

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, March 31, 1947

The Senate was called to order by the President.

Prayer by the Rev. David W. Hickland of Gardiner.

Journal of Friday, March 28th 1947, read and approved.

Referred to Committees

From the House:

Bill "An Act Relating to Meetings of Certain School Districts." (H. P. 1654) (L. D. 1347)

Which was received by unanimous consent and referred to the Committee on Legal Affairs in concurrence.

From the House:

"Resolve Reallocating Road Resolve Money Previously Allocated to Road in Bucksport." (H. P. 1658)

Which was received by unanimous consent and referred to the Committee on Ways and Bridges in concurrence.

From the House:

Bill "An Act Relating to Inspection of Motor Vehicles." (H. P. 1193) (L. D. 781)

(In the Senate on March 12, 1947, passed to be engrossed in concurrence.)

Comes from the House, that Body having reconsidered its former action whereby the bill was passed to be engrossed, and having adopted House Amendment "A", the bill was passed to be engrossed as amended, in non-concurrence.

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

From the House:

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

(In the Senate on March 14th, 1947, passed to be engrossed as amended by Committee Amendment "A" in concurrence)

Comes from the House, that Body having reconsidered its former ac-

tion whereby the bill was passed to be engrossed as amended by Committee Amendment "A"; House Amendment "A" was adopted, and the bill as amended by Committee Amendment "A" and by House Amendment "A" was passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Dunbar of Washington, the bill and accompanying papers were laid upon the table pending consideration.

House Committee Reports

The Committee on Agriculture on Bill "An Act Relating to Weights and Measures," (H. P. 582) (L. D. 405) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Registration and Licensing of Dogs," (H. P. 538) (L. D. 406) reported that the same ought to pass.

The Committee on Counties on "Resolve in Favor of Robert E. Cook of Portland," (H. P. 1157) (L. D. 767) reported that the same ought to pass.

The Committee on Labor on Bill "An Act Relating to Workshops and Factories Found Unsafe, Insanitary, or Injurious to Health," (H. P. 1397) (L. D. 1014) reported that the same ought to pass.

The Committee on Military Affairs on "Resolve Relating to Certain Equipment Issued to Officers of Maine State Guard," (H. P. 1356) (L. D. 957) reported that the same ought to pass.

The Committee on Salaries and Fees on Bill "An Act Relating to Salary of State Auditor," (H. P. 22) (L. D. 12) reported that the same ought to pass

The same Committee on Bill "An Act to Increase the Clerk Hire in the Office of Recorder of the Portland Municipal Court," (H. P. 178) (L. D. 126) reported that the same ought to pass.

The same Committee on Bill "An Act to Increase the Salary of the Register of Deeds in Cumberland County," (H. P. 179) (L. D. 127) reported that the same ought to pass.

The same Committee on Bill "An Act to Increase the Salary of the County Commissioners for Cumberland County," (H. P. 181) (L. D. 129) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Salary of Clerk of Courts and Deputy Clerk of Courts

of Cumberland County," (H. P. 188) (L. D. 152) reported that the same ought to pass.

The same Committee on Bill "An Act to Increase the Salary of the County Treasurer and the Deputy Treasurer of Cumberland County," (H. P. 264) (L. D. 181) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Amount to be Paid for Clerk Hire in the Office of Register of Probate in the County of Cumberland," (H. P. 265) (L. D. 182) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Clerk Hire in Cumberland County Clerk of Courts Office," (H. P. 266) (L. D. 183) reported that the same ought to pass.

The same Committee on Bill "An Act to Increase the Salary of the Sheriff of Washington County," (H. P. 1212) (L. D. 829) reported that the same ought to pass.

The Committee on Taxation on Bill "An Act Relating to Excise Taxes on Liquor," (H. P. 1562) (L. D. 1191) reported that the same ought to pass.

(On motion by Mr. Noyes of Hancock, tabled pending assignment for second reading.)

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

The Committee on Judiciary on Bill "An Act to Create a Legislative Research Committee," (H. P. 496) (L. D. 318) reported the same in a new draft (H. P. 1646) (L. D. 1332) under the same title and that it ought to pass.

The Committee on Pensions on "Resolve Granting a Pension to Dorothy L. Springer, of Lisbon Falls," (H. P. 37) (L. D. 29) reported the same in a new draft (H. P. 1647) (L. D. 1338) under the same title and that the same ought to pass.

The Committee on Public Utilities on Bill "An Act Relating to the Brewer Water District," (H. P. 466) (L. D. 272) reported the same in a new draft (H. P. 1641) (L. D. 1325) under the same title, and that it ought to pass.

