

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 28, 1947

The Senate was called to order by the President.

Prayer by the Reverend S. C. Taylor of Augusta.

Journal of yesterday read and approved.

**Joint 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 Monday, March 31st, 1947 at 4:30 o'clock in the afternoon. (S. P. 484)

Sent down for concurrence.

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

From the House:

Bill "An Act Relating to Police Department Pensions of the City of Bangor." (H. P. 1548) (L. D. 1339)

Bill "An Act Relating to Pensions to Employees of the City of Bangor." (H. P. 1649) (L. D. 1340)

Bill "An Act Relating to Term of Office of Police Department of the City of Bangor." (H. P. 1650) (L. D. 1341)

Mr. HASKELL of Penobscot: Mr. President and Members of the Senate, I rise to apologize for the late action of the City Council in the city of Bangor in concluding that they wanted their employees to join the state retirement benefit system. That action took place last Monday night and I am permitted to say that the Chairman of the Committee on Legal Affairs has assured the Bangor delegation that if this is accepted by unanimous consent in the Senate as it was in the House, it will not delay our work. I hope the Senate does concur with the House in that action.

Thereupon, the bills were severally received by unanimous consent and referred to the Committee on Legal Affairs in concurrence.

Papers from the House, referred in concurrence.

From the House:

Bill "An Act Relating to Commitment of Children to the Custody of Certain Officers." (H. P. 659) (L. D. 457)

(In the Senate, on March 11, 1947, passed to be engrossed as amended by Committee Amendment A in concurrence.)

Comes from the House, engrossing reconsidered, House Amendment A read and adopted, and the bill as amended by Committee Amendment A and by House Amendment A passed to be engrossed in non-concurrence.

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

House Committee Reports

The majority of the Committee on Legal Affairs on Bill "An Act Relating to Town of Norridgewock School District," (H. P. 615) (L. D. 380) reported that the same ought to pass as amended by Committee Amendment "A"

(signed)

Senators:

BLANCHARD of Aroostook

BATCHELDER of York

BAKER of Kennebec

Representatives:

ANDERSON of New Sweden

RANKIN of Bridgton

PAYSON of Union

WEEKS of South Portland

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

(signed)

Representatives:

SNOW of Auburn

ATHERTON of Bangor

WOODWORTH of Fairfield

Comes from the House, the bill and reports recommitted to the Committee on Legal Affairs.

In the Senate, on motion by Mr. Batchelder of York, the Senate voted to concur with the House in the recommitment of the reports and accompanying papers to the Committee on Legal Affairs.

The Committee on Judiciary on Bill "An Act to Authorize the Creation of Public Bodies to be Known as Housing Authorities to Serve Urban Areas in the State," (H. P. 842) (L. D. 537) 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, on motion by Mr. Spear of Cumberland, the report and accompanying papers were laid upon the table pending consideration of the report.

The same Committee on Bill "An Act Setting Aside Certain Lands for Settlement by Displaced Persons of Baltic Origin," (H. P. 1543) (L. D. 1173) 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.

The Committee on Agriculture on Bill "An Act Regulating Handling of Animals Seized by Humane Agents," (H. P. 1257) (L. D. 929) reported that the same ought to pass.

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

The Committee on Legal Affairs on Bill "An Act to Create the Castle Hill-Chapman-Mapleton Community School District," (H. P. 1465) (L. D. 1069) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Mercantile Affairs and Insurance on Bill "An Act Relating to Deputy Insurance Commissioners," (H. P. 61) (L. D. 60) reported that the same ought to pass as amended by Committee Amendment "A"

The Committee on Motor Vehicles on Bill "An Act Excluding Circus Wagons from Definition of Trailers in Motor Vehicle Law," (H. P. 1468) (L. D. 1072) reported that the same ought to pass as amended by Committee Amendment "A"

Which reports were severally read and adopted in concurrence, the bills read once; Committee Amendments A were severally read and adopted in concurrence, and the

bills as so amended were tomorrow assigned for second reading.

Communication

DEPARTMENT OF STATE STATE OF MAINE

Augusta

March 27, 1947.

