

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

Tuesday, March 25, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Charles A. Clough of Augusta.

Journal of Friday, March 21st, 1947, read and approved.

From the House:

Bill "An Act Relating to Limitations of Actions for Tort." (H. P. 916) (L. D. 613)

(In the Senate on March 13, passed to be engrossed as amended by Committee Amendment "A" in concurrence.)

Comes from the House that body having reconsidered its former action whereby the bill was passed to be engrossed as amended by Committee Amendment "A", and now passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.

In the Senate, on motion by Mr. Dunbar of Washington, the Senate voted to recede from its former action taken on March 13, whereby the bill was passed to be engrossed; House Amendment A to Committee Amendment A was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

House Committee Reports

The Committee on Interior Waters on "Resolve Authorizing Warren Worster of Greenville to Construct a Wharf," (H. P. 1538) (L. D. 1168) reported that the same ought to pass.

The Committee on Motor Vehicles on Bill "An Act Providing for Payment of Personal Property Tax on Trailers Before Motor Vehicle Registration Permitted," (H. P. 1512) (L. D. 1136) reported that the same ought to pass.

The Committee on Temperance on Bill "An Act Relating to Manufacture and Sale of Apple Cider," (H. P. 1524) (L. D. 1117) 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 Salaries and Fees on Bill "An Act Relating to the Salaries of the Judge and Re-

porter of the Millinocket Municipal Court," (H. P. 1561) (L. D. 1190) reported the same in a new draft (H. P. 1635) (L. D. 1312) under the same title, and that it ought to pass.

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

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 that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Revocation of Liquor Licenses," (H. P. 1566) (L. D. 1195) 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.

The Majority of the Committee on Judiciary on Bill "An Act Declaring Greater Portland Public Development Commission as a State Agency," (H. P. 58) (L. D. 45) reported that the same ought to pass.

(signed)

Senators: DUNBAR of Washington
CLOUGH of Penobscot
BARNES of Arcootook

Representatives:

HASKELL of Portland
PEIRCE of Augusta
SILSBY of Aurora

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

(signed)

Representatives:

PERKINS of Boothbay Harbor
McGLAUFILIN of Portland
MILLS of Farmington
WILLIAMS of Auburn

Comes from the House, the Majority report read and adopted, and the bill passed to be engrossed as amended by House Amendments "A" and "B."

In the Senate, on motion by Mr. Dunbar of Washington, the Majority Report was adopted in concurrence, and the bill was given its first

reading; House Amendments A and B were read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

Order

On motion by Mr. Hopkins of Kennebec, it was

ORDERED, that the Secretary of the Senate be directed to invite Dr. Winston L. King of Waterville to officiate as Chaplain of the Senate on Wednesday, March 26, 1947 at ten o'clock in the forenoon.

Joint Order

On motion by Mr. Cross of Kennebec, it was

ORDERED, the House concurring, that Bill "An Act Relating to Clerk Hire in County Offices in Sagadahoc County," (H. P. 185) (L. D. 133) be recalled from the Governor. (S. P. 477)

Sent forthwith to the House.

First Reading of Printed Bills

Bill "An Act Relating to the Employment of Minors." (S. P. 471) (L. D. 1318)

Bill "An Act Continuing the Division of Veterans' Affairs." (S. P. 472) (L. D. 1319)

Which were severally read once and tomorrow assigned for second reading.

Senate Committee Reports

Miss Clough from the Committee on Judiciary on Bill "An Act Providing for Election Counters After Closing of Polls," (S. P. 421) (L. D. 1207) reported that the same ought not to pass.

Mr. Barnes from the same Committee on Bill "An Act Relating to Candidates for Public Offices," (S. P. 419) (L. D. 1205) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act to Regulate the Use of Lands Adjacent to Turnpikes," (S. P. 424) (L. D. 1210) reported that the same ought not to pass.

Mr. Dunbar from the same Committee on Bill "An Act Relating to Adoption of Children," (S. P. 418) (L. D. 1204) reported that the same ought not to pass.

Mr. Cross from the Committee on Motor Vehicles on Bill "An Act Relating to Fees for Public Utility Plates to Operate Motor Vehicles,"

(S. P. 351) (L. D. 983) reported that the same ought not to pass.

Mr. Ela from the Committee on Public Health on Bill "An Act Relating to General Public Health Nursing Service," (S. P. 292) (L. D. 801) reported that the same ought not to pass.

Which reports were severally read and adopted.

Mr. Edwards, Mr. Leavitt and Mr. Bishop, all from the Committee on Education on Bill "An Act to Increase State Aid to Towns for the Support of Schools to Establish Minimum Salaries for Teachers," (S. P. 90) (L. D. 141) jointly report the same in a new draft (S. P. 478) under the same title and that it ought to pass.

