

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 21, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Elmer Colcord of Gardiner.

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 25th, 1947, at ten o'clock in the forenoon. (S. P. 473)

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.

From the House:

Bill "An Act Relating to Trial Justices" (H. P. 1636) (L. D. 1316)

Comes from the House having been received by unanimous consent and subsequently referred to the Committee on Judiciary.

In the Senate:

Mr. DUNBAR of Washington: Mr. President and members of the Senate, perhaps I can explain the situation in regard to this bill, just briefly. Occasionally the Judiciary Committee makes an error and we had handed to us early in the session a bill relating to Trial Justices who are fee officers. The purpose of the bill was to put them on a salary basis. The error isn't wholly with our committee, although we should have discovered it but in the drafting of the bill it did not provide for the paying of the salaries or setting up the money for the salaries. We passed the bill out and it has been approved by the Governor and the purpose of this bill is to repeal the one we have passed and to set up a new bill which provides that the salaries shall be paid out of the general funds of the state.

I hope that with this explanation of the situation—because it would be very unfortunate for this matter to ride along as it is—that you will give unanimous consent for the in-

troduction of this bill, that we may correct the error.

Thereupon, the bill was received by unanimous consent and referred to the Committee on Judiciary in concurrence.

House Committee Reports

The Committee on Judiciary on Bill "An Act Relating to Nursing Attendants," (H. P. 1600) (L. D. 1268) reported that the bill be referred to the Committee on Public Health.

Which report was read and adopted in concurrence.

The same committee on "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) reported that the same ought not to pass.

Comes from the House recommended to the Committee on Judiciary.

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

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Judge of the Lincoln Municipal Court," (H. P. 125) (L. D. 100) reported that the same ought to pass.

The same Committee on Bill "An Act to Increase Salaries of Lincoln County Officers," (H. P. 126) (L. D. 101) reported that the same ought to pass.

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

The Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Reciprocal Contracts of Indemnity," (H. P. 62) (L. D. 61) reported the same in a new draft (H. P. 1631) (L. D. 1306) under the same title, and that it ought to pass.

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

The Committee on Salaries and Fees on 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) 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; Committee Amendment "A" was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

The Committee on Interior Waters on Bill "An Act Relating to Deposit of Potatoes into Waters of the State," (H. P. 1537) (L. D. 1167) 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, the report was read and adopted in concurrence and the bill was given its first reading. Committee Amendment A was read; House Amendment A was read and adopted in concurrence; Committee Amendment A as amended by House Amendment A thereto was adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

The Committee on Legal Affairs on Bill "An Act Creating the Rockland School District," (H. P. 1274) (L. D. 945) 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" and by House Amendment "B."

In the Senate, the report was read and adopted in concurrence, and the bill was given its first reading. Committee Amendment A was read and adopted in concurrence; House Amendment B was read and adopted in concurrence, and the bill as amended by Committee Amendment A and by House Amendment B was tomorrow assigned for second reading.

The same Committee on Bill "An Act to Incorporate the Town of Gray School District," (H. P. 1290) (L. D. 949) 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" and by House Amendment "A."

In the Senate, the report was read

and adopted in concurrence and the bill was given its first reading. Committee Amendment A and House Amendment A were read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

From the House, out of order and under suspension of the rules:

"Resolve to Provide Funds for Construction and Improvement of Bangor Airport in Old Town." (H. P. 1642)

Comes from the House, received by unanimous consent and referred to the Committee on Appropriations and Financial Affairs.

In the Senate:

Mr. NOYES of Hancock: Mr. President and Members of the Senate. Down in Bangor we have an air field known as Dow Field. This field has been a terminal for the Northeast Airlines for some 12 years or more. The army some few weeks ago decided that the Northeast Airlines could no longer use Dow Field and on last Saturday the final decision came through. Dow Field was no longer available for Northeast Airlines as a terminal. The bill would provide that the Northeast Airlines use the field in Old Town. The necessity of this legislation is to enable the city of Bangor to spend money in Old Town and this terminal is in an area which will serve approximately 100,000 people. I can see no delay caused by the introduction of this measure and I hope the resolve will be admitted.

