Vehicles." (S. P. 262) (L. D. 724)

Bill "An Act Relating to Reserved Numbers." (S. P. 263) (L. D. 725)

Bill "An Act Relating to Lost Number Plates." (S. P. 323) (L. D. 863)

Bill "An Act to Validate Bonds of Presque Isle Water District and Authorize Their Refunding." (S. P. 324) (L. D. 868)

"Resolve, Opening Cushman Pond in the Town of Sumner to Ice Fishing." (S. P. 139) (L. D. 334)

"Resolve, Providing for a Fish Screen at Outlet of Molasses Pond in the Town of Eastbrook." (S. P. 415) (L. D. 1201)

Bill "An Act Increasing the Salary of the County Treasurer of Sagadahoc County." (H. P. 183) (L. D. 131)

Bill "An Act Increasing the Salary of the Register of Deeds in Sagadahoc County." (H. P. 184) (L. D. 132)

Bill "An Act Relating to Clerk Hire in County Offices in Sagadahoc County." (H. P. 185) (L. D. 135)

Bill "An Act Relating to the Salary of the Recorder of the Brunswick Municipal Court." (H. P. 187) (L. D. 135)

Bill "An Act Relating to Municipal Planning and Zoning." (H. P. 455) (L. D. 269)

Bill "An Act Relative to the Salary of the Judge of the Brunswick Municipal Court." (H. P. 469) (L. D. 305)

Bill "An Act Increasing the Salary of the Recorder of Eastport Municipal Court." (H. P. 509) (L. D. 330)

Bill "An Act to Incorporate the Town of Van Buren School District." (H. P. 612) (L. D. 377)

Bill "An Act to Increase the Salary of the County Attorney in Sagadahoc County." (H. P. 625) (L. D. 385)

Bill "An Act Increasing the Salary of the Register of Probate in Sagadahoc County." (H. P. 627) (L. D. 387)

Bill "An Act Increasing the Salary of the Judge of Probate in Sagadahoc County." (H. P. 628) (L. D. 388)

Bill "An Act to Incorporate the

Freeport Sewer District." (H. P. 684) (L. D. 440)

Bill "An Act to Increase the Salary of the Sheriff of Penobscot County." (H. P. 687) (L. D. 443)

Bill "An Act to Incorporate the Kenduskeag Development District." (H. P. 924) (L. D. 560)

Bill "An Act to Incorporate the Town of North Berwick School District." (H. P. 929) (L. D. 622)

Bill "An Act to Incorporate the Yarmouth Sewerage District." (H. P. 946) (L. D. 562)

Bill "An Act Authorizing Loan and Building Associations and/or Savings and Loan Associations to Adopt Pensions and Retirements." (H. P. 1143) (L. D. 743)

Bill "An Act Relating to Profits and Losses of Loan and Building Associations and/or Savings and Loan Associations." (H. P. 1144) (L. D. 744)

Bill "An Act Relating to Capital Stock of Loan and Building Associations and/or Savings and Loan Associations." (H. P. 1145) (L. D. 745)

Bill "An Act Amending Subsection (e) of Section 5 of Chapter 69 of the Private and Special Laws of 1941, Relative to Eminent Domain Proceedings." (H. P. 1181) (L. D. 897)

Bill "An Act Relating to the Excise Tax on Motor Vehicles." (H. P. 1195) (L. D. 821)

Bill "An Act to Increase the Salary of the County Attorney and Assistant County Attorney in Penobscot County." (H. P. 1203) (L. D. 823)

Bill "An Act Creating a Council-Manager Form of Government for the City of Bath." (H. P. 1272) (L. D. 952)

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

Bill "An Act Relating to the Cumberland Mutual Fire Insurance Company." (H. P. 1305) (L. D. 910)

Bill "An Act Relating to State Aid to Certain Educational Institutions." (H. P. 1374) (L. D. 995)

Bill "An Act Relating to Regulation of Contract Carriers." (H. P. 1515) (L. D. 1138)

Bill "An Act Relating to Fees for Permits and Plates for Motor Vehicle Carriers." (H. P. 1516) (L. D. 1139)

Bill "An Act Relating to the Appointment, Term of Office, and Removal of the City Clerk of the City of Lewiston." (H. P. 1531) (L. D. 1114)

(On motion by Mr. Barnes of

Aroostook, tabled pending passage to be enacted.)

Bill "An Act Relating to the Charter of Lucerne-in-Maine Village Corporation." (H. P. 1582) (L. D. 1225)

Finally Passed

"Resolve, in Favor of George L. Leatherbarrow, of Saco." (H. P. 112) (L. D. 638)

"Resolve in Favor of Teacher-Pension Status of Martha O. Crosby of Benton." (H. P. 1158) (L. D. 1226)

Emergency Measure

Bill "An Act to Amend the Charter of the Van Buren Light and Power District." (H. P. 508) (L. D. 329)

Which bill being an emergency measure, and having received the affirmative vote of 31 members of the Senate, and none opposed was passed to be enacted.