Which report was read and adopted and the new draft laid upon the table for printing under the joint rules.

Mr. Blanchard from the Committee on Banks and Banking on Bill "An Act Permitting the Declaration of Graduated Dividends by Savings Banks," (S. P. 167) (L. D. 426) reported that the same ought to pass.

Mr. Dunbar from the Committee on Judiciary on "Resolve to Modify the Conditions of the Gift from B. C. Jordan to the State for the Purpose of Encouraging Cultivation of Forests," (S. P. 399) (L. D. 1148) reported that the same ought to pass.

Mr. Blanchard from the Committee on Legal Affairs on Bill "An Act Relating to Veterinary Surgeons," (S. P. 402) (L. D. 1151) reported that the same ought to pass.

Mr. Baker from the same Committee on Bill "An Act Relating to Penalty for Posing as Indian in Vending," (S. P. 367) (L. D. 1035) reported that the same ought to pass.

Miss Clough from the Committee on Public Health on Bill "An Act Relating to Immunization Against Certain Infectious Diseases," (S. P. 293) (L. D. 800) reported that the same ought to pass.

Mr. McKusick from the Committee on Welfare on Bill "An Act Relieving Towns from Care of Neglected and Dependent Children," (S. P. 246) (L. D. 663) reported that the same ought to pass.

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

Mr. Baker from the Committee on Legal Affairs on Bill "An Act Creating the Westport-Wiscasset Bridge District," (S. P. 376) (L. D. 1061) 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 Creating the Westport-Wiscasset Bridge District (S. P. 376) (L. D. 1061). Amend said bill by inserting in the 2nd line of Section 4 after the word 'bonds' the following: 'not to exceed \$350,000.'

Further amend said bill by deleting the last sentence of Section 5."

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

Mr. Leavitt from the Committee on Public Health on Bill, "An Act Relating to Mineral Oil in Food," (S. P. 294) (L. D. 799) 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 Mineral Oil in Food (S. P. 294) (L. D. 799). Amend said bill by striking out in the last line all that part designated Section 169B and inserting in place thereof the following underlined words, 'oil except liquid food flavorings and the final products containing them.'"

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

The Majority of the Committee on Judiciary on Bill "An Act Relating to Discriminating Against Persons," (S. P. 126) (L. D. 289) reported that the same ought not to pass.

(signed)

Senators: DUNBAR of Washington
BARNES of Aroostook
CLOUGH of Penobscot

Representatives:

PERKINS of Boothbay Harbor
WILLIAMS of Auburn
HASKELL of Portland
SILSBY of Aurora

The Minority of the same Com-

mittee on the same subject matter reported the same in a new draft (S. P. 479) under the same title, and that it ought to pass.

(signed)

Representatives:

MILLS of Farmington
PEIRCE of Augusta
McGLAUFILIN of Portland

On motion by Miss Clough of Penobscot, the reports and accompanying papers were laid upon the table pending consideration of the reports; and on motion by Mr. Dunbar of Washington, the new draft was ordered printed.

The Majority of the Committee on Motor Vehicles on Bill "An Act Relating to Registration of Motor Vehicles," (S. P. 130) (L. D. 285) reported that the same ought to pass.

(signed)

Senator: CROSS of Kennebec

Representatives:

ALLEN of Portland
PLUMMER of Lisbon
BERRYMAN of Sidney
CHRISTENSEN of Calais
THOMAS of Hampden
BREWER of Presque Isle

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

(signed)

Senators: McKUSICK of Piscataquis

NOYES of Hancock

Representative:

COLE of Portland

On motion by Mr. Cleaves of Cumberland, the report and accompanying papers were laid upon the table pending consideration of the reports.

Mr. Leavitt from the Committee on State School for Boys, State School for Girls and State Reformatories, reports as follows:

The Committee on State School for Boys, State School for Girls and State Reformatories have made their bi-annual visitation to these four institutions, namely the State School for Girls at Hallowell, the Women's Reformatory at Skowhegan, the Men's Reformatory at South Windham and the State School for Boys at South Portland and beg leave to report that they found these institutions in excellent physical condition and the per-

sonnel and superintendents very courteous and efficient. However, we believe that the cost of these institutions is way out of line in comparison to other institutions in the state and the committee recommends that the Governor and Council instigate a thorough study into these institutions costs.

The Committee also recommends that, as an experiment to see how these farms affect the expense of operations of our state institutions, the farm at Skowhegan be closed except for two or three men for what little truck farming they can do with the girls. We further recommend that Mr. Buzzell of the Department of Animal Industry be authorized to sell the stock and credit the department. We suggest that perhaps it would be well to keep a few pigs to eat up the garbage and that perhaps the farm could be used to advantage in raising 1,000 or more hens. The Committee recommends that this Institution contract out the hay and sell to the highest bidder.