Thereupon, the resolve was received by unanimous consent.

On motion by Mr. Spear of Cumberland, the resolve was laid upon the table pending reference.

Orders

Mr. CROSS of Kennebec: Mr. President and Members of the Senate, I am about to introduce an order on which I would like to make a slight explanation beforehand. This Order is a Senate Order to ask a question of the Supreme Court as to the constitutionality of a pending bill which is before us. This is a bill to issue highway bonds, under a certain article in the Constitution. There have been grave doubts by several members of this Body and members of the other branch of the legislature as to whether or not we can

legally issue bonds without going to the people.

As a brief background to this, let me say that the legislature in 1941 did authorize the reissuance of bonds under a previous constitutional amendment and these bonds were issued in the amount of \$700,000. In the last legislative session, the legislature also approved an act which issued, or re-issued, three million and some four hundred thousand dollars.

This year there is pending this bill to authorize the reissuance of \$3,358,000 which is very necessary for the matching of federal funds for the next biennium. If we are not able to match these federal funds through a temporary borrowing, there will be a very grave situation in the highway department and major tax revenues or some drastic curtailment of highway activities will be necessary.

Therefore, in order to clear up this situation I have prepared this question to the Supreme Court asking for an interpretation or a ruling from them as to the constitutionality of the issuance of these highway bonds and at the proper time I will table the bill in question and hold it for an answer from the Court.

Mr. President, I present an Order and moved its passage.

The Order was received and on motion by Mr. Cross of Kennebec, reading of the Order was dispensed with.

Thereupon the Order received a passage.

Senate Committee Reports

Mr. Crosby from the Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Casualty and Surety Insurance Rate Regulation," (S. P. 216) (L. D. 563) reported that the same ought not to pass as it is covered by other legislation.

On motion by Mr. Hopkins of Kennebec, tabled pending consideration.

Mr. Edwards from the same Committee on Bill "An Act Relating to Fire, Marine and Inland Marine Insurance Rate Regulation," (S. P. 217) (L. D. 564) reported that the same ought not to pass as it is covered by other legislation.

On motion by Mr. Hopkins of Kennebec, tabled pending consideration.

Mr. Spear from the Committee on Inland Fisheries and Game on Bill "An Act Relating to the Taking of Fur Bearing Animals from the Traps of Another," (S. P. 255) (L. D. 717) reported the same in a new draft (S. P. 474) under the same title, and that it ought to pass.

Mr. Batchelder from the Committee on Legal Affairs on Bill "An Act Relating to Re-organization of the Police Department of the City of Lewiston," (S. P. 319) (L. D. 873) reported the same in a new draft (S. P. 475) under a new title, Bill "An Act Amending the Charter of the City of Lewiston," and that it ought to pass.

Mr. Boucher from the Committee on Temperance on Bill "An Act Relating to Eligibility of Certain Clubs for Liquor Licenses," (S. P. 223) (L. D. 567) reported the same in a new draft (S. P. 476) under the same title, and that it ought to pass.

Which reports were severally read and adopted and the bills in new draft were laid upon the table for printing under the joint rules.

Mr. Boutin from the Committee on Pensions on "Resolve to Repeal Certain Special Resolve Pensions," (S. P. 264) (L. D. 726) reported that the same ought to pass.

Which report was read and adopted, the resolve read once and tomorrow assigned for second reading.

The Majority of the Committee on Motor Vehicles on Bill "An Act Relating to Height and Width of Motor Vehicles and Trailers," (S. P. 242) (L. D. 661) reported that the same ought to pass.

(Signed)

Senator: NOYES of Hancock
Representatives:

BREWSTER of Presque Isle
BERRYMAN of Sidney
THOMAS of Hampden
CHRISTENSEN of Calais
ALLEN of Portland

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed)

Senators: CROSS of Kennebec
McKUSICK of Piscataquis

Representatives:

PLUMMER of Lisbon
COLE of Portland

On motion by Mr. Batchelder of York, the reports and accompanying

papers were laid upon the table pending adoption of either report.