Which reports were severally read and adopted in concurrence, and the bills in new draft were read once

and tomorrow assigned for second reading.

The Committee on Legal Affairs on Bill "An Act to Incorporate the Chelsea School District," (H. P. 1618) (L. D. 1291) reported that the same ought to pass as amended by Committee Amendment "A"

The same Committee on Bill "An Act to Incorporate the Farmingdale School District," (H. P. 1617) (L. D. 1290) reported that the same ought to pass as amended by Committee Amendment "A"

The same Committee on Bill "An Act to Incorporate the Fort Kent School District," (H. P. 1612) (L. D. 1278) reported that the same ought to pass as amended by Committee Amendment "A"

The Committee on Salaries and Fees on Bill "An Act Increasing the Salaries of the Judge and Clerk Hire of the Bangor Municipal Court," (H. P. 510) (L. D. 331) reported that the same ought to pass as amended by Committee Amendment "A"

The same Committee on Bill "An Act to Increase the Salary of the Clerk of Courts in Penobscot County," (H. P. 348) (L. D. 217) reported that the same ought to pass as amended by Committee Amendment "A"

The same Committee on Bill "An Act Relating to Salary of Clerks in the Office of Clerk of Courts in Kennebec County," (H. P. 267) (L. D. 184) 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 read and adopted in concurrence, and the bills as amended were tomorrow assigned for second reading.

Communication

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

March 28, 1947

Hon. Chester T. Winslow,
Secretary of the Senate of the 93rd
Legislature

Sir:

Pursuant to Rule 8, you are hereby notified that the House today accepted the "Ought Not to Pass" Reports of the Committee on Judiciary on the following:

Bill "An Act Relating to Salary and Expense Account of Lieutenant-Governor." (S. P. 423) (L. D. 1209)

"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) which had each been passed to be engrossed by the Senate.

Respectfully
HARVEY R. PEASE
 Clerk of the House.

Which communication was read and ordered placed on file.

Communication
STATE OF MAINE
 Supreme Judicial Court
 Portland

3

March 26, 1947

Dear Mr. Winslow:

I respectfully transmit herewith to the Senate of the State of Maine the Answers of the Justices of the Supreme Judicial Court to the Questions upon which advisory opinions were requested by Senate Order of March 21, 1947.

Very truly yours,
GUY H. STURGIS
 Chief Justice
 Supreme Judicial Court

Which communication was read and together with accompanying papers was placed on file.

The **PRESIDENT**: The Chair will state that there is in the possession of the Secretary of the Senate, an additional communication received too late to be printed on today's advance calendar.

The Secretary read the Communication.

DEPARTMENT OF STATE
STATE OF MAINE
 Augusta, March 31, 1947

To the President of the Senate and the Speaker of the House of Representatives:

By direction of His Excellency, Horace A. Hildreth, I have the honor to transmit herewith a communication received at the Executive Department from the Acting Secretary of State of the United States, under date of March 31, 1947, enclosing a certified copy of a resolution to Congress entitled "Joint Resolution Proposing an amendment to the Constitution of the United States relating to the

terms of office of the President, to wit:

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term with which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Respectfully yours,
 Secretary of State.

Mr. Cross of Kennebec, presented the following resolution and moved its adoption:

STATE OF MAINE

Ratification of Amendment to the Constitution of the United States Relating to the Terms of Office Of the President

In the Year of Our Lord One Thousand Nine Hundred and Forty-Seven

Resolution, Ratifying the Proposed

Amendment to the Constitution of the United States Relating to the Terms of Office of the President.

Whereas, the Eightieth Congress of the United States of America, at the first session begun and held at the city of Washington on Friday, the third day of January, one thousand nine hundred and forty-seven, by a constitutional two-thirds vote in both Houses adopted a Joint Resolution proposing an amendment to the Constitution of the United States, to wit:

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Therefore be it

Resolved, That the Legislature of the State of Maine hereby ratifies and adopts this proposed Amendment to the Constitution of the United States

Resolved, That the Secretary of the State of Maine notify the President of the United States, the Secretary of State of the United States, the President pro tempore of the Senate of the United States, and the Speaker of the House of Representatives of the United States of this action of the Legislature by forwarding to each of them a certified copy of this Resolution.

Which Resolution was adopted and on further motion by the same Senator the Resolution and accompanying papers were sent forthwith to the House.

Order

On motion by Mr. Leavitt of Cumberland, it was

ORDERED that 250 additional copies of Legislative Document 1336 be printed.