The Committee further recommends that suggestion to put pasteurizing plants in the Institutions be turned down and also that the suggestion of the Commissioner that the State build a Quonset Hut Gymnasium at the State School for Boys be turned down and that the old gymnasium on the third floor of the administration building be put into condition as soon as funds are available, which can be done for approximately \$10,000 including the fire escape. The Committee also recommends that the cupola be taken off the Administration Building at South Portland as that is only a hazard.

At the Men's Reformatory at South Windham, the Committee recommends that the necessary funds be appropriated to construct rooms needed to isolate certain psychological cases which are interfering with the set program of the Institution.

The Committee wishes to point out that at all institutions there is a great need for books to create a library and knowing that the homes of all Legislators and their friends are cluttered with books which they never intend to look at again, suggests that each Legislator make an effort to send these surplus books to the institution nearest to his or her home in order that these libraries may be built up. (S. P. 480)

Which was read and ordered placed on file.

Sent to the House.

Passed to be Engrossed

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)

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

Bill "An Act Requiring the Licensing of Insurance Adjusters." (H. P. 252) (L. D. 178)

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)

Bill "An Act Creating the Rockland School District." (H. P. 1274) (L. D. 945)

Bill "An Act to Incorporate the Town of Gray School District." (H. P. 1290) (L. D. 949)

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

(On motion by Mr. Barnes of Aroostook, tabled pending passage to be engrossed, and especially assigned for tomorrow.)

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

"Resolve to Repeal Certain Special Resolve Pensions." (S. P. 264) (L. D. 726)

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

Sent down for concurrence.

Orders of the Day

Mr. CROSS of Kennebec: Mr. President, may I inquire if there is in the possession of the Senate, Senate Order Relative to Opinion of the Supreme Court on the Constitutionality of Legislative Document No. 1309?

The PRESIDENT: The Chair will state the order is in the possession of the Senate.

Upon motion by Mr. Cross of Kennebec, the Senate voted to reconsider its former action whereby the order received passage.

Mr. CROSS: Mr. President, there appears to have been a discrepancy or clerical error in this order relative to one of the Roman numerals and the Supreme Court thinks it

should be amended so as to put it in proper form. At a later moment I will also ask to amend the original bill which also has a clerical error. I present Senate Amendment "A" and move its adoption.

The Secretary read Senate Amendment "A": "Senate Amendment 'A' to Senate Order Relative to Opinion of Supreme Court on the Constitutionality of Legislative Document 1309. Amend said order by striking out in the twenty-second line thereof the Roman numeral 'IX' and inserting in place thereof the Roman numeral 'LII'."

Thereupon Senate Amendment "A" was adopted and the order as so amended received passage.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table, Bill, An Act to Provide for Issuance of State Highway Bonds (S. P. 467) (L. D. 1309) tabled by that Senator on March 21st pending passage to be engrossed.

Mr. CROSS: Mr. President and members of the Senate, there were two or three errors made in the new draft of this bill and for the purpose of clarifying this and bringing it properly to the attention of the Justices I wish to amend this bill with your indulgence and retable it after the amendment. These changes are merely changes in section headings and the changes do not affect the bill except on the clerical side. I present Senate Amendment "A" and move its adoption.

The Secretary read Senate Amendment "A":

"Senate Amendment 'A' to S. P. 467, L. D. 1399, Bill, An Act to Provide for Issuance of State Highway Bonds. Amend said bill by striking out in the second line of Section 2 thereof the figure '2' after the word 'section' and inserting in place thereof the figure '1'.

Further amend said bill by striking out in the second line of section 2 thereof after the word

'within' the figures '25' and inserting in place thereof the figures '15.' Further amend said bill by striking out in the sixth line of section 4 thereof the figure '2' and inserting in place thereof the figure '1.'"

Senate Amendment "A" was adopted, and on motion by Mr. Cross of Kennebec, the bill as amended was laid upon the table pending passage to be engrossed.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table, House Report "Ought Not to Pass" from the Committee on Judiciary 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) tabled by that Senator on March 21st pending consideration; and on further motion by the same Senator, the bill was recommitted to the Committee on Judiciary in concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table Bill, An Act Creating a Council Manager Form of Government for the City of Bath (H. P. 1272) (L. D. 952) tabled by that Senator on March 20 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. MacKinnon of Oxford, the Senate voted to take from the table, Resolve Closing Pleasant Pond in Oxford County to Ice Fishing (H. P. 1388) (L. D. 1007) tabled by that Senator on March 20 pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed in concurrence.

On motion by Mr. Crosby of Franklin

Adjourned until tomorrow morning at ten o'clock.