

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, April 11, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Charles A. Clough of Augusta.

Journal of yesterday read and approved.

Joint 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, April 14th, 1947, at 4:00 o'clock in the afternoon. (S. P. 506)
Sent down for concurrence.

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

House Committee Reports

The Committee on Inland Fisheries and Game on "Resolve Appropriating Money to Repair Fish Screen at Meduxnekeag Lake," (H. P. 1159) (L. D. 768) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Judiciary on Bill "An Act to Provide a Retirement System for State Employees," (H. P. 1180) (L. D. 837) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Payment of Expenses of Wife Pending Libel for Divorce," (H. P. 918) (L. D. 615) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Bonds of State Officials and Employees," (H. P. 440) (L. D. 259) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the 'Willco Finance Co.'" (H. P. 1295) (L. D. 902) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Ways and Bridges on Bill "An Act Permitting Towns to appropriate Money in Anticipation of State Appropriations," (H. P. 195) (L. D. 140) 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 and resolves read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended were tomorrow assigned for second reading.

House Committee Report

The Majority of the Committee on Judiciary on Bill "An Act Relating to Inheritance and Estate Taxes," (H. P. 1391) (L. D. 1010) reported that the same ought not to pass.

(signed) Senators:

DUNBAR of Washington
CLOUGH of Penobscot
BARNES of Aroostook

Representatives:

SILSBY of Aurora
PERKINS

of Boothbay Harbor

McGLAUFILIN of Portland

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

(signed) Representatives:

WILLIAMS of Auburn
HASKELL of Portland
PEIRCE of Augusta
MILLS of Farmington

Comes from the House, the Minority report accepted, and the bill passed to be engrossed.

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

From the House:

Bill "An Act Relating to the North Haven Port District," (H. P. 1680) (L. D. 1386)

Mr. HOPKINS of Kennebec: Mr. President, insofar as I know, I am the only native of North Haven who has a membership in the Senate. For that reason, I have been asked to say a word about this bill, so that the Senators may know the reasons for it.

North Haven is an island situated, as you know, in Penobscot Bay. Years ago, it had a very extensive boat service. Several steamship lines served the island, but in recent years it has had no boat service at all.

In a recent legislative session, the so called North Haven Boat District formed, and the Town was author-

ized to purchase and operate its own boat.

The question now arises as to the competition which airplane service gives to the municipally-owned boat service, and this bill provides for an amendment to the port authority, so that service can have at least a chance with competitive air service.

I know nothing of the merits of the bill, except to know that if airlines are permitted to serve the island without any restrictions at all, they will seriously reduce the profit which the boat line may be able to make for the Town, and perhaps make it almost impossible for the Town to maintain boat service.

For that reason, I think that the bill should be accepted, in order that some committee of the legislature may give it due consideration. Therefore, I move that the Senate concur unanimously with the action of the House in receiving this bill and referring it to the Committee on Legal Affairs.

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

Communication

STATE OF MAINE
House of Representatives
Augusta
Office of Clerk

April 10, 1947

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

Sir:

Pursuant to Joint Rule 8, the Senate is hereby notified that Bill "An Act Relating to Unredeemed Tickets on Pari-Mutuel Pools," (S. P. 212) (L. D. 575) which the Senate had passed to be engrossed, was indefinitely postponed in the House today.

Respectfully,
HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

Order

Mr. Williams of Penobscot presented the following Order and moved its passage.

The Secretary read the Order:

ORDERED, the House concurring, that bill, An Act Referring to Taxation of Various Corporations, S. P. 244, L. D. 664, be recalled from the Governor.

Mr. WILLIAMS of Penobscot: Mr. President, I will say in explanation of this Order that this is a bill that goes along with an accompanying bill, or at least it should, and it got a little bit ahead of the other one but we didn't notice it and it has gone to the Governor to sign. The purpose of recalling it will be to bring it back here to see what happens to our appropriation bill which is, according to custom, lying on the table in the House, so if the Senate wishes to go along we will call it back and place it on the table.

The Order received a passage and was sent forthwith to the House.