Senate Committee Reports

Mr. Barnes from the Committee on Judiciary on Bill "An Act to Incorporate the Saco Bay Company," (S. P. 206) (L. D. 592) reported that the same ought not to pass.

Mr. Dunbar from the same Committee on Bill "An Act Relating to Fees for Probate of Wills and Administrations," (S. P. 281) (L. D. 808) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act Relating to the Reporting of Divorce Statistics," (S. P. 332) (L. D. 971) reported that the same ought not to pass.

Which reports were severally read and adopted.

Passed to be Engrossed

Bill "An Act Regulating Handling of Animals Seized by Humane Agents," (S. P. 1257) (L. D. 929)

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

Bill "An Act Relating to Deputy Insurance Commissioners," (H. P. 61) (L. D. 60)

Bill "An Act to Create the Castle Hill-Chapman-Mapleton Community School District," (H. P. 1465) (L. D. 1069)

Bill "An Act Excluding Circus Wagons from Definition of Trailers in Motor Vehicle Law," (H. P. 1468) (L. D. 1072)

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

(On motion by Mr. Noyes of Hancock, tabled pending passage to be engrossed.)

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

"Resolve Directing Commissioner of Sea and Shore Fisheries to Make Study of Life and Habits of Seals." (S. P. 118) (L. D. 355)

"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 a second time and passed to be engrossed.

Sent down for concurrence.

Bill "An Act Providing for a State Advisory Council on Personnel." (S. P. 364) (L. D. 1033)

Bill "An Act Relating to Compensation of Registers of Probate in Foreign Estates." (S. P. 385) (L. D. 1078)

Bill "An Act Relating to Assessment of Costs for Construction of Drains." (S. P. 412) (L. D. 1160)

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

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

Sent down for concurrence.

Orders of the Day

On motion by Mr. Dunbar of Washington, the Senate voted to take from the table, bill An Act Relating to Statute of Fraud (H. P. 1394) (L. D. 1012) tabled by that Senator earlier in today's session pending consideration. Thereupon, on further motion by the same Senator, the Senate voted to reconsider its former action of March 14 whereby the bill was passed to be engrossed by Committee Amendment A; and on further motion by the same Senator, House Amendment A was read and adopted in concurrence, and the bill as amended by Committee Amendment A and House Amendment A was passed to be engrossed in concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table bill, An Act Relating to Log Driving Dams (H. P. 1185) (L. D. 51) tabled by that Senator on March 28 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. Savage of Somerset, the Senate voted to take from the table bill, An Act Relating to Unredeemed Tickets on Pari-mutuel Pools (S. P. 212) (L. D. 575) tabled by that Senator on March 14 pending passage to be enacted.

Thereupon, on further motion by the same Senator, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

That Senator presented Senate Amendment A and moved its adoption.

The Secretary read the amendment:

"Senate Amendment A to S. P. 212, L. D. 575 bill, An Act Relating to Unredeemed Tickets on Pari-mutuel Pools. Amend said bill by adding at the end thereof the following underlined sentence: **The provisions of the paragraph shall not apply to racing meets conducted by agricultural societies eligible for the state stipend under the provisions of Chapter 27**"

Which amendment was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table bill, An Act Relating to the Use of Lights in the Operation of Motor Vehicles, (H. P. 1364) (L. D. 967) tabled by that Senator on March 6 pending passage to be enacted.

Mr. BISHOP of Sagadahoc: Mr. President and Members of the Senate, my first impulse after I had studied this bill quite a bit was that it would be absolutely impossible to enforce it. I think it is very much like a bill we passed several years ago in regard to throwing rubbish from automobiles. That bill, had a penalty attached to it and I think up until within a week or two there had been but one conviction under the act.

The other night as I was going home I met several cars which didn't tip down their lights and I was forced to the shoulder of the road and finally stopped at the edge of an embankment. And then I thought perhaps this bill does have some merit. I don't believe it can be enforced. I think it will be difficult to do anything with it, but it may be a gesture in the right direction.

A few minutes later on the same trip home I stopped at a roadside stand and met some people there who had just come through from Massachusetts and the first thing

they asked me was whether the people of Maine ever tipped their lights down, and I inquired and found that in Massachusetts there is a law that provides for this very same thing. So perhaps it is desirable and may have merit, and therefore, I move that the bill be passed to be enacted.

Thereupon, the bill was passed to be enacted.

On motion by Mr. Spear of Cumberland

Adjourned until tomorrow morning at ten o'clock.