To the Honorable Senate of the Ninety-third Legislature of the State of Maine:

I have the honor to herewith transmit proposals of An Act to Protect the Right to Work and to Prohibit Secondary Boycotts, Sympathetic Strikes and Jurisdictional Strikes.

This measure is in accordance with the provisions of Section 18 of Article XXXI of the Constitution of the State of Maine. The measure is proposed by what is purported to be not less than 12,000 electors. A number of said petitions were filed March 25, 1947, the remainder March 27, 1947.

Respectfully,

HAROLD I. GOSS,
Secretary of State.
(S. P. 485)

Joint Order

On motion by Mr. Cross of Kennebec, it was

ORDERED, the House concurring that the communication, Bill "An Act to Protect the Right to Work and to Prohibit Secondary Boycotts, Sympathetic Strikes and Jurisdictional Strikes," (I. B. 1) and accompanying petitions, be referred to the Committee on Judiciary for investigation and report as to the sufficiency of the petitions with power to summons witnesses. (S. P. 486)

Thereupon on further motion by the same Senator, the Communication and accompanying papers were transmitted to the House by special messenger.

Mr. Murchie of Washington was granted unanimous consent to address the Senate.

Mr. MURCHIE: Mr. President and members of the Senate, the idea I have this morning is to attain your permission to introduce a bill. It comes at a late time, I will agree, but I am convinced it is something quite necessary and will not delay the time of this legislature. It has to do with a council-manager form of government for the city of Calais, and it is brought in at the last moment, the thought being that the present mayor who

has been renominated and who will be elected by acclamation on the first Monday in April, is a sick man. I had several telephone conversations yesterday with one or two members of the council and they are convinced that Calais should go back to a council-manager form of government.

In 1939 I had such a bill before the legislature and it received passage, and with what help I could get from that bill and a few things I know, I have a measure to be introduced here. As an assurance that it is in accord with the wishes of the present management of Calais, I have a telegram from Ernest A. Woodman, Mayor of Calais: "The phone call from Henry English to you was made at my request. I am firmly convinced that the city manager form of government would be the best thing for Calais. Would appreciate any interest and effort that you can see your way clear to make."

That is all I have to say, but I would like your permission to introduce this bill.

Thereupon, bill. An Act to Change the Charter of the City of Calais was received by unanimous consent and referred to the Committee on Legal Affairs and ordered printed.

Sent down for concurrence.

Mr. Barnes of Aroostook was granted unanimous consent to address the Senate.

Mr. BARNES: Mr. President and Members of the Senate, I also arise for the purpose of introducing a resolve. Briefly, the facts are these: This resolve is in favor of Alfred Winnick of Boston, Massachusetts, who, on October 22nd, 1942 deposited with the Superior Court at Portland, Maine \$3000 cash bail for a girl who was held on the crime of larceny. It was conditioned on her appearance at the next term, but meanwhile she got in trouble with authorities in New York State and was incarcerated there and could not possibly be present. The \$3000 cash was ordered turned over to the county and the case was taken up on appeal but by a technicality in the law it could not be regained. It was no fault on the part of the bondsman and there was nothing he could do about having her there.

I have discussed this matter with the chairman of the Judiciary Committee and he has told me it would

not delay the legislature as he has to advertise more bills, anyway. It is a short matter and will not take up much of the legislature's time.

I therefore, ask permission to introduce this resolve.

Thereupon, Resolve in Favor of Alfred Winnick of Boston, Massachusetts was received by unanimous consent and referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

From the House:

Bill "An Act to Permit the Town of Scarborough to Take Advantage of a Proposed Government Project." (H. P. 1657)

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

In the Senate:

Mr. SPEAR of Cumberland: Mr. President and Members of the Senate, this bill will not delay adjournment of the session, I am told. This explanation which I am going to read comes from Francis Sullivan, Attorney for the town of Scarborough. It was addressed to Honorable Edward E. Chase, House of Representatives, State House, Augusta, Maine. "Dear Ed: The War Department Corps of Engineers, New England Division, Boston, have written to the Board of Selectmen in the Town of Scarborough to say that if the town of Scarborough will agree to contribute \$10,000 to provide suitable landing facilities at Pine Point and to hold the government harmless from damages attributable to the work, the New England Division of the Corps of Engineers will recommend that the government dredge the channel of the Scarborough River through the outer bar to and including an anchorage area at Pine Point. The total cost of the improvement will be \$147,570. According to the residents of Pine Point this will be a great boon to the fishing and recreational industry. The town of Scarborough cannot hold a legal meeting and agree to the conditions recited above because in my opinion the town is without legal authority to do so.