First Reading of a Printed Bill

Bill "An Act to Incorporate the Franco-American Loan Corporation of Lewiston." (S. P. 504) (L. D. 1384)

Which was read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Williams from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of Bridgton Academy," (S. P. 416) (L. D. 1202) reported that the same ought not to pass.

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

The same Senator from the same Committee on "Resolve in Favor of the City of Calais to Aid in Rebuilding School," (S. P. 342) (L. D. 975) reported that the same ought not to pass.

Mr. Cleaves from the same Committee on "Resolve in Favor of Sacred Heart Convent of Jackman," (S. P. 446) (L. D. 1247) reported that leave be granted to withdraw the same.

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

Mr. Savage from the same Committee on "Resolve Appropriating Moneys for Essential Facilities at Reid State Park," (S. P. 397) (L. D. 1146) reported that the same ought not to pass.

Mr. Spear from the Committee on Inland Fisheries and Game on "Resolve Closing Coffeelos Lake, T. 6, R. 11, W.E.L.S., Piscataquis County to all Fishing except Fly Fishing," (S. P. 202) (L. D. 581) reported that leave be granted to withdraw the same.

Mr. Baker from the Committee on Legal Affairs on Bill "An Act Re-

lating to Fire Extinguishers," (S. P. 109) (L. D. 236) reported that the same ought not to pass.

Mr. Cleaves from the Committee on State Lands and Forest Preservation on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to Ludger Pelletier of Fort Kent," (S. P. 327) (L. D. 865) reported that the same ought not to pass as it is covered by other legislation.

Which reports were severally read and adopted.

Mr. Davis from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Trapping of Beaver," (S. P. 278) (L. D. 820) reported the same in a new draft (S. P. 508) under the same title and that it ought to pass.

Mr. Noyes from the Committee on Motor Vehicles on Bill "An Act Relating to Fees for Registration of Motor Trucks and Basis Therefor," (S. P. 406) (L. D. 1155) reported the same in a new draft (S. P. 509) under the same title, and that it ought to pass.

Mr. Morrill from the Committee on Sea and Shore Fisheries on Bill "An Act Creating an Agency to Rehabilitate the Atlantic Sea Run Salmon," (S. P. 408) (L. D. 1157) reported the same in a new draft (S. P. 510) 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.

Mr. Savage from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Unorganized Townships Fund," (S. P. 398) (L. D. 1147) reported that the same ought to pass.

Mr. Cleaves from the same Committee on Bill "An Act Relating to Allocations of Moneys by Governor and Council," (S. P. 247) (L. D. 710) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act to Increase the Working Capital of the State Liquor Commission," (S. P. 248) (L. D. 711) reported that the same ought to pass.

Mr. Murchie from the Committee on State Lands and Forest Preservation on "Resolve Authorizing the State Tax Assessor to Convey Cer-

tain Interest of the State in Lands in Somerset County to C. Max Hilton, of Greenville," (S. P. 163) (L. D. 402) reported that the same ought to pass.

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

The majority of the Committee on Appropriations and Financial Affairs on "Resolve Providing for Certain Construction at Pownal State School," (S. P. 174) (L. D. 526) reported that the same ought not to pass.

(Signed)

Senators:

CLEAVES of Cumberland
SAVAGE of Somerset

Representatives:

BROWN of Unity
FINNEGAN of Bangor
BOWKER of Portland
BREWER of Presque Isle
POULIN of Waterville

The Minority of the same Committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A".

(Signed)

Senator:

WILLIAMS of Penobscot

Representative:

SEEGAR of Kittery

On motion by Mr. Bishop of Sagadahoc, the reports and accompanying papers were laid upon the table pending consideration of the reports.

The Majority of the same Committee on "Resolve Providing for Certain Construction at the Augusta State Hospital," (S. P. 272) (L. D. 809) reported that the same ought not to pass.

(Signed)

Senators:

CLEAVES of Cumberland
SAVAGE of Somerset

Representatives:

BROWN of Unity
FINNEGAN of Bangor
BOWKER of Portland
BREWER of Presque Isle
POULIN of Waterville

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

(Signed)

Senator:

WILLIAMS of Penobscot

Representative:

SEEGAR of Kittery

On motion by Mr. Hopkins of Kennebec, the reports and accompanying papers were laid upon the table pending consideration of the reports.