Passed to be Engrossed

Bill "An Act Relative to Beaver Dams." (H. P. 1630) (L. D. 1303)

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

Bill "An Act Relating to Salaries of Judge and Recorder of the Bath Municipal Court." (H. P. 182) (L. D. 130)

Mr. Bishop of Sagadahoc presented Senate Amendment A and moved its adoption.

The Secretary read the amendment:

"Senate Amendment A to bill An Act Relating to Salaries of Judge and Recorder of the Bath Municipal Court, (H. P. 182) (L. D. 130). Amend said bill by adding at the end thereof the following sentence, 'in the event the Judge also acts as Recorder, his total salary shall not exceed \$2500 per annum.'"

Senate Amendment A was adopted, and the bill as so amended was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill "An Act Appropriating Monies for Anticipated Overdrafts in the Department of Institutional Service Due to Insufficient Appropriations." (H. P. 1139) (L. D. 839)

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

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

Bill "An Act Relating to Driving Motor Vehicles on Divided Highways." (S. P. 170) (L. D. 421)

Bill "An Act Relating to Driving Motor Vehicles on Roadways Laned for Traffic." (S. P. 171) (L. D. 422)

Bill "An Act Relating to Burglary and Breaking and Entering." (S. P. 387) (L. D. 1100)

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

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

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

Sent down for concurrence.

Bill "An Act to Provide Liquor

Licenses for Taverns" (S. P. 303) (L. D. 790)

Bill "An Act Relating to Purposes and Powers of Maine Port Authority." (S. P. 315) (L. D. 877)

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

Sent down for concurrence.

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)

Passed to be Enacted

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

Bill "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)

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

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

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

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

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

Bill "An Act Relating to Sidewalk Construction in the City of Portland." (H. P. 1277) (L. D. 937)

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

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

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

Bill "An Act Relating to Location of Children of Paupers for School Purposes (H. P. 1330) (L. D. 923)

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

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

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)

Which bill being an emergency measure and having received the affirmative vote of 23 members of the Senate and none opposed, was finally passed.

Orders of the Day

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table Resolve to Provide Funds for Construction and Improvement of the Bangor Airport in Old Town (S. P. 1642) tabled by that Senator earlier in today's session pending reference to a committee; and on further motion by the same Senator the resolve was referred to the Committee on Appropriations and Financial Affairs.

Sent down for concurrence.

**Order
(Out of Order)**

Mr. Dube of Androscoggin was granted unanimous consent to address the Senate.

Mr. DUBE of Androscoggin: Mr. President, I have just found out that we have only about twenty or twenty-five copies printed of several bonus bills that are coming up for hearing next Tuesday afternoon at two o'clock. We expect a large crowd from all over the state and I would like to present an order to have 300 copies of each bonus bill printed.

Thereupon, on motion by Mr. Dube of Androscoggin, it was

ORDERED, that 300 additional copies of each of the following legislative documents be printed: L. D.

1071, L. D. 1060, L. D. 1062, L. D. 1227, L. D. 1232, L. D. 1057, L. D. 1040.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table, House Report "Ought to pass as amended by Committee Amendment 'A'" from the Committee on Mercantile Affairs and Insurance on bill, An Act Requiring the Licensing of Insurance Adjusters (H. P. 252) (L. D. 178) tabled by that Senator on March 20th pending adoption of the report; and on further motion by the same Senator the report was adopted and the bill was given its first reading. Committee Amendment "A" was read. House Amendment "A" to Committee Amendment "A" was read.

Mr. HOPKINS: Mr. President, this bill has quite extensive amendments and perhaps by way of explanation I might tell the Senate that the amendments are important in that they take out the provision that requires adjusters to report to the department any fires which it is believed are incendiary. The reason is very simple. The fire adjuster is a private citizen and would be liable if he made false charges against anyone to the State. We have a department of arson here which takes care of that very nicely, so that part is removed by this amendment.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted in concurrence. Committee Amendment "A" as amended was adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Denny of Lincoln

Adjourned until next Tuesday, March 25th, at ten o'clock in the forenoon.