"A bill, preferably with an emergency preamble, is necessary. The emergency preamble is inserted because some of the citizens interested have been trying for years to get the government to accept such a project and are informed that if

they do not act with alacrity the matter may not be presented in time for this project to qualify. The government is eliminating appropriations rather than multiplying them at this time. We understand that this bill, which would be a private and special law if enacted, will require unanimous consent.

"Will you kindly do your best to have it presented? When it is before the committee for hearing, several of the interested residents of Scarborough will be glad to appear and advocate it.

"With kindest personal regards, I am, Yours very truly, Frances W. Sullivan."

I simply read that letter in explanation of the bill and I hope unanimous consent will be granted.

Thereupon, unanimous consent was granted for the introduction of the bill which was received and the bill was referred to the Committee on Legal Affairs in concurrence.

Joint Order

On motion by Mr. Bishop of Sagadahoc, it was

ORDERED, the House concurring, that notwithstanding the provisions of the previously passed order the balance of the compensation established by law for the representatives at the legislature of the Penobscot and Passamaquoddy Tribes of Indians be now paid on lists certified by the Secretary of the Senate and Clerk of the House.

On further motion by the same Senator, the Order was sent forthwith to the House.

The PRESIDENT: The Chair at this time designates the Senator from Aroostook, Senator Barnes as President of the Senate pro tem and requests the Sergeant at Arms to conduct the Senator to the rostrum.

This was done amidst the applause of the Senate, the members rising.

First Reading of Printed Bills

"Resolve Granting a Pension to James L. Walker of Oxford." (S. P. 481) (L. D. 1343)

"Resolve Granting a Pension to Eugene H. Stevens, of Norway." (S. P. 482) (L. D. 1344)

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

Senate Committee Reports

Mr. Greeley from the Committee on Towns on Bill "An Act Relating to Superintending School Committees," (S. P. 372) (L. D. 1037) reported that the same ought not to pass.

Which report was read and adopted.

Mr. Morrill from the Committee on Sea and Shore Fisheries on "Resolve Directing Commissioner of Sea and Shore Fisheries to Make Study of Life and Habits of Seals," (S. P. 118) (L. D. 355) reported that the same ought to pass.

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

Mr. Boucher from the Committee on Indian Affairs on "Resolve to Create an Interim Committee to Study the Indian Problem" (S. P. 444) (L. D. 1245) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and adopted and the resolve given its first reading.

The Secretary read Committee Amendment A:

"Committee Amendment A to Resolve to Create an Interim Committee to Study the Indian Problem (S. P. 444) (L. D. 1245).

Amend said resolve by striking out the period at the end thereof and inserting in place thereof, the following: "; and be it further

Resolved: That there be, and hereby is, appropriated whatever sums are necessary, not to exceed \$500, to carry out the provisions of this resolve; and be it further

Resolved: That the expenses incurred under the provisions of this resolve shall be paid currently from the Indian accounts."

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

Mr. BARNES from the Committee on Judiciary on Bill "An Act Relating to Compensation of Registers of Probate in Foreign Estates" (S. P. 385) (L. D. 1098) reported that the same ought to pass as amended by Committee Amendment "A."

Which report was read and adopted and the bill given its first reading.

The Secretary read Committee Amendment A.

"Committee Amendment A to bill, An Act Relating to Compensation of Registers of Probate in Foreign Estates.

Amend said bill by striking out all of the 7th line of that part designated as 'Sec. 42.' thereof, and inserting in place the following: 'shall be paid, for the use of the county, reasonable'."