The Majority of the same Committee on "Resolve Providing for Certain New Construction at the Augusta State Hospital," (S. P. 270) (L. D. 812) reported that the same ought not to pass.

(Signed)

Senators:

CLEAVES of Cumberland
SAVAGE of Somerset

Representatives:

BIRD of Rockland
BROWN of Unity
FINNEGAN of Bangor
BOWKER of Portland
BREWER of Presque Isle
POULIN of Waterville

The Minority of the same Committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A"

(Signed)

Senator:

WILLIAMS of Penobscot

Representative:

SEEGAR of Kittery

On motion by Mr. Hopkins of Kennebec, the reports and accompanying papers were laid upon the table pending consideration of the reports.

The Majority of the same Committee on "Resolve Providing for Fire Protection at the Augusta State Hospital," (S. P. 269) (L. D. 813) reported that the same ought to pass.

(Signed)

Senators:

CLEAVES of Cumberland
SAVAGE of Somerset
WILLIAMS of Penobscot

Representatives:

BREWER of Presque Isle
BOWKER of Portland
FINNEGAN of Bangor
BROWN of Unity
POULIN of Waterville

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

(Signed)

Representative:

BIRD of Rockland

On motion by Mr. Hopkins of Kennebec, the reports and accompanying papers were laid upon the table pending consideration of the reports.

The Majority of the same Committee on "Resolve Providing for Certain Construction at the Bangor State Hospital," (S. P. 273) (L. D. 863) reported that the same ought not to pass.

(signed)

Senators:

CLEAVES of Cumberland
SAVAGE of Somerset

Representatives:

BIRD of Rockland
BROWN of Unity
FINNEGAN of Bangor
BOWKER of Portland
BREWER of Presque Isle
POULIN of Waterville

The Minority of the same Committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A."

(signed)

Senator:

WILLIAMS of Penobscot

Representative:

SEEGAR of Kittery

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

The Majority of the same Committee on "Resolve Providing for Additional Appropriation for Construction at the Bangor State Hospital," (S. P. 274) (L. D. 862) reported that the same ought not to pass.

(signed)

Senators:

CLEAVES of Cumberland
SAVAGE of Somerset

Representatives:

BIRD of Rockland
BROWN of Unity
FINNEGAN of Bangor
BOWKER of Portland
POULIN of Waterville

The Minority of the same Committee on the same subject matter reported that the same ought to pass as amended by Committee Amendment "A."

(signed)

Senator:

WILLIAMS of Penobscot

Representatives:

SEEGAR of Kittery
BREWER of Presque Isle

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

Mr. Cleaves from the same Com-

mittee on "Resolve Providing for Construction of Homes for Physicians at the Augusta State Hospital," (S. P. 271) (L. D. 814) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and adopted and the bill read once.

The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 271, L. D. 814, Resolve Providing for Construction of Homes for Physicians at the Augusta State Hospital. Amend said resolve by striking out in the first line thereof, the figure \$30,000 and inserting in place thereof the figure \$25,000. Further amend said resolve by striking out in the second and third lines thereof the words 'unappropriated surplus of the general fund', and inserting in place thereof the words 'Maine Post War Public Works Reserve'."

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

Mr. McKusick from the Committee on Pensions on the following resolves:

S. P. 47, Resolve Providing for a State Pension for Charles Robie, of Mexico.

S. P. 62, Resolve Providing a Pension for Elson E. Harford, of Chelsea.

S. P. 71, Resolve Providing for an Increase in State Pension for Eli A. Gaudet, of Rumford.

S. P. 72, Resolve Providing for an Increase in State Pension for Wesley Fernald, of Franklin.

S. P. 131, Resolve Providing for an Increase in State Pension for Gertrude Craig, of Glenburn.

S. P. 132, Resolve Providing for an Increase in State Pension for Maggie Powers, of Chapman.

S. P. 148, Resolve Providing for an Increase in State Pension for Clarence Thomas, of Rumford Point.

S. P. 180, Resolve Providing for an Increase in State Pension for Flossie Mae Shaw, of Lewiston.

S. P. 220, Resolve Granting a Pension to Minnie Murphy, of Mexico.

S. P. 288, Resolve Providing for State Pension for Rita Bradstreet, of Freedom.

S. P. 339, L. D. 963, Resolve Granting a Pension to Mrs. Lucy Nickols, of Lewiston.

S. P. 395, Resolve Providing for

State Pension for Joseph Pauze, of Lewiston.