Orders of the Day

On motion by Mr. Dube of Androscoggin, the Senate voted to reconsider its action taken earlier in today's session whereby it adopted the "Ought Not to Pass" report of the Committee on Judiciary on Bill, An Act Relating to Eviction of Tenants (S. P. 401) (L. D. 1150).

Mr. DUBE: Mr. President, the amendment which I will offer will correct the objections to this bill. I had only one opponent on this bill. It states as follows, that in Section 4, "Process of forcible entry and detainer. The process of forcible entry and detainer shall not be commenced for a period of two years after the effective date of this section against any tenant." From there we cross off "with children or any tenant a member of" and we keep on "whose family is with child on a doctor's certificate of such fact."

In this way it is only the tenants that are in the process of having children that could not be evicted because at present we have many landlords throughout the State that will make a person sign a certificate that they will not be able to have any children. If they do have children they have to move out of this particular apartment.

After I clarified this matter outside the Judiciary room yesterday to my opponent, he agreed it was a very good bill, and that is the reason this morning I asked the Senate to reconsider its action in adopting the "ought not to pass" report. I do not see how it could be of any hardship to anybody except a very

few landlords. This happened to me in Lewiston a few short weeks ago and that is why I brought up this bill. I'd like to have some support on it. I know if I had gone back to the committee and explained it, as I should have, they would have helped me on this bill. I move we substitute the bill for the "ought not to pass" report.

Mr. BARNES of Aroostook: Mr. President, for a great many years we have had laws in the State of Maine relative to the eviction of tenants on the books, and I suppose during all that time children have been born to parents.

This goes way beyond even the O P A rules and regulations we had because even Washington in its wisdom only extended the waiting period to six months.

This bill was carefully considered and discussed in committee and it seems to me plain that there is no cause or reason for the bill. It has often been said that "hard cases make bad law" and I would be the first to sympathize with a tenant who had a hardhearted landlord who would make a hardship on a man whose wife was in the family way, but after all, even in this day and age the rights of property owners who have purchased real estate, spent money for it and own it, are worthy of some consideration. This bill is certainly a bad bill and I hope the motion does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Dube, to substitute the bill for the "ought not to pass" report of the Committee.

On motion by Mr. Bishop of Sagadahoc, the report and accompanying papers were laid upon the table pending the motion of the Senate from Androscoggin, Senator Dube to substitute the bill for the report.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table Joint Order (S. P. 469) Relative to Payment of One-Half Allowance to Passamaquoddy and Penobscot Indian Representatives at the Legislature, tabled by that Senator on March 19 pending passage; and on further motion by the same Senator, the Order received a passage.

Sent down for concurrence.

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

ing to Fees in the Small Claims Law, (H. P. 1299) (L. D. 906) tabled by that Senator on March 19 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table bill An Act to Increase the Salary of Sheriff in Sagadahoc County (H. P. 626) (L. D. 386) tabled by that Senator on March 12 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. MacKinnon of Oxford, the Senate voted to take from the table bill, An Act Relating to School Committee in Town of Rumford (S. P. 98) (L. D. 197) tabled by that Senator on March 11 pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table House Report from the Committee on Salaries and Fees "Ought to Pass with Committee Amendment A" on bill An Act Relating to Salaries of Judge and Recorder of the Bath Municipal Court (H. P. 182) (L. D. 130) tabled by that Senator on March 11 pending adoption of the report; and on further motion by the same Senator, the report was adopted in concurrence, and the bill was given its first reading; Committee 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, Senate Report from the Committee on Judiciary "Ought Not to Pass" on bill, An Act Relating to Representation of Political Parties on Senate Committees (S. P. 145) (L. D. 340), tabled by that Senator on February 25th pending consideration of the report.

Mr. BOUCHER of Androscoggin: Mr. President, I move to substitute the bill for the report and I would like to explain what I would do if that did occur.

I think the bill as it is drawn up now is not satisfactory but I would like to see the percentage of membership from the minority party named in the bill as well as the privilege to choose who shall serve our own party on these different committees. In other words, I would offer an amendment or ask to re-draft this bill so as to conserve those two sections of it which is the percentage of minority representation according to the number of minority party members in the Senate as well as the privilege for the members of the minority party

to choose the members who would serve from their own party.

Therefore I move the substitution of the bill for the "Ought Not to Pass" report of the committee.

A viva voce vote being had

The motion to substitute did not prevail.

Thereupon, the "Ought Not to Pass" report of the committee was adopted.

On motion by Mr. Blanchard of Aroostook

Adjourned until tomorrow morning at ten o'clock.