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

Mr. DUNBAR from the same Committee on Bill "An Act Providing for a State Advisory Council on Personnel," (S. P. 364) (L. D. 1033) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and adopted, and the bill given its first reading.

The Secretary read Committee Amendment A.

"Committee Amendment A to bill, An Act Providing for a State Advisory Council on Personnel, (S. P. 364) (L. D. 1033).

Amend said bill by inserting after the underlined word 'personnel' in the 6th line thereof, the following underlined words: ', to serve at the pleasure of the board, and'."

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

Mr. CROSBY from the Committee on Towns on Bill "An Act Relating to Assessment of Costs for Construction of Drains," (S. P. 412) (L. D. 1160) reported that the same ought to pass as amended by Committee Amendment "A."

Which report was read and adopted and the bill given its first reading.

The Secretary read Committee Amendment A.

"Committee Amendment A to bill, An Act Relating to Assessment of Costs for Construction of Drains (S. P. 412) (L. D. 1160).

Amend said bill by inserting after the underlined word 'necessary' in the 10th line of Sec. 136 thereof, the following underlined words: 'and constructed after the effective date of this act.'"

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

Mr. Williams from the Committee on Welfare on Bill "An Act Relating to Increasing the Maximum Payment in Old Age Assistance," (S. P. 310) (L. D. 783) reported the same in a new draft (S. P. 487) under the same title, and that it ought to pass.

Mr. Boucher from the same Committee on Bill "An Act Relating to Increasing the Maximum Payment in Aid to the Blind," (S. P. 309) (L. D. 785) reported the same in a new draft (S. P. 488) 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 Majority of the Committee on Judiciary on Bill "An Act to Provide for the Incorporation, Supervision, Regulation and Dissolution of Medical Service Plan Corporations, and to Prescribe Penalties for Violations," (S. P. 335) (L. D. 968) reported that the same ought not to pass.

(Signed)

Senators: DUNBAR of Washington
BARNES of Aroostook

Representatives:

PERKINS of Boothbay
Harbor

WILLIAMS of Auburn
HASKELL of Portland

PEIRCE of Augusta

SILSBY of Aurora

McGLAUFLIN of Port-
land

MILLS of Farmington

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(Signed)

Senator: CLOUGH of Penobscot

On motion by Miss Clough of Penobscot, the reports and accompanying papers were laid upon the table pending consideration.

Passed to be Engrossed

"Resolve Providing for State Pension for Maude E. Hamilton, of Saco." (H. P. 69) (L. D. 1321)

Bill "An Act Relating to the Licensing of Steam Engineers and Firemen." (H. P. 1186) (L. D. 755)

Bill "An Act to Regulate the Sale of Fireworks." (H. P. 1189) (L. D. 756)

Bill "An Act Relating to Licensing of Institutions, Agencies and Boarding Homes." (H. P. 1273) (L. D. 879)

Bill "An Act Relating to Beano." (H. P. 1284) (L. D. 884)

"Resolve Providing for an Additional State Pension for George H. Babb, of Augusta." (H. P. 1449) (L. D. 1322)

"Resolve Providing for a State Pension for Charles Frost, of Augusta." (H. P. 1450) (L. D. 1323)

"Resolve in Favor of the Town of Merrill." (H. P. 1460) (L. D. 1064)

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

Bill "An Act to Incorporate the Reef Point Gardens Corporation." (H. P. 119) (L. D. 96)

Bill "An Act Relating to Log Driving Dams." (H. P. 1185) (L. D. 851)

(On motion by Mr. Ela of Somerset, tabled pending passage to be engrossed.)