S. P. 428, Resolve Providing for an Increase in State Pension for Abbie Spencer, of Clifton.

S. P. 432, Resolve Providing for an Increase in State Pension for Donald Wilson, of Bath.

S. P. 433, Resolve Providing for State Pension for Sidney H. McIntire, of Phippsburg.

reported the same in a Consolidated Resolve (S. P. 511) under the following title, "Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons," and that it ought to pass.

Which report was read and on motion by Mr. Bishop of Sagadahoc was laid upon the table pending adoption of the report, and the new draft ordered printed.

Passed to be Engrossed

Bill "An Act Protecting the Right of Non-members of Labor Organizations to the Opportunity to Work." (H. P. 1652) (L. D. 1346)

(On motion by Mr. Haskell of Penobscot, tabled pending passage to be engrossed.)

Bill "An Act Relating to Taxation of Savings Bank." (H. P. 692) (L. D. 467)

(On motion by Mr. Cleaves of Cumberland, tabled pending passage to be engrossed.)

"Resolve in Favor of the Town of Baileyville." (H. P. 1557) (L. D. 1879)

"Resolve in Favor of the Town of Trenton." (H. P. 1558) (L. D. 1380)

"Resolve Reallocating Road Resolve Money Previously Allocated to Road in Bucksport." (H. P. 1658) (L. D. 1381)

Bill "An Act Relating to the Digging of Clams in Southwest Harbor." (H. P. 1670) (L. D. 1374)

Bill "An Act Relating to the Digging of Clams in Lamoine." (H. P. 1671) (L. D. 1375)

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

Bill "An Act Relating to Membership of Maine State Office Building Authority." (H. P. 621) (L. D. 382)

Bill "An Act Creating the Bridgton Utilities District." (H. P. 1669) (L. D. 1373)

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

Bill "An Act Limiting the Weight, Length, Width and Height of Motor Vehicles." (H. P. 1194) (L. D. 782)

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

Sent down for concurrence.

"Resolve in Favor of Alfred Winick of Boston, Massachusetts." (S. P. 489) (L. D. 1353)

Bill "An Act Relating to Local Option Provisions." (S. P. 503) (L. D. 1382)

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

Sent down for concurrence.

Passed to Be Enacted

Bill "An Act Changing the Definition of a Hotel for the Purposes of Liquor Licenses." (H. P. 1326) (L. D. 895)

Bill "An Act Relating to Penalties for Operating Motor Vehicles While Under the Influence of Intoxicating Liquor or Drugs." (H. P. 1602) (L. D. 1270)

Emergency Measures

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

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

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

Which bill being an emergency measure and having received the affirmative vote of 27 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Williams of Penobscot, the Senate voted to reconsider its former action taken earlier in today's session whereby bill, An Act Limiting the Weight, Length, Width and Height of Motor Vehicles (H. P. 1194) (L. D. 782) was passed to be engrossed as amended in non-concurrence; and further voted to reconsider its action whereby Senate Amendment B was adopted.

The same Senator presented Sen-

ate Amendment A to Senate Amendment B and moved its adoption:

"Senate amendment A to Senate Amendment B to H. P. 1194, L. D. 782, bill An Act Limiting the Weight, Length, Width and Height of Motor Vehicles. Amend said bill by adding after the underlined word 'pulpwood' in the 3rd line of said amendment, the underlined word 'logs'."