Bill "An Act to Incorporate the Town of Dixfield School District." (H. P. 1446) (L. D. 1051)

Bill "An Act Creating the Town of Wales School District." (H. P. 1447) (L. D. 1053)

Bill "An Act to Incorporate the Town of New Gloucester School District." (H. P. 1448) (L. D. 1052)

Bill "An Act to Create the Caribou School District." (H. P. 1463) (L. D. 1067)

Bill "An Act Relating to Qualifications of Ward Officials in the City of Lewiston." (H. P. 1464) (L. D. 1068)

Bill "An Act to Incorporate the Presque Isle School District." (H. P. 1487) (L. D. 1088)

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

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

Bill "An Act Relating to the Salary of Register of Deeds in Knox County." (S. P. 112) (L. D. 230)

Bill "An Act Relating to the Salaries of the Clerks in the County Offices of Knox County." (S. P. 114) (L. D. 232)

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

Bill "An Act Relating to Registration of Motor Vehicles." (S. P. 130) (L. D. 283)

Mr. NOYES of Hancock: Mr.

President, I move that this bill be laid upon the table.

A viva voce vote being had
The motion did not prevail.

Bill "An Act Increasing the Salaries of the County Attorney and Assistant County Attorney of Cumberland County." (S. P. 134) (L. D. 280)

Bill "An Act Relating to Salary of Governor." (S. P. 149) (L. D. 343)

Bill "An Act Relating to Taxation of Various Corporations." (S. P. 244) (L. D. 664)

Bill "An Act to Promote the Topographic Mapping of Maine in Cooperation with the United States Geological Survey." (S. P. 359) (L. D. 1028)

Bill "An Act Relating to Restoration of Membership in Indian Tribes." (S. P. 360) (L. D. 1030)

Bill "An Act Relating to Membership in Indian Tribes." (S. P. 361) (L. D. 1029)

Bill "An Act to Provide for the Creation of a Liquor Research Commission." (S. P. 363) (L. D. 1032)

Bill "An Act Relating to Time for Registration of Voters." (S. P. 366) (L. D. 1034)

Bill "An Act Relating to the Supreme Court of Probate." (S. P. 383) (L. D. 1096)

Bill "An Act Relating to Registers of Probate Accounting Quarterly for Fees." (S. P. 384) (L. D. 1097)

(On motion by Mr. Dunbar of Washington, tabled pending passage to be engrossed.)

Bill "An Act Forbidding Impersonation of Liquor Inspectors." (S. P. 400) (L. D. 1149)

Bill "An Act to Permit Counties to Contribute for Advertising Resources." (S. P. 431) (L. D. 1219)

Bill "An Act to Clarify the Military Law." (S. P. 440) (L. D. 1233)

Which were severally read a second time and passed to be engrossed.
Sent down for concurrence.

Bill "An Act Amending the Charter of the City of Lewiston." (S. P. 318) (L. D. 874)

Bill "An Act Prohibiting Erection of Billboards Adjacent to Turnpikes." (S. P. 349) (L. D. 1161)

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

Sent down for concurrence.

At this point President Varney resumed the Chair, Senator Barnes

of Aroostook retiring amidst the applause of the Senate.

Passed to Be Enacted

Bill "An Act Relating to School Committee in Town of Rumford." (S. P. 98) (L. D. 197)

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

Bill "An Act Relating to Rights of Creditors and Beneficiaries Under Policies of Life, Endowment, or Accident Insurance, and Under Annuity Contracts." (S. P. 286) (L. D. 803)

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 Protection of Interest of Employees, Beneficiaries or Joint Annuitants Under Group Annuity Contracts and Pension Trusts." (S. P. 462) (L. D. 1297)

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)

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

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

Bill "An Act Relating to the Sala-

ries of the Judge and of the Recorder of the Old Town Municipal Court." (H. P. 689) (L. D. 445)

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

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

Finally Passed

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

Emergency Measure

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

Which bill being an emergency measure and having received the affirmative vote of 25 members of the Senate and none opposed was passed to be enacted.

Orders of the Day

Mr. DUBE of Androscoggin: Mr. President, I move that the Senate reconsider its action of yesterday whereby the Senate adopted the Majority Report "Ought Not to Pass" on Legislative Document 681, bill, An Act Relating to the Sanitary Water Board.

A viva voce vote being had
The motion did not prevail.

On motion by Mr. Davis of York Adjourned until Monday, March 31, 1947 at 4:30 o'clock in the afternoon.