Senate Amendment A to Senate Amendment B was adopted; Senate Amendment B as amended by Senate Amendment A thereto was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Cleaves of Cumberland, the Senate voted to take from the table, bill An Act Providing for a State Advisory Council on Personnel (S. P. 364) (L. D. 1033) tabled by that Senator on April 9 pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table Report from the Committee on Pensions on various resolves under a Consolidated Resolve Providing Pensions for Soldiers, Sailors and Dependents and Other Needy Persons (S. P. 511) tabled by that Senator earlier in today's session pending adoption of the report.

Mr. BISHOP of Sagadahoc: Mr. President. I would like to hold up the printing of this resolve until after consideration of the report.

Thereupon, the report and accompanying papers were laid upon the table pending consideration of the report.

Mr. CROSS of Kennebec: Mr. President, may I inquire if there is in the possession of the Senate Resolve Providing for an Additional State Pension for George H. Babb of Augusta (H. P. 1445) (L. D. 1322).

The PRESIDENT: The Chair will state that the resolve is in the possession of the Senate having been recalled from the office of the Governor by joint order.

Thereupon, on motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby

the resolve was finally passed; and further reconsider its action whereby the resolve was passed to be engrossed.

Mr. CROSS: Mr. President and members of the Senate, this resolve was passed to be enacted without provision being made as to the fund from which the pension would be drawn. In order to correct this error I present Senate Amendment A and move its adoption:

"Senate Amendment A to H. P. 1449, L. D. 1322, Resolve Providing for an Additional State Pension for George H. Babb of Augusta. Amend said resolve by striking out the period at the end of the first sentence thereof and inserting in place thereof the following: ", to be paid out of the Pension Accumulation Fund.'"

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

Sent down for concurrence.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table bill, An Act Setting Aside Certain Lands for Settlement by Displaced Persons of Baltic Origin (H. P. 1543) (L. D. 1173) tabled by that Senator on March 31 pending passage to be engrossed.

Mr. CLEAVES of Cumberland: Mr. President and members of the Senate I am about to present Senate Amendment A to this bill. Before I do it I would like to say a few words in explanation. This bill authorizes the Governor and Council to convey to people of Baltic origin such lands as they deem advisable. It has been a custom in this legislature for years to hold within its own power the conveyance of state lands, and this amendment merely deletes the words "Governor and Council," and gives the power back to the legislature.

We in the Forestry Committee have fought against that for a long time and we feel it is far better to keep it within the powers of the legislature rather than the Governor and Council. I therefore present Senate Amendment A and move its adoption:

"Senate Amendment A to H. P. 1543, L. D. 1173, bill An Act Setting Aside Certain Lands for Settlement by Displaced Persons of Baltic Origin. Amend said bill by striking out the figure 3 in the second line

after the enacting clause and inserting in place thereof the figure 2 and by striking out in the 3rd line '249-C' and inserting in place thereof the phrase 'and 49-B.' Further amend said bill by striking out all of that paragraph beginning 'Sec. 49-B. Execution of Policy.'

Further amend said bill by striking out at the beginning of the 5th paragraph the phrase 'Sec. 49-C' and inserting in place thereof 'Sec. 49-B.' Further amend said paragraph by striking out in the next to the last line thereof the underlined phrase 'public lands owned by the state or.'

Which amendment was adopted and on further motion by the same Senator, the bill as so amended was passed to be engrossed in non-concurrence.

Sent down of concurrence.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table bill, An Act to Clarify the Military Law (S. P. 440) (L. D. 1233) tabled by that Senator on April 10 pending consideration.

The PRESIDENT: For the information of the Senate, this bill was passed to be engrossed in the Senate, and now comes from the House passed to be engrossed by House Amendment A in non-concurrence.

Thereupon, on motion by Mr. Batchelder of York, the Senate voted to recede from its former action whereby the bill was passed to be engrossed and concur with the House in the adoption of House Amendment A and the passage of the bill to be engrossed as amended by House Amendment A.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table bill, An Act Giving Commissioner of Agriculture Authority to Establish Quarantines (H. P. 1365) (L. D. 987) tabled by that Senator on April 10 pending adoption of House Amendment A; and on further motion by the same Senator, House Amendment A was adopted, and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Willey of Hancock

Adjourned until Monday, April 14, 1947 at four o'clock in the afternoon.